HOUSE FILE 2281
BY COMMITTEE ON JUDICIARY

(SUCCESSOR TO HSB 592)

(As Amended and Passed by the House March 7, 2022)
ALL New Language by the House

A BILL FOR

An Act relating to video conferences in judicial proceedings and certified shorthand reporter audio and video recordings, and including effective date provisions.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

Section 1. NEW SECTION. **602.1601A Video conferences in judicial proceedings.**

1. Upon motion of any of the parties, an initial appearance or arraignment shall be conducted by video conference with the parties and other participants if appropriate technology is available.

2. Upon motion of any of the parties, a pretrial conference, scheduling conference, or any other noncontested judicial proceeding shall be conducted by video conference with the parties and other participants, if appropriate technology is available, unless the court orders the proceeding to be held in person for good cause. A court's determination of good cause shall be made separately for each motion.

3. Upon motion of any of the parties, a hearing in a criminal, juvenile, or postconviction relief proceeding may be conducted by video conference with the parties and other participants if the hearing is conducted in an efficient manner and the hearing does not prejudice a substantial right of any party, if appropriate technology is available.

4. Any party may file a resistance to a motion to hold a judicial proceeding by video conference pursuant to this section.

Sec. 2. Section 602.3205, Code 2022, is amended to read as follows:

602.3205 Audio and video recordings.

1. Except as provided in subsection 2 or 3, a certified shorthand reporter's audio and video recordings used solely for the purpose of providing a verbatim written transcript of a court proceeding or a proceeding conducted in anticipation of use in a court proceeding shall be considered the personal property and private work product of the certified shorthand reporter.

2. An audio or video recording of a certified shorthand reporter appointed under section 602.6603 shall be provided to the presiding judge or chief judge for an in camera review upon

court order for good cause shown.

3. *a.* An audio or video recording of a certified shorthand reporter shall be provided to the board upon request by the board if a disciplinary proceeding is pending regarding the certified shorthand reporter who is a respondent under the provisions of section 602.3203 or the rules of the board of examiners of shorthand reporters, Iowa court rules, ch. 46.

b. The audio and video recordings provided to the board pursuant to this subsection shall be kept confidential by the board in a manner as provided in section 272C.6, subsection 4.

Sec. 3. Section 624.1, subsection 1, Code 2022, is amended to read as follows:

1. All issues of fact in ordinary actions shall be tried upon oral evidence taken in open court, except that depositions may be used as provided by law. *"Open court"* includes the remote testimony of a witness by video conference or other remote means of communication if approved by the court.

Sec. 4. EFFECTIVE DATE. This Act, being deemed of immediate importance, takes effect upon enactment.