IOWA JUDICIAL BRANCH

89th General Assembly, 2022 Session

To: Iowa Legislature
From: Iowa Judicial Branch
Re: Remote Testimony in Civil and Non-Contested Criminal Proceedings
Date: January 13, 2022

This bill would authorize remote testimony in civil and non-contested criminal proceedings.

Currently, Iowa Code section 624.1 provides: "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." The Iowa Supreme Court held that the phrase "in open court" meant physical presence in the courtroom, and ruled that allowing telephonic testimony over objection violated this statute. *In re Estate of Rutter*, 633 N.W.2d 745–46 (Iowa 2001). This bill amends Iowa Code section 624.1by adding language that defines "open court" to include remote appearances.

This bill permits, but does not require, remote testimony in non-contested criminal proceedings when all parties consent. The bill grants the court the discretion to approve or disapprove of the request.