

24 Any person violating either provision of this law shall upon con-
 25 viction be punished by a fine of not less than five hundred dollars
 26 for each violation.

Approved May 24, 1971.

CHAPTER 276

WAIVER OF JURY IN INDICTABLE MISDEMEANORS

H. F. 393

AN ACT relating to waiver of right to jury trial in indictable misdemeanor cases.

Be It Enacted by the General Assembly of the State of Iowa:

1 SECTION 1. Section seven hundred seventy-seven point sixteen
 2 (777.16), Code 1971, is amended as follows:

3 777.16 **Issues of fact—trial.** An issue of fact arises on a plea of
 4 not guilty or of former conviction or acquittal, and no further
 5 pleading is necessary. Issues of fact must be tried by a jury, *unless*
 6 *right to jury trial is waived by defendant pursuant to section seven*
 7 *hundred eighty point twenty-three (780.23) of the Code.*

1 SEC. 2. Section seven hundred eighty point twenty-three (780.23),
 2 Code 1971, is amended by adding the following:

3 "However, when the punishment prescribed for a public offense
 4 does not exceed the punishment provided in section six hundred eighty-
 5 seven point seven (687.7) of the Code, the defendant may waive his
 6 right to jury trial by signing a statement which contains a written
 7 explanation fully apprising the defendant of his right to a jury trial.
 8 The statement shall be read to the defendant by the presiding judge
 9 in open court. The presiding judge shall determine if the defendant
 10 is fully aware of the fact that he is waiving his right to a jury trial
 11 and if satisfied that the defendant is aware of such fact, the defendant
 12 shall be allowed to sign the waiver which shall be filed as part of the
 13 court record."

Approved June 30, 1971.