

## CHAPTER 98

### CRIMINAL LAW AND PROCEDURE — DEPOSITIONS, CONDITIONAL GUILTY PLEAS, MINOR PROSECUTING WITNESSES, JUROR QUALIFICATIONS, AND COURT RULES

H.F. 644

**AN ACT** relating to criminal law including depositions, conditional guilty pleas, prosecution witnesses who are minors, and juror qualifications, and including effective date provisions.

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

#### DIVISION I DEPOSITIONS

Section 1. **NEW SECTION. 701.13 Depositions before indictment.**

A person expecting to be made a party to a criminal prosecution shall not be entitled to conduct a deposition in the criminal proceeding prior to the person being indicted for a criminal offense.

#### DIVISION II CONDITIONAL GUILTY PLEAS

Sec. 2. **Section 814.6**, Code 2023, is amended by adding the following new subsection:

**NEW SUBSECTION. 3.** A conditional guilty plea that reserves an issue for appeal shall only be entered by the court with the consent of the prosecuting attorney and the defendant or the defendant's counsel. An appellate court shall have jurisdiction over only conditional guilty pleas that comply with [this section](#) and when the appellate adjudication of the reserved issue is in the interest of justice.

#### DIVISION III PROSECUTION WITNESSES — MINORS

Sec. 3. **Section 915.36A**, Code 2023, is amended to read as follows:

**915.36A Minor prosecuting witness — pretrial contact.**

1. A prosecuting witness who is a minor shall have the right to have the interview or deposition taken outside of the presence of the defendant. The interview or deposition may be televised by closed-circuit equipment to a room where the defendant can view the interview or deposition or in a manner that ensures that the defendant shall not have contact with the minor. The defendant shall be allowed to communicate with the defendant's counsel in the room where the minor is being interviewed or deposed by an appropriate electronic method.

2. The supreme court shall amend the rules of criminal procedure to comply with [this section](#) including but not limited to the elimination of a requirement that a defendant be physically present at the deposition of a minor.

#### DIVISION IV JUROR QUALIFICATIONS

Sec. 4. **Section 48A.30, subsection 1**, paragraph f, Code 2023, is amended to read as follows:

f. The registered voter is not a resident of Iowa, or the registered voter submits documentation under [section 607A.4, subsection 3 5](#), that indicates that the voter is not a citizen of the United States.

Sec. 5. **Section 607A.4**, Code 2023, is amended to read as follows:

**607A.4 Jury service — minimum qualifications — disqualification — documentation.**

1. To serve or to be considered for jury service, a person must possess the following minimum qualifications:

- a. Be eighteen years of age or older.
  - b. Be a citizen of the United States.
  - c. Be able to understand the English language in a written, spoken, or manually signed mode.
  - d. Be able to receive and evaluate information such that the person is capable of rendering satisfactory ~~juror~~ jury service.
2. ~~However, a~~ A person possessing the minimum qualifications for service or consideration for service may be disqualified for service or consideration for service if the person has, directly or indirectly, requested to be placed on a list for ~~juror~~ jury service.
3. A person convicted of a felony who remains under the supervision of the department of corrections, a judicial district department of correctional services, or the board of parole shall be disqualified from jury service.
4. A person convicted of a felony who is currently registered as a sex offender under [chapter 692A](#) or who is required to serve a special sentence under [chapter 903B](#) shall be disqualified from jury service.
3. 5. A person who claims disqualification for any of the grounds identified in [this section](#) may, upon the person's own volition, or shall, upon the court's volition, submit in writing to the court's satisfaction, documentation that verifies disqualification from ~~juror~~ jury service.

DIVISION V  
SUPREME COURT — RULES OF CRIMINAL PROCEDURE REVISIONS

Sec. 6. SUPREME COURT — RULES OF CRIMINAL PROCEDURE REVISIONS. The supreme court shall revise the rules of criminal procedure submitted for legislative council review on October 14, 2022, to comply with this Act. The revised rules of criminal procedure shall be submitted for legislative council review no later than June 1, 2023, and shall supercede the revised rules submitted on October 14, 2022. If the supreme court fails to timely submit rules of criminal procedure revised to comply with this Act, the rules of criminal procedure submitted for legislative council review on October 14, 2022, shall be rejected in their entirety.

Sec. 7. EFFECTIVE DATE. This division of this Act, being deemed of immediate importance, takes effect upon enactment.

Approved May 26, 2023