

In the Iowa Supreme Court

**In the Matter of Adopting
Amendments to the Revised
Chapter 2 Iowa Rules of Criminal
Procedure**

Order

On October 14, 2022, the Iowa Supreme Court adopted revised Chapter 2 Iowa Rules of Criminal Procedure and on November 7, adopted minor revisions to the October 14 submitted rules. Both adoptions were subject to legislative council review as provided by Iowa Code section 602.4202 and passed through the sixty-day review period without legislative council action.

The effective date of the October 14 submitted rules and November 7 revisions is July 1, 2023, and includes criminal cases filed after that date and *criminal cases already pending on that date*; however, judicial districts or individual district judges may, in the exercise of their discretion, exempt any case that was pending before July 1, 2023, from one or more of the revised rules.

On May 26, 2023, Governor Kim Reynolds signed House File 644, which requires several amendments to the previously submitted revised criminal rules. Therefore, the supreme court, in conjunction with the appointed Iowa Rules of Criminal Procedure Task Force, has made the following amendments to the revised rules:

- Rule 2.13(1)(b), regarding pre-indictment depositions, has been removed.
- Rule 2.13(6)(c), regarding procedures available to minor complaining witnesses in criminal cases, has been added.
- Rule 2.13(7), regarding perpetuating testimony before the filing of charges, has been stricken.
- Rule 2.18(5)(a), regarding challenges for cause made on jurors with a previous felony conviction, has been modified.
- Rules 2.13(5) and 2.27(1) have been updated to account for new rule 2.13(6)(c).

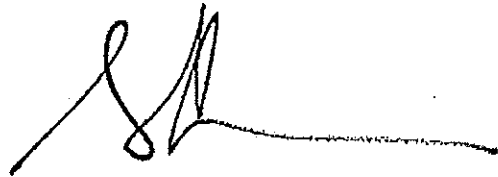
These amendments are provided with this order and are submitted to the legislative council as required by section 6 of House File 644. The rules provided with this order identify modifications to the November 7, 2022 version of the revised criminal rules in redlining. Additionally, although House File 644, section 2 adopted new statutory language with respect to conditional guilty pleas, the new language did not require any modification to rule 2.8(2)(b)(9), regarding conditional pleas.

In addition to the necessary amendments, the court has also made minor modifications to Rule 2.37—Form 12: *Waiver of Rights & Written Guilty Plea for Serious or Aggravated Misdemeanors or Nonforcible Class “D” Felonies*. These modifications were made to improve the usability and accuracy of the form. The updated form is provided with this order.

The rule amendments to the revised Chapter 2 Iowa Rules of Criminal Procedure and form provided with this order are temporarily adopted effective July 1, 2023. The amendments will permanently take effect subject to Legislative Council review consistent with the provisions of Iowa Code section 602.4202.

Dated this 31st day of May 2023.

The Iowa Supreme Court

By: 

Susan Larson Christensen, Chief Justice