

In the Iowa Supreme Court

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

Order

The Iowa Supreme Court adopts revised Chapter 2 Iowa Rules of Criminal Procedure, replacing the current Chapter 2 Iowa Rules of Criminal Procedure, effective July 1, 2022.

Iowa's criminal laws and procedures were significantly revised by the Iowa Legislature in 1976 and made effective January 1, 1978. Since 1983, the supreme court has had the authority to amend the existing criminal rules and promulgate new rules of criminal procedure under Iowa Code section 602.4202. Yet, the Iowa Rules of Criminal Procedure have not undergone a comprehensive review since the 1976 legislation moved the Iowa Rules of Criminal Procedure from the Iowa Code to the Iowa Court Rules. Over the past several years, the supreme court has received several requests to review and update the rules.

On April 3, 2018, the supreme court, believing that it was the appropriate time for a full review of the rules, created a comprehensive task force of judges, prosecutors, defense attorneys, and law professors from around the state tasked with reviewing the rules and making recommendations to the supreme court for amending and updating the rules as well as promulgating new rules if needed. The task force members were:

- Honorable Edward Mansfield, Justice, Iowa Supreme Court, Des Moines, Chair
- Honorable Thomas Bitter, District Court Judge, Dubuque
- Angela Campbell, Criminal Defense Attorney, Des Moines
- Mary Conroy, Assistant Appellate Defender, Ames
- Honorable Meghan Corbin, Criminal Defense Attorney and Magistrate, Davenport
- David Denison, Staff Attorney, Iowa Supreme Court
- Honorable Linda Fangman, District Court Judge, Waterloo
- Gerald Feuerhelm, Criminal Defense Attorney, Des Moines

- Honorable Myron Gookin, District Court Judge, Fairfield
- Aaron Hawbaker, State Public Defender's Office, Waterloo
- Professor Emily Hughes, University of Iowa College of Law, Iowa City
- Jaki Livingston, Assistant Polk County Attorney, Des Moines
- Professor David McCord, Drake University Law School, Des Moines
- Alan Ostergren, then Muscatine County Attorney, Muscatine, now Attorney, Des Moines
- Honorable David Porter, District Court Judge, Des Moines
- Darin Raymond, Plymouth County Attorney, LeMars
- Aaron Rogers, Assistant Attorney General, Des Moines
- Honorable DeDra Schroeder, District Court Judge, Osage
- Alfred Willett, Criminal Defense Attorney, Cedar Rapids

Before submitting their first proposed revisions to the indictable offense rules (rules 2.1–2.37) to the supreme court in late October 2019, the entire task force met eight times. Subcommittees of the task force also met on many occasions to work on specific areas, such as rule-drafting, discovery, grand juries, immunity, pleas and plea bargaining, social media, sentencing, and trial on the minutes.

On November 6, 2019, the full task force met with the supreme court and received feedback from the justices. Thereafter, a revised and expanded draft, including the simple misdemeanor rules (rules 2.51–2.76) and updated chapter 2 court forms, was submitted to the supreme court in late February 2020.

Following the supreme court's review of the February draft, the proposed rules were put out for a ninety-day public comment period on March 30. The comment period was extended two weeks through July 14. During the public comment period, twenty-four public comments, collectively totaling more than two hundred pages, were submitted from a variety of individuals and organizations for the supreme court's review.

After the close of the public comment period, the full task force met twice more to review the submitted comments and propose revisions based on the feedback received. The task force also created additional forms.

In addition to the public comments, the task force took into consideration judicial branch policies and practices implemented in response to the COVID-19 pandemic beginning in early March 2020, feedback from district judges regarding the practices, and recommendations provided by the supreme court's Lessons Learned Task Force.¹ For example, the task force recommended proposed rule revisions allowing defense counsel to waive certain proceedings—such as the initial appearance, preliminary hearing, and arraignment—and certain rights—such as the 90-day speedy trial right—on behalf of the defendant with the defendant's consent. The task force also proposed rule revisions allowing defendants to appear by interactive audiovisual system for certain proceedings and upon meeting certain conditions. And, the task force recommended expanded use of written guilty pleas from misdemeanors to include nonforcible class "D" felonies.

The task force's final draft of the proposed revised rules and forms was submitted to the supreme court for review and approval in late July 2021. While not every task force member agreed with every proposed rule revision in the final draft, the draft as a whole reflected the consensus of the task force.

After receiving the task force's final draft, the supreme court made some additional modifications—with input from the task force—and approved the final revised rules and forms during its December administrative conference.

The revised chapter 2 rules seek to achieve five separate goals:

1. Streamlining and simplifying rules and eliminating outdated language.
2. Reorganizing the rules (to a limited extent).
3. Updating the rules to reflect court decisions and legislation.

¹The supreme court created the Lessons Learned Task Force on May 5, 2021, to review the court's formal COVID-19 orders and informal policies and practices and submit recommendations to the court regarding which polices and practices should be continued.

4. Filling in gaps in the existing rules.
5. Bringing about a few substantive changes that had consensus support.

Effective date. These rules will take effect on July 1, 2022. This 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, 2022 from one or more of the revised rules.

Full text of final revised rules and forms. The full text of the final rule revisions and forms are provided with this order. Because of the number of changes, it is not deemed feasible to include a redlined comparison to the existing rules.

Summary of the revisions. For the benefit of interested persons, a summary of the rule revisions is provided with this order. The summary is intended as a guide but is not a substitute for reviewing the rule revisions themselves. The summary does not mention every revision and is neither binding nor authoritative.


Explanation and summary of changes made in response to 2020 public comments. Finally, an explanation and summary of significant changes made in response to the 2020 public comments is also provided with this order. The summary is intended to explain, in part, what changed in response to the public comments, but it is not comprehensive or authoritative.

All three of these documents are also available through the office of the Clerk of the Iowa Supreme Court.

The revised Chapter 2 Iowa Rules of Criminal Procedure filed in conjunction with this order are effective July 1, 2022, subject to Legislative Council review as provided by Iowa Code section 602.4202.

Dated this 31 day of January, 2022.

The Iowa Supreme Court

By: 

Susan Larson Christensen, Chief Justice