

Summary of Proposed Changes to the Iowa Criminal Rules of Procedure^{1,2}

Rule 2.1—Scope
<ul style="list-style-type: none">• Chapter-wide definitions removed• Scope updated to clarify pro se defendants held to attorney standard
Rule 2.2—Proceedings before the magistrate
<ul style="list-style-type: none">• Defined magistrate for purposes of this rule as any magistrate or judge• Initial appearance:<ul style="list-style-type: none">○ <i>Must occur “within 24 hours unless no magistrate is available and in all events within 48 hours” instead of “without unnecessary delay” (rule 2.2(2))</i>○ Defendant’s appearance may be in person or by interactive audiovisual system○ Defendant may waive initial appearance by submitting a written waiver○ Defendant “shall not be called upon to plead” at initial appearance○ Added requirement that defendant receive a copy of complaint○ Added requirement that defendant be informed of right to a preliminary hearing• Preliminary hearing:<ul style="list-style-type: none">○ Added method of proceeding, including “prosecution shall present evidence”○ Clarified no motions to suppress allowed at hearing○ Removed “private hearing” subsection○ If no probable cause found and charge dismissed, state can no longer initiate new prosecution for dismissed serious misdemeanor○ Eliminated as obsolete magistrate’s transmission of “papers and recordings”○ Eliminated process for requesting transcript/recording and replaced with “shall be made available” to party on request
Rule 2.3—The grand jury
<ul style="list-style-type: none">• Changed clerk’s juror selection to match petit jury process

¹ DISCLAIMER: THIS MATERIAL IS INTENDED AS A GUIDE TO THE PROPOSED CRIMINAL RULE REVISIONS. IT IS NOT BINDING, COMPREHENSIVE, OR AUTHORITATIVE. PLEASE REFER TO THE PROPOSED RULES THEMSELVES AS NEEDED.

² More significant substantive changes are italicized.

- Challenges:
 - Grounds to challenge grand jury pool same as for petit jury (rule 2.18(4))
 - Grounds to challenge individual grand juror essentially same as for petit jury (rule 2.18(5))
 - Challenges must be made before grand jurors sworn if possible
 - Clarified that a motion to dismiss indictment based on a grand juror challenge is timely only if that challenge could not have been raised earlier
- Excusing & discharging grand jurors:
 - Eliminated “summoning jurors” subsection
- Oaths & procedure:
 - Eliminated option to appoint bailiffs
 - Added option to appoint court reporters
 - Revised and added oaths to be given to various parties, including witnesses
 - Updated “secrecy of proceedings” subsection:
 - Clarified that proceedings are generally confidential
 - Moved from old rule 2.14(6), a limited exception allowing for the disclosure of grand jury witness testimony when required by the court or certain legislative committees (but no need to call grand jurors to testify because all proceedings will be reported or recorded)
 - *Grand jury proceedings must be stenographically reported or electronically recorded; minutes of the proceedings are no longer sufficient (rule 2.3(6)(f))*
 - *Grand jury may request that additional witnesses and evidence be subpoenaed for grand jury’s investigation when at least three grand jurors agree (rule 2.3(6)(g))*
 - “Evidence to support” moved from old rule 2.4(3) and renamed “finding an indictment”
 - “Vote necessary” moved from old rule 2.4(4) to this section

Rule 2.4—Indictment

- *Added a requirement that prosecuting attorneys must prepare minutes of testimony to accompany the indictment in the same manner as they currently do for an information (rule 2.4(3))*

- Minutes:
 - Renamed “minutes of evidence” to “minutes of testimony” in “contents” subsection
 - Added that disclosure of addresses is governed by rule 2.11(13)
 - Removed “minutes used again” paragraph
- Amendment:
 - Eliminated requirement that any amendment must be initiated on the state’s motion
 - Added requirement that defendant be permitted opportunity to resist any proposed amendment

Rule 2.5—Information

- Clarified that a trial information shall be accompanied by supporting minutes of testimony
- Clarified that *any* prosecuting attorney has authority to submit an information unless that authority is reserved to attorney general
- Minutes:
 - “Minutes of evidence” renamed to “minutes of testimony”
 - Disclosure of addresses in minutes governed by rule 2.11(13)
- *Added a provision that if the district court approves and attempts to file the information but the filing is rejected by EDMS or a clerk of court for some reason, the date of the corrected information relates back to the date of court’s original attempted filing (rule 2.5(4))*
- Rule 2.5(6) updated to allow prosecuting attorney’s investigative subpoena to direct recipient to produce materials in lieu of personal appearance

Rule 2.6—Multiple offenses or defendants; pleading special matters

- Multiple offenses:
 - Removed “when alleged and prosecuted contemporaneously” language
 - Removed official comment at end of old rule 2.6
 - Combined old “multiple offenses” and “prosecution and judgment”
- Charging multiple defendants:
 - Each defendant must be charged under separate case number (although there may be one or multiple indictments)
 - Each indictment shall indicate all case numbers
 - The defendant must move the court for separate trials if the defendant believes prejudice would result

- Removed old rule 2.6(4)(c) about defendants sharing interpreter
- Allegation of prior convictions:
 - Removed the requirement for a supplemental trial information and substituted a provision that prior convictions subjecting defendant to an increased penalty are to be alleged in the indictment but not mentioned to the jury when the indictment is read to the jury
- Enhancements other than prior convictions:
 - Expanded old rule 2.6(6) regarding “allegations of use of a dangerous weapon” so the rule covers *any* fact that could subject defendant to a greater maximum or minimum sentence; the fact must be charged in the indictment and found in a separate verdict

Rule 2.7—Warrants and summonses

- The old rule 2.7, which used to read, “Proceedings after indictment or information,” has been retitled
- Removed clerk’s authority to sign a warrant—now only judges
- Moved forfeiture of bail from old rule 2.23(2) to this section; streamlined language

Rule 2.8—Arraignment and plea

- Conduct of arraignment:
 - Added requirement that arraignment be held as soon as practicable “following the filing of the indictment”
 - Removed language stating that defense counsel “shall have free access to the defendant at all reasonable hours”
 - Added a requirement that the defendant be provided the minutes of testimony in addition to the indictment before being called upon to plead
 - Clarified that the indictment must be read to the defendant unless the defendant waives the reading, in which case a summary of the charges will be read
 - Clarified pro se defendants may waive formal arraignment
- Pleas to the indictment:
 - Removed “at any time before judgment, the court may permit a guilty plea to be withdrawn” (contrary to other provisions in the rules)
 - Added “a plea of not guilty does not waive any right to challenge the indictment”

- *Guilty plea colloquy:*
 - *The defendant must be informed of “the elements of the offense,” rather than “the nature of the charge” (rule 2.8(2)(b)(1))*
 - *Defined “statutory maximum and minimum penalties” to include “incarceration, fines, surcharges, and any other punitive consequences of the conviction” (rule 2.8(2)(b)(2)) (see State v. Fisher, 877 N.W.2d 676 (Iowa 2016); State v. Weitzel, 905 N.W.2d 397 (Iowa 2017))*
 - *Expanded the immigration consequences advisory (rule 2.8(2)(b)(3))*
 - *The defendant must be told he is waiving the presumption of innocence and that he cannot be convicted “unless the State establishes guilt beyond a reasonable doubt to the unanimous agreement of a twelve person jury” (2.8(2)(b)(4))*
 - *In light of SF 589, the defendant must be told that “if the defendant pleads guilty (and the offense is not a class ‘A’ felony), no appeal may be taken unless there is good cause for the appeal”*
 - *The defendant must be told how much time the defendant has to file a motion in arrest of judgment*
 - *An official comment is added that Alford pleas are permitted*
 - *The defendant must be placed under oath for the guilty plea colloquy (rule 2.8(2)(c))*
 - *The court is allowed to question defendant and may allow attorneys to do the same*
- *Immediate sentencing:*
 - *A provision is added making clear that upon request of the defendant and agreement of the state, the parties may proceed to immediate sentencing if the defendant waives (1) the right to file a motion in arrest of judgment, (2) the use of a PSI report, and (3) the time period that otherwise must lapse before entry of judgment (rule 2.8(2)(e))*
- *New, more detailed provision covering written pleas to serious and aggravated misdemeanors*

Rule 2.9—Trial assignments

- *Within 5 days of plea, rather than 7, the court must file a written order setting trial*
- *However, if the defendant waives speedy trial at arraignment, a “case management conference” will be set within 30 days, at which the trial date*

and deadlines will be established

- Eliminated language discouraging continuances
- Eliminated trial-setting priorities for certain kinds of criminal prosecutions

Rule 2.10—Plea bargaining

- Added a definition of “plea agreement”
- *Advising the court of the plea agreement:*
 - *If plea agreement is in writing, it must be made part of the record*
 - *If plea agreement is not in writing, the terms must be disclosed in open court and put on the record*
 - *Regardless of form, all parties must acknowledge the agreement either in writing or in open court and on the record (rule 2.10(2))*
- Acceptance and rejection of plea agreement sections merged into new section entitled “plea agreements conditioned upon court acceptance,” which now provides greater clarity on what happens when a plea agreement is conditioned on the court’s acceptance
- Clarified failed/withdrawn plea and plea discussions are inadmissible in any proceeding except as permitted by Iowa Rule of Evidence 5.410 (perjury or false statement prosecution)

Rule 2.11—Pleadings and motions

- Content from old rule 2.34 (Motions, orders and other papers) has been moved into this rule with service provisions updated to reflect EDMS
- Pretrial motions:
 - Deleted “motions for change of judge” (not necessary since recusal/disqualification can be raised in any type of proceeding—no need for a specific criminal rule provision)
 - Added objections to prior-conviction enhancements other than identity or defendant was unrepresented and didn’t waive counsel
- Time of filing:
 - Added that upon request, the court may establish different deadlines for filing motions
- *Eliminated motion for bill of particulars (old rule 2.11(5))*
- Dismissing indictment or information (two prior subsections combined):
 - Added new catchall ground for dismissal: “prosecution is barred by some other legal or constitutional ground”
 - Removed ground: minutes from grand jury not returned

- Motion for change of venue:
 - Removed language: “such a degree of prejudice exists”
 - Eliminated rule 2.11(10)(d) “transfer of jury” option (so if venue is transferred, there will be a jury from the new county)
- Defense notices:
 - Insanity/diminished responsibility:
 - Clarified that these are two separate defenses
 - Removed language that defendant has to prove insanity by a preponderance of the evidence
 - *If any defense expert examines the defendant for purposes of any other defense and intends to testify at trial, the defendant must provide pretrial written notice and the prosecuting attorney may apply for a corresponding expert to examine the defendant (rule 2.11(11)(c))*
 - The defendant must give notice of all affirmative defenses, not just intoxication, entrapment, and self-defense

Rule 2.12—Suppression of unlawfully obtained evidence

- *Rule expanded beyond “unlawful search and seizure” to any “unlawfully obtained evidence” (e.g., a confession that didn’t comply with Miranda) (rule 2.12(1))*
- Added requirement that a timely motion to suppress be filed or the objection is waived absent good cause shown

Rule 2.13—Depositions

- *Objections to depositions: New provision allowing either side to object to a deposition (rule 2.13(3))*
- Time for taking depositions:
 - If defendant does not waive speedy trial, depositions are still to be taken within 30 days of arraignment
 - If defendant waives speedy trial, depositions may be taken through 30 days prior to trial
- Presence of defendant:
 - In felony cases, the defendant is required to be personally present at depositions
 - If identity at issue, court may permit defendant’s absence during questions concerning identity (all parties must complete questions on identity before defendant is required to be present) (*see State v.*

Folkerts, 703 N.W.2d 761 (Iowa 2005))

- Special circumstances:
 - Clarified that a party may depose their own witness for use at trial when the witness will be unavailable
 - Moved old rule 2.14(1), regarding the state’s taking of depositions after the filing of charges, to this rule (rule 2.13(6)(b))
 - A provision was added allowing the defendant to attend a deposition of minor by live audiovisual connection instead of in an adjacent room

Rule 2.14—Discovery

- Discretionary disclosure of evidence by state:
 - Added “results or reports of physical or mental examinations and scientific tests or experiments made in connection with the particular case”
 - Every minuted witness’s grand jury testimony must be provided as part of discretionary discovery
- *Disclosure of evidence by defendant:*
 - *Defendant’s duty to provide reciprocal discovery is automatic once the defendant obtains discretionary discovery (rule 2.14(2))*
- Eliminated old rule 2.14(4), “failure to employ evidence,” as superfluous
- Continuing duty to disclose made automatic—notice and motion no longer required
- Regulation of discovery:
 - Specifics removed from protective orders subsection; “good cause shown” standard adopted
 - Eliminated “time, place and manner of discovery and inspection” subsection
 - Eliminated “secrecy of grand jury” subsection (subject matter covered in rule 2.3)

Rule 2.15—Subpoenas

- For witnesses:
 - Clarified only clerk issues subpoenas (not magistrate)
 - Clarified subpoenas for witnesses include deposition and trial
- Service:
 - Clarified subpoenas cannot be served by a party
 - Clarified contents of affidavit of service

<ul style="list-style-type: none"> ○ Added provision allowing email service with consent of party served (but person making service must file a signed acknowledgement and acceptance of service)
<p>Rule 2.16—Pretrial conference</p>
<ul style="list-style-type: none"> • New provision allowing parties to enter into written stipulations governing proceedings with court approval and without a hearing
<p>Rule 2.17—Trial by jury or court</p>
<ul style="list-style-type: none"> • Trial by jury: <ul style="list-style-type: none"> ○ Replaced requirement that waiver be “in writing” with “in open court and on the record” ○ Replaced all waiver deadlines with “at least 10 days prior to trial, unless prosecuting attorney consents” • <i>A new “trial on the minutes” provision is added that allows a trial based on the minutes and other materials upon agreement of parties; a specific form of waiver is required (rule 2.17(2))</i> • Findings: <ul style="list-style-type: none"> ○ In bench trials, findings and conclusions must be made “in open court and on the record” ○ Provision added allowing defendant to waive right to receive verdict in open court (<i>see State v. Jones, 817 N.W.2d 11 (Iowa 2012)</i>)
<p>Rule 2.18—Juries</p>
<ul style="list-style-type: none"> • Jury selection rule language updated and streamlined to reflect current practice (language regarding “ballot box” removed) • Challenges to individual jurors for cause: <ul style="list-style-type: none"> ○ <i>Challenge for felony conviction narrowed so it doesn’t apply if “it can be established through the juror’s testimony or otherwise that either the juror’s voting rights have been restored or more than ten years have passed since the juror’s conviction or release from confinement for that felony, whichever is later” (rule 2.18(5)(a))</i> ○ Affinity or consanguinity challenge expanded to being a relative of a <i>complaining witness or alleged victim</i> ○ Expanded “<i>being a party adverse to the defendant in a prior civil action</i>” to “<i>being adverse to the defendant in a prior civil action</i>” ○ Removed challenge related to juror engaging in similar unlawful conduct as the offense charged within the last year

- The challenge based on the juror having been a defendant or victim with respect to a similar offense is limited to the past 1 year
- Removed challenge based on the juror having requested her/his name be returned as a juror for the regular biennial period
- Added challenge “where the circumstances indicate the juror would have an actual bias for or against a party” (*see State v. Jonas*, 904 N.W.2d 566 (Iowa 2017))
- Examination of jurors:
 - Added provision allowing individual examination outside the courtroom on sensitive subjects
 - Added provision stating juror’s answers may be used to prosecute perjury or contempt
 - *Added provision prohibiting court from rehabilitating jurors who express bias relevant to the case; parties may still rehabilitate (rule 2.18(6))*
 - Removed provisions stating “other witnesses may also be examined” and “[t]he rules of evidence appl[y]”
- Selecting alternate jurors:
 - Added “the role of alternate jurors” (shall replace a principal juror who becomes unable to serve)
 - Provided court discretion, within certain boundaries, to decide number of, and process to select, alternate jurors
 - Alternates not to be identified until jury retires for deliberation
 - Any remaining alternates shall be excused once deliberation commences
- Reading of names provision modified to allow court to read juror numbers instead of names
- Jurors sworn: limitation of “twelve jurors” removed (to account for alternates)

Rule 2.19—Trial

- Order of trial and arguments:
 - Added paragraph stating “level of offense shall not be read”
 - Removed language stating “[l]ength of argument and the number of counsel arguing shall be as limited by the court” but added a comment stating this change merely indicates the court may also limit duration of *other* parts of trial

- *Reporting of trial may not be waived except for voir dire in misdemeanor cases (rule 2.19(3))*
- The trial upon jury:
 - Updated admonition to include language on social media
 - Shifted obligation to destroy notes from jurors to the court
 - Added new paragraph stating redactions to exhibits should be made before exhibits are received
 - Removed language stating jury cannot receive “original public records and private documents,” while adding paragraph allowing courts to withhold exhibits presenting issue of “safety, security, or risk of loss”
 - *Added “duty of court to instruct on lesser included offenses” provision:*
 - *Court shall instruct jury on lesser included offenses supported by the evidence*
 - *Defendant may waive submission with consent of state*
 - *Waiver shall be made on record (rule 2.19(4)(h))*
- “Mistrial” provision added (concept existed before but term has been added) (rule 2.19(5)):
 - Mistrial for accident or calamity requires “cause shown” and a motion by a party, removing the parties’ ability to have mistrial by consent
 - Added paragraph allowing for mistrial if a required continuance makes it impractical to proceed with the same jury
 - Added provision allowing mistrial “[b]ecause of an error resulting in the denial of a fair trial”
- The trial judge:
 - Eliminated “Competency of judge as witness” and “Disability of trial judge” provisions as self-evident and unneeded
 - *Added new “Unavailability of trial judge” provision:*
 - *If trial judge unavailable, any other judge may complete proceedings*
 - *However, if a new judge cannot “in fairness complete the proceedings,” judge may grant new trial*
- Motion for judgment of acquittal:
 - Clarified no need to renew motion after close of evidence
- *Trial of questions involving prior convictions:*
 - *Based on State v. Harrington, 893 N.W.2d 36 (Iowa 2017), added a provision stating that prior to accepting a stipulation as to prior*

convictions, the court shall determine a factual basis exists and shall conduct a colloquy meeting the standards required by that decision (see rule 2.19(8))

Rule 2.20—Witnesses

- Eliminated provision stating competency of witnesses governed by civil rules (civil rules don't contain such a provision)
- Immunity:
 - Added provision requiring that privilege against self-incrimination must be asserted "in good faith" before waiver or immunity is required
 - Clarified that immunity (if granted) is both transactional and use immunity. *See Allen v. Iowa District Court, 582 N.W.2d 506 (Iowa 1998).*

Rule 2.21—Evidence

- Clarified the rules of evidence apply, not "the rules of evidence prescribed in civil procedure"
- Disposition of exhibits:
 - Added provision prohibiting clerk from disposing of exhibits when there is a pending appeal or postconviction relief action

Rule 2.22—Verdict

- Form of verdict:
 - Clarified verdict must be unanimous and must be rendered on each count
 - Eliminated "not guilty by reason of diminished responsibility"
- Answers to interrogatories:
 - Added special interrogatories required for accomplice issues and on any fact that subjects defendant to a greater maximum or minimum sentence
 - Parties can waive submission of special interrogatories on accomplice issues upon agreement
- Sealed verdicts allowed in misdemeanor cases even if the defendant is in custody
- Added provision allowing the court to send back inconsistent verdicts (*see State v. Mumford, 338 N.W.2d 366 (Iowa 1983)*)
- Removed provision permitting interpretation of "informal verdict"
- Acquittal on ground of insanity; commitment hearing:
 - Removed diminished responsibility

- Clarified court shall hold hearing to determine mental condition with all parties upon receipt of report
- Replaced language permitting hearing at place of confinement for safety concerns with hearing by phone or audiovisual system
- Replaced “Iowa security and medical facility” with “Iowa Medical and Classification Center”/”other appropriate facility”

Rule 2.23—Judgment

- Forfeiture of bail; warrant of arrest:
 - Forfeiture of bail moved to rule 2.7, warrants and summonses
- *A roadmap for sentencing is specifically set forth to attempt to conform to SF 589 and other applicable law:*
 - *Verify defendant and defendant’s attorney have read and discussed PSI*
 - *Defendant’s attorney given an opportunity to speak*
 - *Defendant given an opportunity to speak*
 - *Prosecuting attorney given an opportunity to speak*
 - *Victims allowed to be heard*
 - *The court has discretion to allow additional witnesses or evidence (rule 2.23(2)(c) & (d))*
 - *Added that court “shall particularly state the reason for imposition of any consecutive sentence” (see State v. Hill, 878 N.W.2d 269 (Iowa 2016))*
 - *Added provision stating court must inform defendant of right to appeal “in open court and on the record,” specifically stating:*
 - *Defendant has a statutory right to appeal*
 - *If defendant pled guilty, no appeal may be taken (other than a class “A” felony) without good cause*
 - *Deadline to appeal*
 - *Jurisdictional deadline; cannot appeal if not filed on time*
 - *Right to appointed counsel/ transcripts*
 - Removed “exercise of right to appeal” provision

Rule 2.24—Motions after trial

- New trial:
 - Removed language that court may grant new trial for reasons not asserted in motion, i.e., sua sponte
 - Attempted to provide more precision on the grounds for new trial
 - Eliminated requirement for court to hear and decide motion within 30

<p>days</p> <ul style="list-style-type: none"> • Arrest of judgment: <ul style="list-style-type: none"> ○ Added provision based on SF 589 stating no arrest of judgment allowed unless defendant demonstrates it is more likely than not that defendant would not have pled guilty ○ Provision regarding custody of defendant if arrest of judgment granted revised and streamlined • Correction of sentence: <ul style="list-style-type: none"> ○ Clarified that the district court may correct an illegal sentence at any time with or without a motion, but for anything other than a clerical error, notice to the parties and opportunity to be heard required ○ “Definition of illegal sentence” added to rule (<i>see Jefferson v. Iowa District Court</i>, 926 N.W.2d 519 (Iowa 2019))
<p>Rule 2.25—Bill of exceptions</p>
<ul style="list-style-type: none"> • Eliminated
<p>Rule 2.26—Execution and stay thereof</p>
<ul style="list-style-type: none"> • “Mechanics of execution” renamed “execution of judgment” <ul style="list-style-type: none"> ○ Clarified that when court orders defendant released, place of confinement must file a notice of release with court clerk • Stay of execution: Added that stay does not affect requirements for sex offender registration/notification
<p>Rule 2.27—Presence of defendant; regulation of conduct by the court</p>
<ul style="list-style-type: none"> • The requirement for the defendant’s presence is updated to reflect the potential waivers of appearance set forth in rules 2.2(2)(c) and 2.8(1)(e) • New provision added for when defendant is in prison or is being held by an authority other than the State of Iowa; the provision allows the defendant to appear by interactive audiovisual system for any matter except the trial itself • Added “correction of a clerical error in a sentence” as a situation where presence not required • Added provision permitting court to have any person in courtroom searched for weapons or any prohibited item; no reasonable suspicion requirement

Rule 2.28—Right to appointed counsel

- Right to representation:
 - Clarified right applies to defendant “who faces the possibility of incarceration” (see *State v. Young*, 863 N.W.2d 249 (Iowa 2015))
 - Explicitly added right to representation for parole revocation hearings to main paragraph and removed second paragraph
 - Added right to representation for “motions to correct illegal sentences” (see *Jefferson v. Iowa District Court*, 926 N.W.2d 519 (Iowa 2019))
- Limited appearances—new subsection: limited appearances not permitted in cases where there is appointed counsel (except for appellate counsel who need access to trial record)
- Eliminated “compensation” section as duplicative of Iowa Code

Rule 2.29—Withdrawal and duty of continuing representation

- Combined former rules 2.29 and 2.30
- Withdrawal of counsel—moved from rule 2.30
- Appointment of counsel on appeal:
 - Added right to counsel for certiorari appeal if defendant had right to counsel in proceeding below
 - Removed obligation of clerk to promptly submit application for counsel to judge and to file copy in supreme court
 - Removed oral application for appellate counsel
 - Removed obligation for court to rule on application in 7 days
 - Updated language that appointed trial counsel shall continue as appellate counsel until order is entered stating otherwise
 - Removed language that “[d]efendant shall not have the right to select the attorney to be assigned; however, defendant’s request for particular counsel shall be given consideration by the trial court” (does not reflect actual practice)

Rule 2.30—Duty of continuing representation; withdrawal

- Eliminated through merger with rule 2.29.

Rule 2.31—Compensation of appointed appellate counsel (No changes.)**Rule 2.32—Forms — Appointment of Counsel (No changes.)****Rule 2.33—Dismissal of prosecutions; right to speedy trial**

- Eliminated the trial court’s authority to dismiss a case sua sponte “in the furtherance of justice”—only the prosecuting attorney can ask for this

- The 45-day speedy trial period commences after personal initial appearance or filing of initial appearance waiver; not arrest (*see State v. Williams*, 895 N.W.2d 856 (Iowa 2017))—but modified so clock starts running at initial appearance
- Clarified that waiver of 45-day speedy indictment or 90-day speedy trial may be made by defendant or defense counsel; a speedy trial waiver operates to waive both deadlines
- Added provision that one-year speedy trial deadline may only be waived by “defendant personally and on the record or by the filing of a written waiver”; new waiver form included
- If a change of venue occurs after the commence of jury selection, the deadline for trial is 90 days

Rule 2.34—Motions, orders and other papers

- Substance moved to rule 2.11 and rule itself eliminated.

Rule 2.35—Rules of court

- Eliminated as unnecessary.

Rule 2.36—Forms for search and arrest warrants (No changes.)

Rule 2.37—Forms other than warrants (No changes.)

SIMPLE MISDEMEANORS

- **Rule 2.51**, definition added specifically stating “magistrate” for purposes of these rules includes all judges
- **Rule 2.53**, to whom tried, updated to include provisions for joint trials and jury trials
- **Rule 2.54**, the complaint, streamlined to reflect current practice
- **Rule 2.55**, contents of the complaint:
 - Language generally streamlined to reflect current practice
 - Provision regarding prior convictions made its own rule (rule 2.71)
- **Rule 2.56**, filing of complaint, renamed to “approval of complaint” to reflect that the prosecutor files and the magistrate approves; requirement of determination of probable cause added
- **Rule 2.57**, arrest warrant, updated so only magistrates may issue arrest warrants; citations removed from rule
- **Rule 2.58**, old rules 2.58 and 2.59 merged:
 - Arrested person must be brought “before a magistrate either personally or by interactive audiovisual system as provided by rule 2.27 within 24

hours unless no magistrate is available and in all events within 48 hours” (conforms to rule 2.2)

- Added provision requiring that when a person is arrested without a warrant, a complaint is to be filed immediately
- Added provision requiring determination of probable cause
- **Rule 2.59**, verification of complaint, successor to old rule 2.60, requires magistrate to provide copy of complaint to defendant at initial appearance and requires defendant to verify name and address
- **Rule 2.60**, successor to old rule 2.61(1), requires defendant to be informed of rights, including the right to appointment of counsel if possibility of incarceration and defendant indigent
- **Rule 2.61**, successor to old rule 2.61(2), appointment of counsel
- **Rule 2.62**, bail, no changes
- **Rule 2.63**, *plea, added provision allowing defendant to waive personal initial appearance by filing waiver (date of filing deemed date of initial appearance) or by filing written guilty plea or written plea agreement*
- **Rule 2.64**, trial, renamed from “trial date,”—no other substantive changes
- **Rule 2.65**, pretrial matters, replaces old rule 2.65 on change of venue, which has been moved to new rule 2.68
- **Rule 2.66**, joint trials, content moved from old rule 2.71 and updated
- **Rule 2.67**, forfeiture of collateral in lieu of appearance, content generally moved from old rule 2.72
- **Rule 2.68**, change of venue, renumbered from old rule 2.65, no changes
- **Rule 2.69**, selection of jury; trial—generally reflects content of old rule 2.67, with some simplification and clarification
- **Rule 2.70**, judgment—generally reflects content of old rule 2.68, with some simplification and clarification (old rule 2.69 regarding costs taxed to prosecuting witnesses has been eliminated)
- **Rule 2.71**, prior convictions, replaces old rule 2.70 regarding suppression of evidence and disposition of seized property, which was removed as superfluous
- **Rule 2.72**, appeals:
 - *Notice of appeal—oral notice of appeal removed; notice of appeal must be written*
 - Record—language streamlined to reflect current practice with EDMS

- Procedure—paragraph broken into subsections with some nonsubstantive language modifications
- Bail—removed subsection; covered by rule 2.62
- *Review by supreme court—sentence added clarifying “[p]arties may not seek discretionary review by the supreme court until an appeal to the district court has been completed” (see In re MS, 894 N.W.2d 526 (Iowa 2017); Vance v. Iowa District Court, 907 N.W.2d 473 (Iowa 2018))*
- **Rule 2.73**, motion for new trial, replaces old rule 2.74; substantively unchanged
- **Rule 2.74**, correction or reduction of sentence, replaces old rule 2.75; substantively unchanged