

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

Rule 2.1—Scope

- Chapter-wide definitions removed
- Scope updated to clarify that pro se defendants are held to same standard as attorneys

Rule 2.2—Proceedings before the magistrate

- Defined magistrate for purposes of this rule as any magistrate or judge
- Initial appearance:
 - *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))*
 - Defendant’s appearance may be in person or by interactive audiovisual system
 - Pro se defendants may waive initial appearance and preliminary hearing by submitting written waiver
 - Attorneys representing defendants may waive initial appearance and preliminary hearing on defendant’s behalf by submitting written waiver
 - Defendant “shall not be called upon to plead” at initial appearance
 - Added requirement that defendant receive copy of complaint
 - Added requirement that defendant be informed of right to a preliminary hearing
- Preliminary hearing:
 - Added description of how the hearing works, including that “prosecution shall present evidence”
 - Clarified that no motions to suppress are allowed at preliminary hearing
 - Removed “private hearing” subsection
 - If no probable cause is found and charge is dismissed, state can no longer initiate new prosecution for dismissed serious misdemeanor charge

¹**Disclaimer:** This material is intended as a guide to the criminal rules revisions. It is not binding, comprehensive, or authoritative. Please refer to the rules themselves as needed.

²More significant substantive changes are italicized.

- 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

- Changed clerk’s juror selection to match petit jury process
- 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 are sworn if possible
 - Clarified that a motion to dismiss indictment based on a grand juror challenge is timely when made only if that challenge could not have been raised earlier
- Excusing and discharging grand jurors: Eliminated “Summoning jurors” subsection
- Oaths and 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 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 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 requirement that prosecuting attorneys must prepare minutes of testimony to accompany the indictment in same manner as they currently do for an information (rule 2.4(3))*
- Amendment:
 - Eliminated requirement that any amendment must be initiated on state’s motion
 - Added requirement that defendant be permitted opportunity to resist any proposed amendment
- Minutes:
 - Renamed “minutes of evidence” to “minutes of testimony” in “Contents” subsection
 - Added that disclosure of addresses is governed by rule 2.11(13)
 - Added subsection allowing prosecution to amend minutes subject to rule 2.19(2)
 - Added subsection indicating that minutes are to be made available to judge, prosecuting attorney, defendant, and defendant’s attorney but must not be further disseminated
 - Removed “Minutes used again” paragraph

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 is governed by rule 2.11(13)
- *Added provision that if district court approves and attempts to file the information but the filing is rejected by EDMS or 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)(d))*

- 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
 - Defendant must move the court for separate trials if 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

- 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 judicial officers have this authority
- 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 requirement that 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 defendant unless defendant waives the reading, in which case a summary of charges will be read
- Clarified that pro se defendants may waive formal arraignment
- Pleas to the indictment:
 - Removed “[a]t any time before judgment, the court may permit a guilty plea to be withdrawn” (this language was too broad and contrary to other provisions in the rules)
 - Added, “A plea of not guilty does not waive any right to challenge the indictment”
 - *Conditional guilty pleas are now permitted with consent of court and prosecuting attorney; court-approved conditional guilty pleas constitute “good cause” for defendant to appeal the ruling on the specified pretrial motion*
- *Guilty plea colloquy:*
 - *Defendant must be informed of “[t]he nature and elements of the offense,” rather than “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. Weitzel, 905 N.W.2d 397 (Iowa 2017); State v. Fisher, 877 N.W.2d 676 (Iowa 2016))*
 - *Colloquy now includes some examples of collateral consequences of guilty plea such as loss of voting rights and right to possess firearms (among other consequences) (rule 2.8(2)(b)(3))*
 - *Expanded immigration consequences advisory (rule 2.8(2)(b)(4))*
 - *Defendant must be told they are waiving the presumption of innocence and cannot be convicted “unless the state establishes guilt beyond a reasonable doubt to the unanimous agreement of a twelve-person jury” (rule 2.8(2)(b)(5))*

- *In light of Iowa Code section 814.5(1)(a)(3), 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”*
- *Defendant must be told how much time defendant has to file a motion in arrest of judgment*
- *An official comment is added that Alford pleas are permitted*
- *Court is allowed to question defendant and may allow defendant’s attorney to do the same; prosecuting attorney may suggest questions to be asked of defendant*
- *Immediate sentencing: Provision added making clear that upon request of defendant and agreement of state, the parties may proceed to immediate sentencing if defendant waives (1) the right to file a motion in arrest of judgment, (2) the use of a PSI, 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*
- *Written guilty pleas to nonforcible class “D” felonies are now permitted and a new guilty plea form has been created*

Rule 2.9—Trial assignments

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

Rule 2.10—Plea bargaining

- *Added definition of “plea agreement”*
- *Advising court of 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 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 plea agreement is conditioned on court’s acceptance
- Clarified that failed/withdrawn guilty 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, court may establish different deadlines for filing motions
- Dismissing indictment or information (two prior subsections combined):
 - Added new catchall ground for dismissal: “prosecution is barred by some other legal ground” (rule 2.11(8)(a))
 - Removed ground: minutes from grand jury not returned
- Motion for change of venue:
 - Removed language: “such 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 preponderance of evidence
 - *If any defense expert examines defendant for purposes of any other defense and intends to testify, defendant must provide pretrial written notice and prosecuting attorney may apply for a corresponding expert to examine defendant (rule 2.11(12)(c))*

- Defendant must give notice of intoxication, entrapment, justification, necessity, duress, mistake, and prescription drug affirmative defenses

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 must 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:
 - Subject to new rule 2.27(1)(c), defendant is required to be personally present at depositions
 - If identity is 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) (*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 witness will be unavailable
 - Moved old rule 2.14(1), regarding state’s taking of depositions after filing of charges, to this rule (rule 2.13(6)(b))
 - Provision added allowing 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 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 that only clerk issues subpoenas (not magistrate)
 - Clarified that subpoenas for witnesses include deposition and trial
- Special circumstances:
 - *New rule and procedure allowing defendants to seek subpoenas from court for pretrial investigative purposes; state has notice and opportunity to object and obtain copy of any materials obtained*
 - *New rule and procedure permitting defendants to seek a preservation order from court upon showing of good cause*
- Service:
 - Clarified subpoenas cannot be served by a party and person serving subpoena must be at least 18 years old
 - Clarified contents of affidavit of service
 - Added provision allowing email service with consent of party served (but person making service must file signed acknowledgement and acceptance of service)

Rule 2.16—Pretrial conference

- New provision allowing parties to enter into written stipulations governing the proceedings with court approval and without hearing

Rule 2.17—Trial by jury or court

- Trial by jury:
 - 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 the prosecuting attorney consents”
- *New “Trial on the minutes” provision added allowing a trial based on the minutes and other materials upon agreement of parties (the parties may also agree to exclude portions of the minutes); a specific form of waiver is required (rule 2.17(2))*
- Findings:
 - 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 (*State v. Jones*, 817 N.W.2d 11 (Iowa 2012))

Rule 2.18—Juries

- Jury selection rule language updated and streamlined to reflect current practice (language regarding “ballot box” removed)
- Challenges to individual jurors for cause:
 - *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 rights of citizenship have been restored or more than 10 years have passed since the juror’s conviction or release from confinement for that felony, whichever is later” (rule 2.18(5)(a))*
 - Affinity or consanguinity challenge expanded to being relative of complaining witness or alleged victim
 - Expanded “[b]eing a party adverse to the defendant in a prior civil action” to being “adverse to the defendant in a prior civil action”
 - Removed challenge related to juror engaging in similar unlawful conduct as offense charged within last year
 - Challenge based on juror having been a defendant or victim with respect to a similar offense is limited to past year
 - Removed challenge based on juror having requested the juror’s name be returned as a juror for the regular biennial period

- Added challenge “[w]here 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 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 jurors (rule 2.18(6))*
 - Removed provisions stating “other witnesses may also be examined” and “[t]he rules of evidence appl[y]”
- New rule and procedure added for preservation for appellate review of certain denials of challenges for cause (codifying *State v. Jonas*, 904 N.W.2d 566 (Iowa 2017)) (rule 2.18(11))
- Selecting alternate jurors:
 - Added explanation of “[t]he 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
- Jurors sworn: limitation of “twelve jurors” removed (to account for alternates)

Rule 2.19—Trial

- Order of trial and arguments:
 - Added paragraph stating that “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 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 regarding 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 “[d]uty of the 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 (the concept existed before but the term has been added) (rule 2.19(5)):
 - Mistrial for accident or calamity requires “cause shown” and motion by a party, removing the parties’ ability to have mistrial by consent
 - Added paragraph allowing for mistrial if required continuance makes it impractical to proceed with same jury
 - Added catchall 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 the trial judge” provision:
 - If trial judge is unavailable, any other judge may complete proceedings
 - However, if new judge cannot “in fairness complete the proceedings,” judge may grant new trial
- Motion for judgment of acquittal: Clarified there is no need to renew the 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 of prior convictions, court shall determine if 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 is 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 (*Allen v. Iowa District Court, 582 N.W.2d 506 (Iowa 1998)*)

Rule 2.21—Evidence

- Clarified the rules of evidence apply, not "[t]he rules of evidence prescribed in civil procedure"
- Disposition of exhibits:
 - Added provision allowing for the disposal of exhibits in a class "A" felony 180 days after death of defendant
 - Added provision prohibiting clerk from disposing of exhibits when there is a pending appeal or postconviction-relief action
 - Added provision related to motion for return of exhibits

Rule 2.22—Verdict

- Form of verdict:
 - Clarified that verdict must be unanimous and rendered on each count
 - Eliminated "not guilty by reason of diminished responsibility"
- Answers to interrogatories:
 - Added special interrogatories required for accomplice issues, facts that subject defendants to a greater maximum or minimum sentence, and whether an offense was sexually motivated for purposes of sex offender registration
 - Parties can waive submission of special interrogatories on accomplice issues upon agreement
- Sealed verdicts allowed in misdemeanor cases even if defendant is in custody

- Added provision allowing the court to send back inconsistent verdicts (*State v. Mumford*, 338 N.W.2d 366 (Iowa 1983))
- Removed provision permitting judicial interpretation of “informal verdict”
- Acquittal on ground of insanity; commitment hearing:
 - Removed diminished responsibility from this section
 - Clarified the court shall hold hearing with all parties to determine mental condition 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 “a state mental health institute or other appropriate facility”

Rule 2.23—Judgment

- Forfeiture of bail; warrant of arrest: Forfeiture of bail moved to rule 2.7, warrants and summonses
- *New procedure added allowing prosecutor and defendant, with court approval, to enter into written sentencing agreement in lieu of in-person sentencing for misdemeanors and nonforcible class “D” felonies (rule 2.23(2)(a))*
- *Roadmap for sentencing is specifically set forth to attempt to conform to Iowa Code section 901.4B and other applicable law:*
 - *Verify defendant and defendant’s attorney have read and discussed PSI*
 - *Defendant’s attorney given opportunity to speak*
 - *Defendant given opportunity to speak*
 - *Prosecuting attorney given opportunity to speak*
 - *Victims allowed to be heard*
 - *Court has discretion to allow additional witnesses or evidence (rule 2.23(2)(e))*
 - *Added provision permitting court to consider “any statement of the defendant” in addition to recommendation of defendant’s attorney as a basis for sentence imposed (rule 2.23(2)(f)(2))*
 - *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*

<ul style="list-style-type: none"> ▪ <i>If defendant pled guilty, no appeal may be taken (other than a class “A” felony) without good cause</i> ▪ <i>Deadline to appeal</i> ▪ <i>Jurisdictional deadline; cannot appeal if not filed on time</i> ▪ <i>Right to appointed counsel/transcripts</i> ○ Removed “exercise of right to appeal” provision
<p>Rule 2.24—Motions after trial</p>
<ul style="list-style-type: none"> • New trial: <ul style="list-style-type: none"> ○ Made clear that court shall provide parties notice and an opportunity to be heard before granting motion for new trial ○ Attempted to provide more precision on grounds for new trial ○ Eliminated requirement for court to hear and decide motions within 30 days • Arrest of judgment: Provision regarding custody of defendant if arrest of judgment is granted revised and streamlined • Correction of sentence: <ul style="list-style-type: none"> ○ Clarified that 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 parties and opportunity to be heard is 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”: Clarified that when court orders defendant released, place of confinement must file a notice of release with clerk of court • Stay of execution: <ul style="list-style-type: none"> ○ Rule updated to take into account appeal bonds permitted by Iowa Code section 811.1 and new subsection added allowing court to stay collection of fines and restitution upon posting of appeal bond ○ 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"> • <i>Presence of defendant rule has been substantially revised</i>

- *For initial appearance, arraignment, and pleas, defendants may appear in person or via interactive audiovisual system unless written waiver is filed as provided in rule 2.2(2)(c) or rule 2.8(1)(e)*
- *For other pretrial court proceedings, defendant must be present personally or by interactive audiovisual system unless either (1) the proceeding is not a critical stage of the proceedings and the court waives defendant’s appearance, or (2) defendant waives appearance with approval of the court*
- *For depositions, defendants may waive their presence with consent of prosecuting attorney*
- *For sentencing, defendants may appear by interactive audiovisual system with consent of all parties*
- 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 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 is not required
- *Added provision permitting sentencing on written agreement with court approval for nonforcible class “D” felonies and misdemeanors*
- Added provision permitting court to have any person in courtroom searched for weapons or prohibited items; 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 are 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 court’s obligation to rule on application within 7 days
 - Updated language that appointed trial counsel shall continue as appellate counsel until an 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**

- *45-day speedy trial period commences after personal initial appearance or filing of initial appearance waiver; not arrest (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; new waiver form included that can be filed by defendant or by defendant’s counsel on defendant’s behalf
- 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 commencement 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
<ul style="list-style-type: none"> • Eliminated as unnecessary
Rule 2.36—Forms for search and arrest warrants (No changes)
Rule 2.37—Forms other than warrants
<ul style="list-style-type: none"> • Rule 2.37—Form 6: <i>Written Arraignment and Plea of Not Guilty</i> updated with new formatting and language and attorneys now permitted to file on behalf of defendants • New forms added for waiver of initial appearance and preliminary hearings for indictable offenses by pro se defendants and attorneys on behalf of represented defendants • New form added for waiver of 90-day speedy trial, which can be filed by pro se defendants or attorneys on behalf of defendants • New form added for waiver of one-year speedy trial • New form added for waiver of rights and entry of written guilty plea in misdemeanors and nonforcible class “D” felonies
SIMPLE MISDEMEANORS
<ul style="list-style-type: none"> • Rule 2.51, definition added specifically stating that “magistrate” for purposes of these rules includes all judicial officers • 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: <ul style="list-style-type: none"> ○ Language generally streamlined to reflect current practice ○ Provision regarding prior convictions made its own rule (<i>see</i> rule 2.71) • Rule 2.56, filing of complaint, renamed to “Approval of the complaint” to reflect that the prosecutor files and the magistrate approves the complaint; 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: <ul style="list-style-type: none"> ○ Arrested person must be brought “before a magistrate either personally or by interactive audiovisual system as provided by rule 2.27(1)(a) 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 person is arrested without warrant, the 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 right to appointment of counsel if there is the 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”
- **Rule 2.64(3)**, *Rule added requiring that, on request, parties shall disclose the evidence they intend to use seven days prior to trial*
- **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 from old rule 2.67, with some simplification and clarification
- **Rule 2.70**, judgment—generally reflects content from 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
- **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

EXPUNGEMENT

- **Rule 2.86**, criminal record expungement application forms updated to allow attorneys to sign on behalf of their clients