

**In the Iowa Supreme Court**

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**In the Matter of Accepting Further  
Public Comment on the Proposed  
Revised Chapter 2 Iowa Rules of  
Criminal Procedure**

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**Order**

**I. Introduction.**

The Iowa Supreme Court and a court-appointed task force have been considering a comprehensive revision of Chapter 2, Iowa Rules of Criminal Procedure. On January 31, 2022, the court adopted revised rules and submitted them to Legislative Council for review. The court then became aware that some legislators had concerns with a few of the revised rules. These concerns included the fact that the court had not allowed an opportunity for additional public input after making changes based on the original round of public comments as well as lessons learned from the COVID-19 pandemic.

Accordingly, on February 17, 2022, the court withdrew the comprehensive revision of Chapter 2 from Legislative Council consideration. The court's plan was first to await the end of the 2022 regular legislative session in case the general assembly decided to adopt legislation on any subjects covered by Chapter 2 and then to provide an opportunity for additional public input. The 2022 regular legislative session has now concluded. Therefore, the court is now providing an additional time period for public comment on any proposed rule changes made after the proposed rules were circulated for public comment in 2020. This will include an opportunity for persons who submit written comments during the forthcoming comment period to appear in person at a public session of the Criminal Rules Revision Task Force to explain and discuss their comments.

**II. Background to This Order.**

For ease of reference, the court provides the following background and timeline to the current order.

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 court has received several requests to review and update the rules.

On April 3, 2018, the court, believing that it was the appropriate time for a full review of the rules, created a task force of judges, prosecutors, defense attorneys, and law professors from around the state. The task force was asked to review the rules and make recommendations to the court for amending and updating the rules as set forth in Chapter 2 as well as promulgating new rules if needed. The task force members included:

- 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
- Honorable Edward Mansfield, Justice, Iowa Supreme Court, Des Moines, Chair
- 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

After nearly two years of work by the task force and the supreme court, the proposed revision of Chapter 2 was approved by the court for public comment. The public comment period began on March 30, 2020, and continued through July 14, 2020. During the public comment period, twenty-four written public comments, collectively totaling more than two hundred pages, were submitted from a variety of individuals and organizations for the court's review.

After the close of the public comment period, the task force met to review the submitted comments and suggest revisions based on the feedback received. The task force also created a new written guilty plea form.

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, feedback from district court judges regarding those practices, and recommendations provided by the court's Lessons Learned Task Force. The Lessons Learned Task Force was established in 2021 to review the interim policies and practices adopted in response to COVID-19 and make recommendations as to whether any of them should be retained permanently.

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 everything in the final draft, the draft reflected the consensus of the task force.

The supreme court reviewed the task force's report, made a few changes, and approved the rules and forms to be promulgated as final rules and forms in January 2022. As noted, they were submitted to Legislative Council on January 31, 2022, but were withdrawn on February 17, 2022, to allow an opportunity for further comment and consideration.

### **III. Materials Available With This Order.**

**Full text of final revised rules and forms.** The full text of the final rule revisions and forms is provided with this order. This is the same text that was filed along with the court's order on January 31, 2022.

**Red-lining showing changes made since the prior 2020 public comment period.** For ease of reference, the full text of the rule revisions with

red-lining showing changes made since the prior 2020 public comment period is also provided with this order.

**Explanation and summary of changes made since the prior 2020 public comment period.** Finally, an explanation and summary of significant changes made in response to the 2020 public comments and COVID lessons learned is provided with this order. This document is intended to provide an overview of the substantive changes made after the 2020 version of revised Chapter 2 was circulated for public comment, but it is not intended to be authoritative or complete.

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

#### **IV. Opportunities for Public Comment.**

The court invites written public comment on all rule and form changes proposed **since the previous 2020 public comment period**. Any interested organization, agency, or person may submit comments. Comments about a proposed rule or form must refer to the specific rule number and line number (for example, rule 2.2(2)(b), lines 22–27). Email comments must be sent to [rules.comments@iowacourts.gov](mailto:rules.comments@iowacourts.gov), must state **“Chapter 2 Follow-up Amendments”** in the subject line of the email, and must be sent **as an attachment to the email in Microsoft Word format**. Instead of submission by email, comments may be delivered in person or mailed to the Clerk of the Iowa Supreme Court, 1111 East Court Avenue, Des Moines, IA 50319.

Any comments received may be posted on the Iowa Judicial Branch website.

**The deadline for submitting comments is 4:30 p.m. on Friday, July 22, 2022.**

The Criminal Rules Revision Task Force will **hold an open public session on Friday, August 5, 2022, beginning at 9:00 a.m. in Room 103 (former Supreme Court Chamber) at the Iowa State Capitol**. The purpose of the session will be to allow an organization, agency, or person that has submitted a

written comment during the forthcoming comment period to appear in person and discuss and explain their position further.

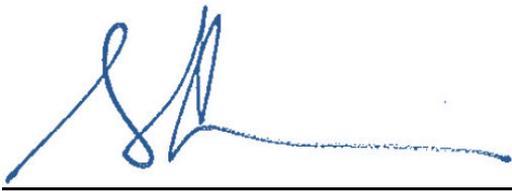
**Anyone who would like to speak at the August 5 public session should indicate their interest in doing so at the end of their written comments.**

The task force will publish a list of speakers and times in advance of the August 5 session.

This schedule is designed to allow the supreme court an opportunity to review and consider the public's input on the post-2020 proposed rule changes during the court's summer 2022 summer administrative term.

Dated this 6th day of June, 2022.

**The Iowa Supreme Court**

By:   
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Susan Larson Christensen, Chief Justice