

JUDICIAL BRANCH LEGISLATIVE PROPOSAL

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TABLE OF CONTENTS

JUDICIAL BRANCH OMNIBUS BILL	1
Apportionment of District Associate Judges.....	1
Contracting Authority – Limitation of Liability	1
Remote Testimony.....	2
Jury Data and Information Protection.....	2
Judicial Council Duties – Mental Health Advocate Standards.....	2
JUVENILE BILL	3
Title and Description of Early Intervention and Follow-up Programs.....	3
Consideration of Forthcoming Taskforce Recommendations.....	3

JUDICIAL BRANCH OMNIBUS BILL

Apportionment of District Associate Judges

Iowa Code section 602.6301

This provision of the bill would amend the apportionment of district associate judges to be consistent with apportionment of district court judges, using a weighted workload formula. Currently, district associate judges are apportioned based on county population.

Contracting Authority – Limitation of Liability

Iowa Code chapter 602, New section

This provision of the bill would authorize the judicial branch to agree to contractual limitations of liability. Vendors are increasingly requiring limitation of liability clauses in contracts, including information technology, telephone systems, colocation agreements, services, space, equipment, and other items.

The authorization to agree to limitation of liability clauses in judicial branch contracts is necessary to prevent material harm to the state courts from: (1) a failure to obtain goods and services needed by the judicial branch; or (2) obtaining goods and services at materially higher prices.

The legislature granted express statutory authority to the department of administrative services to agree to contractual limitations of liability, under certain conditions, pursuant to Iowa Code section 8A.311. This bill would provide the same authority to the judicial branch.

Remote Testimony

Iowa Code section 624.1

This provision of the bill would authorize remote testimony in civil trials. Currently, Iowa Code section 624.1 provides: “All issues of fact in ordinary actions shall be tried upon oral evidence taken in open court, except that depositions may be used as provided by law.” The court held that the phrase “in open court” meant personal presence in the courtroom itself, and ruled that allowing telephonic testimony over objection violated this statute. *In re Estate of Rutter*, 633 N.W.2d 745–46 (Iowa 2001).

Jury Data and Information Protection

1. Jury Data

Iowa Code sections 422.20(3), 422.72(3), 607A.12, and 607A.22

This provision of the bill would authorize the department of revenue to share confidential taxpayer personal identification information, limited to name, date of birth, last four digit of social security number, and address, with the judicial branch for the purpose of compiling a comprehensive statewide jury list.

2. Protection of Juror Information

Iowa Code chapter 607A, New section

This provision of the bill would add a new section to chapter 607A restricting public release of the address and date of birth of prospective jurors. The bill would stipulate that such information is confidential and not subject to disclosure without a court order.

Judicial Council Duties – Mental Health Advocate Standards

Iowa Code section 229.19

This provision of the bill would strike the requirement for judicial council to develop and promulgate best practices for mental health advocates. The requirement was added to the Code in 2012. Judicial council is not the appropriate body to develop best practices for mental health advocates and the requirement is inconsistent with current practices.

JUVENILE BILL

Title and Description of Early Intervention and Follow-up Programs

Iowa Code Section 232.192

This provision of the bill would update the title and description of early intervention and follow-up programs, which are provided using graduated sanctions funds.

Currently, program funds for juvenile court services referred to as “graduated sanctions” are appropriated via the health and human services appropriations bill and the services provided with the funds are referred to as “early intervention and follow-up programs” in the Code. The terms do not accurately reflect the services provided it is confusing to use different terms to describe the same funds and services.

For consistency, and to better reflect the community focused programming and restorative justice model of juvenile court services, this provision of the bill would change the title of “early intervention and follow-up programs” to “juvenile justice delinquency prevention”.

For FY24, “graduated sanctions” funds will be appropriated directly to the judicial branch via the judicial branch appropriations bill. For consistency of terminology, it will be necessary to request a corresponding change to the term “graduated sanctions” in the appropriations bill. In the budgeting process, we will request for the term “graduated sanctions” to be replaced by “juvenile justice delinquency prevention”.

Consideration of Forthcoming Taskforce Recommendations