

House File 336

H-1239

1 Amend House File 336 as follows:

2 1. By striking everything after the enacting clause and
3 inserting:

4 <Section 1. Section 822.6, subsection 1, Code 2019, is
5 amended to read as follows:

6 1. Within thirty days after the docketing of the
7 application, or within any further time the court may fix,
8 the state shall respond by answer or by motion which may
9 be supported by affidavits. At any time prior to entry of
10 judgment the court may grant leave to withdraw the application.
11 The court may make appropriate orders for amendment of the
12 application or any pleading or motion, for pleading over, for
13 filing further pleadings or motions, or for extending the time
14 of the filing of any pleading. In considering the application
15 the court shall take account of substance regardless of defects
16 of form. ~~If the application is not accompanied by the record
17 of the proceedings challenged therein, the respondent shall
18 file with its answer the record or portions thereof that are
19 material to the questions raised in the application.~~

20 Sec. 2. NEW SECTION. 822.6A Underlying trial court record
21 part of application.

22 The underlying trial court record containing the conviction
23 for which an applicant seeks postconviction relief, as well as
24 the court file containing any previous application filed by the
25 applicant relating to the same conviction, shall automatically
26 become part of the record in a claim for postconviction relief
27 under this chapter.

28 Sec. 3. NEW SECTION. 822.6B Electronic access to trial
29 court records.

30 1. Upon the filing of an application, the clerk of the
31 district court shall make the underlying trial court record
32 accessible to the applicant's attorney, the county attorney,
33 and the attorney general, without the necessity of a court
34 order. If the underlying trial court record is not available
35 in electronic format, the clerk of the district court shall

1 convert the record to an electronic format and make the record
2 available to the applicant's attorney, the county attorney, and
3 the attorney general, without the necessity of a court order.

4 2. Upon request by an attorney of record, the clerk of
5 the district court shall make the court file containing
6 any previous application filed by the applicant relating to
7 the same conviction accessible to the applicant's attorney,
8 the county attorney, and the attorney general, without the
9 necessity of a court order. If the court file containing any
10 previous application is not available in an electronic format,
11 the clerk of the district court shall convert the court file
12 containing any previous application to an electronic format
13 and make the court file containing any previous application
14 available to the applicant's attorney, the county attorney, and
15 the attorney general, without the necessity of a court order.

16 Sec. 4. NEW SECTION. **822.6C Associated costs.**

17 Costs shall not be charged to the applicant, the applicant's
18 attorney, the county attorney, or the attorney general
19 for converting a court file to an electronic format or for
20 otherwise providing access to a court file under this chapter.>

LOHSE of Polk