

Senate Study Bill 1097 - Introduced

SENATE FILE _____
BY (PROPOSED COMMITTEE
ON JUDICIARY BILL BY
CHAIRPERSON HOGG)

A BILL FOR

1 An Act relating to the transmission of court records by the
2 clerk of the district court to the clerk of the supreme
3 court in an appeal.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. NEW SECTION. 602.8103A Transmission of record
2 on appeal.

3 1. a. The clerk of the district court shall be solely
4 responsible for transmitting the record on appeal to the
5 clerk of the supreme court in civil and criminal proceedings.
6 The clerk of the district court shall only transmit the
7 record to the clerk of the supreme court upon the request
8 of the appellee, appellant, the attorney for the appellee or
9 appellant, or the appellate court.

10 b. The requirements of paragraph "a" shall not be delegated
11 to another party. The appellee, appellant, the attorney for
12 the appellee or appellant, or any agent of the appellee or
13 appellant shall not transmit any part of the appellate record
14 to the clerk of the supreme court.

15 2. For purposes of this section, the "record on appeal"
16 consists of the original documents and exhibits filed in
17 district court, transcripts of the proceedings, and a certified
18 copy of the docket and court calendar entries prepared by
19 the clerk of the district court in the case under appeal.
20 Exhibits of unusual size or bulk are not required to be
21 transmitted by the clerk of the district court unless requested
22 by the appellee, appellant, the attorney for the appellee or
23 appellant, or the appellate court.

24 3. If a request is made pursuant to subsection 1, within
25 seven days of the filing of the final briefs in the appeal, the
26 clerk of the district court shall transmit any of the remaining
27 record to the clerk of the supreme court.

28 Sec. 2. REPEAL. Section 625A.7, Code 2013, is repealed.

29 EXPLANATION

30 This bill relates to the transmission of court records by the
31 clerk of the district court to the clerk of the supreme court
32 in an appeal.

33 The bill specifies that the clerk of the district court shall
34 be solely responsible for transmitting the record on appeal to
35 the clerk of the supreme court. The bill requires the clerk of

1 the district court to only transmit the record to the clerk of
2 the supreme court upon the request of the appellee, appellant,
3 the attorney for the appellee or appellant, or the appellate
4 court.

5 The bill specifies the record on appeal shall consist of
6 the original documents and exhibits filed in district court,
7 transcripts of the proceedings, and a certified copy of the
8 docket and court calendar entries prepared by the clerk of the
9 district court in the case under appeal.

10 Under the bill, exhibits of unusual size or bulk are not
11 required to be transmitted by the clerk of the district court
12 unless requested by the appellee, appellant, the attorney for
13 the appellee or appellant, or the appellate court.

14 The bill also requires that the clerk of the district court
15 transmit any of the remaining record to the clerk of the
16 supreme court within seven days after the final briefs have
17 been filed in the appeal.