

House File 336 - Introduced

HOUSE FILE 336
BY COMMITTEE ON JUDICIARY

(SUCCESSOR TO HSB 28)

A BILL FOR

1 An Act relating to postconviction relief procedure and the
2 underlying trial court record of the proceedings challenged.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 822.6, subsection 1, Code 2019, is
2 amended to read as follows:

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

17 Sec. 2. NEW SECTION. **822.6A Underlying trial court record**
18 **part of application.**

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

25 Sec. 3. NEW SECTION. **822.6B Electronic access to trial**
26 **court records.**

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

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

20 The bill provides that no costs shall be assessed to the
21 applicant, the applicant's attorney, the county attorney, or
22 the attorney general for converting a court file or providing
23 access to a court file under Code chapter 822 (postconviction
24 procedure).