

Senate File 2185 - Introduced

SENATE FILE 2185
BY COMMITTEE ON JUDICIARY

(SUCCESSOR TO SSB 3015)

A BILL FOR

1 An Act relating to documents that may be filed pro se by
2 a defendant represented by counsel or an applicant for
3 postconviction relief represented by counsel.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 814.6A, subsections 1 and 3, Code 2022,
2 are amended to read as follows:

3 1. A Except as otherwise provided in subsection 3, a
4 defendant who is currently represented by counsel shall not
5 file any pro se document, including a brief, reply brief, or
6 motion, in any Iowa court. The court shall not consider, and
7 opposing counsel shall not respond to, such pro se filings.

8 3. A defendant currently represented by counsel may file a
9 ~~pro se motion seeking disqualification of the counsel, which a~~
10 ~~court may grant upon a showing of good cause~~ the following pro
11 se documents:

12 a. A pro se motion seeking disqualification of the counsel,
13 which a court may grant upon a showing of good cause.

14 b. A pro se notice of appeal.

15 c. A pro se response to a motion to withdraw pursuant to
16 rule of appellate procedure 6.1005.

17 Sec. 2. Section 822.3A, subsections 1 and 3, Code 2022, are
18 amended to read as follows:

19 1. ~~An~~ Except as otherwise provided in subsection 3, an
20 applicant seeking relief under [section 822.2](#) who is currently
21 represented by counsel shall not file any pro se document,
22 including an application, brief, reply brief, or motion, in any
23 Iowa court. The court shall not consider, and opposing counsel
24 shall not respond to, such pro se filings.

25 3. A represented applicant for postconviction relief may
26 ~~file a pro se motion seeking disqualification of counsel, which~~
27 ~~a court may grant upon a showing of good cause~~ the following
28 pro se documents:

29 a. A pro se motion seeking disqualification of counsel,
30 which a court may grant upon a showing of good cause.

31 b. A pro se notice of appeal.

32 EXPLANATION

33 The inclusion of this explanation does not constitute agreement with
34 the explanation's substance by the members of the general assembly.

35 This bill relates to documents that may be filed pro se

1 by a defendant represented by counsel or an applicant for
2 postconviction relief represented by counsel.

3 The bill provides that a defendant represented by counsel
4 may file, pro se, a motion seeking disqualification of the
5 counsel, a notice of appeal, and a response to a motion
6 to withdraw pursuant to rule of appellate procedure 6.1005
7 (frivolous appeals; withdrawal of counsel).

8 The bill provides that an applicant for postconviction
9 relief represented by counsel may file, pro se, a motion
10 seeking disqualification of the counsel and a notice of appeal.

11 The bill makes conforming Code changes.