

Senate Study Bill 3099 - Introduced

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

A BILL FOR

1 An Act permitting leaders of the general assembly to file
2 amicus curiae briefs in appellate proceedings.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. NEW SECTION. 625A.19 Members of the general
2 assembly as amicus curiae.

3 1. When the constitutionality of an Act of the Iowa
4 legislature is drawn into question in any appellate proceeding
5 or further review proceeding to which the general assembly
6 or an officer, agency, or employee thereof is not a party,
7 the majority leader of the senate, the minority leader of
8 the senate, the speaker of the house of representatives,
9 and minority leader of the house of representatives shall
10 each be permitted to file an amicus curiae brief on the
11 constitutionality of the Act. Other members of the general
12 assembly may sign an amicus curiae brief filed pursuant to this
13 subsection. The form of the brief shall be as provided in rule
14 of appellate procedure 6.906.

15 2. A member of the general assembly shall not sign more than
16 one amicus curiae brief in an appellate proceeding or further
17 review proceeding, including briefs filed pursuant to this
18 section and pursuant to other provisions of law.

19 EXPLANATION

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

22 This bill allows the majority leader of the senate, the
23 minority leader of the senate, the speaker of the house
24 of representatives, and minority leader of the house of
25 representatives to file an amicus curiae brief in any appellate
26 proceeding when the constitutionality of an Act of the
27 legislature is called into question. Each leader may file a
28 separate amicus curiae brief in the proceeding. The leader's
29 right to file an amicus curiae brief does not require the leave
30 of the court or written consent of the parties. The bill
31 permits a legislator to sign not more than one amicus curiae
32 brief in an appellate proceeding or further review proceeding.