SENATE FILE 158
BY COMMITTEE ON JUDICIARY

(SUCCESSOR TO SSB 1005)

(As Amended and Passed by the Senate March 20, 2019)

_____ = New Language by the Senate

A BILL FOR

An Act relating to postconviction relief procedure and the underlying trial court record of the proceedings challenged.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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

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

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

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

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

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

2. Upon request by an attorney of record, the clerk of the district court shall make the court file containing any previous application filed by the applicant relating to the same conviction accessible to the applicant's attorney, the county attorney, and the attorney general, without the necessity of a court order. If the court file containing any previous application is not available in an electronic format, the clerk of the district court shall convert the court file containing any previous application to an electronic format and make the court file containing any previous application available to the applicant's attorney, the county attorney, and the attorney general, without the necessity of a court order.

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

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