

CHAPTER 1018
POSTCONVICTION PROCEEDINGS – APPEALS
S.F. 2087

AN ACT providing that appeal of certain sentences be by writ of certiorari.

Be It Enacted by the General Assembly of the State of Iowa:

Section 1. Section 822.9, Code 1995, is amended by striking the section and inserting in lieu thereof the following:

822.9 APPEAL.

An appeal from a final judgment entered under this chapter may be taken, perfected, and prosecuted either by the applicant or by the state in the manner and within the time after judgment as provided in the rules of appellate procedure for appeals from final judgments in criminal cases. However, if a party is seeking an appeal under section 822.2, subsection 6, the appeal shall be by writ of certiorari.

Approved March 29, 1996

CHAPTER 1019
COURT RECORDS – MISCELLANEOUS PROVISIONS
S.F. 2405

AN ACT relating to the duties of the clerk of court concerning court records.

Be It Enacted by the General Assembly of the State of Iowa:

Section 1. Section 236.5, subsection 5, Code Supplement 1995, is amended to read as follows:

5. A ~~certified~~ copy of any order or approved consent agreement shall be issued to the plaintiff, the defendant and the county sheriff having jurisdiction to enforce the order or consent agreement, and the twenty-four hour dispatcher for the county sheriff. Any subsequent amendment or revocation of an order or consent agreement shall be forwarded by the clerk to all individuals and the county sheriff previously notified. The clerk shall notify the county sheriff and the twenty-four hour dispatcher for the county sheriff in writing so that the county sheriff and the county sheriff's dispatcher receive written notice within six hours of filing the order, approved consent agreement, amendment, or revocation. The clerk may fulfill this requirement by sending the notice by facsimile or other electronic transmission which reproduces the notice in writing within six hours of filing the order. The county sheriff's dispatcher shall notify all law enforcement agencies having jurisdiction over the matter and the twenty-four hour dispatcher for the law enforcement agencies upon notification by the clerk. ~~The clerk shall send or deliver a written copy of any such document to the law enforcement agencies and the twenty-four hour dispatcher within twenty-four hours of filing the document.~~

Sec. 2. Section 602.8103, subsection 2, Code 1995, is amended to read as follows:

2. Reproduce original records of the court by any reasonably permanent legible means including, but not limited to, reproduction by photographing, photostating, microfilming, ~~and computer cards, and electronic digital format.~~ The reproduction shall include proper indexing. The reproduced record has the same authenticity as the original record. The supreme court shall adopt rules to provide for continued evaluation of the accessibility of records stored or reproduced in electronic digital format.

Sec. 3. Section 602.8103, subsection 4, paragraph c, Code 1995, is amended to read as follows:

c. Records, dockets, and court files of civil and criminal actions heard in the municipal court which were transferred to the clerk, other than juvenile and adoption proceedings, or heard in justice of the peace proceedings, after a period of twenty years from the date of filing of the actions.

Sec. 4. Section 602.8103, subsection 4, Code 1995, is amended by adding the following new paragraph:

NEW PARAGRAPH. j. Court reporters' notes and certified transcripts of those notes in mental health hearings under section 229.12 and substance abuse hearings under section 125.82, ninety days after respondent has been discharged from involuntary custody.

Approved March 29, 1996

CHAPTER 1020
VESSELS – CERTIFICATES OF TITLE
S.F. 2259

AN ACT relating to issuance of a certificate of title for a documented vessel.

Be It Enacted by the General Assembly of the State of Iowa:

Section 1. Section 462A.77, subsection 3, Code 1995, is amended to read as follows:

3. a. A person who, on January 1, 1988, is the owner of a vessel seventeen feet or longer in length with a valid certificate of number issued by the state is not required to file an application for a certificate of title for the vessel. A person who, on or after January 1, 1988, purchases a vessel seventeen feet or longer in length which was registered with a valid certificate of number issued by this state before January 1, 1988, shall obtain a certificate of title for the vessel.

b. A person who is the owner of a vessel that is documented with the United States coast guard is not required to file an application for a certificate of title for the vessel and the vessel is exempt from the requirements of sections 462A.82* and 462A.84.

Sec. 2. Section 462A.82, Code 1995, is amended by adding the following new subsection:

NEW SUBSECTION. 3. If a vessel is documented with the United States coast guard, the owner shall mail or deliver to the county recorder proof of the documentation and the owner's certificate of title issued pursuant to this chapter is canceled upon the delivery. A title tax is not required on these transactions.

Approved March 29, 1996

*Section 462A.82, subsections 1 and 2 probably intended