

House File 2041 - Introduced

HOUSE FILE _____
BY R. OLSON

Passed House, Date _____ Passed Senate, Date _____
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____
Approved _____

A BILL FOR

1 An Act relating to the reconsideration of a misdemeanor sentence.
2 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
3 TLSB 5581YH 82
4 jm/rj/8

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1 1 Section 1. Section 903.2, Code 2007, is amended to read as
1 2 follows:
1 3 903.2 RECONSIDERATION OF MISDEMEANANT'S SENTENCE.
1 4 For a period of ~~thirty~~ ninety days from the date when a
1 5 person convicted of a misdemeanor begins to serve a sentence
1 6 of confinement, the court may order the person to be returned
1 7 to the court, at which time the court may review its previous
1 8 action and reaffirm it or substitute for it any sentence
1 9 permitted by law. The sentencing court retains jurisdiction
1 10 for the limited purposes of conducting such review and
1 11 entering an appropriate order notwithstanding the timely
1 12 filing of a notice of appeal or an application for
1 13 discretionary review. The court's final order in the
1 14 proceeding shall be delivered to the defendant personally or
1 15 by regular mail. Such action is discretionary with the court
1 16 and its decision to take the action or not to take the action
1 17 is not subject to appeal. The other provisions of this
1 18 section notwithstanding, for the purposes of appeal a judgment
1 19 of conviction is a final judgment when pronounced.

EXPLANATION

1 20
1 21 This bill relates to the reconsideration of a misdemeanor
1 22 sentence.
1 23 The bill provides that a person's sentence to a term of
1 24 confinement for a misdemeanor may be reconsidered by the court
1 25 within 90 days from the date the person begins to serve the
1 26 sentence. Current law provides that a person serving a
1 27 misdemeanor sentence may be reconsidered within 30 days of the
1 28 date the person begins to serve the sentence.
1 29 Reconsideration of sentence occurs when the court sentences
1 30 a person to a term of confinement and then orders the person
1 31 returned to court, at which time the court reviews its
1 32 previous sentence and may substitute for the previous sentence
1 33 any other sentence permitted by law.
1 34 LSB 5581YH 82
1 35 jm/rj/8