Reprinted 1/23/84

SENATE FILE 480

BY COMMITTEE ON JUDICIARY

Approved 3/83 (p. 839)
Ex " 1/9/84 (p. 22)

Passed Senate, Date 1-16-84 (p. 109) Passed House, Date 3-27-84 (p. 1311)

Vote: Ayes 47 Nays 0 Vote: Ayes 95 Nays 0

Approved 4-25-84

Reconsidered & Bypassed 1-18-84 (159)
39-0

A BILL FOR

An Act relating to jurisdiction of the district court in the possible reconsideration of a felon's or misdemeanant's sentence.

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

SENATE FILE 480

S-5033

Amend Senate File 480 as follows:

1. Page 1, by striking lines 1 through 21 and inserting in lieu thereof the following:

"Section 1. Section 902.4, Code Supplement, 1983, is amended to read as follows:

902.4 RECONSIDERATION OF FELON'S SENTENCE. For a period of ninety days from the date when a person convicted of a felony, other than a class "A" felony or a felony for which a minimum sentence of confinement is imposed, begins to serve a sentence of confinement, the court, on its own motion or on the recommendation of the director of the Iowa department of corrections, may order the person to be returned to the court, at which time the court may review its previous action and reaffirm it or substitute for it any sentence permitted by law. The district court retains jurisdiction for the limited purposes of conducting such review and entering an appropriate order notwithstanding the timely filing of a notice of appeal. The court's final order in the proceeding shall be delivered to the defendant personally or by certified mail. The court's decision to take the action or not to take the action is not subject to appeal. However, for the purposes of appeal, a judgment of conviction of a felony is a final judgment when pronounced."

S-5033 FILED & ADOPTED
JANUARY 18, 1984 (p. 159)

BY LOWELL L. JUNKINS
DONALD V. DOYLE

S.F. 480 H.F. _____

1 Section 1. Section 902.4, Code 1983, is amended to read
2 as follows:
3 902.4 RECONSIDERATION OF FELON'S SENTENCE. For a period
4 of ninety days from the date when a person convicted of a
5 felony, other than a class "A" felony or a felony for which
6 a minimum sentence of confinement is imposed, begins to serve
7 a sentence of confinement, the court, on its own motion or
8 on the recommendation of the commissioner of social services,
9 may order the person to be returned to the court, at which
10 time the court may review its previous action and reaffirm
11 it or substitute for it any sentence permitted by law. The
12 district court retains jurisdiction for the limited purposes
13 of conducting such review and entering an appropriate order
14 notwithstanding the timely filing of a notice of appeal.
15 The court's final order in ~~any such~~ the proceeding shall be
16 delivered to the defendant personally or by certified mail.
17 Such action is discretionary with the court, and its decision
18 to take ~~such~~ the action or not to take ~~such~~ the action is
19 not subject to appeal. The other provisions of this section
20 notwithstanding, for the purposes of appeal, a judgment of
21 conviction of a felony is a final judgment when pronounced.
22 Sec. 2. Section 903.2, Code 1983, is amended to read as
23 follows:
24 903.2 RECONSIDERATION OF MISDEMEANANT'S SENTENCE. For
25 a period of thirty days from the date when a person convicted
26 of a misdemeanor begins to serve a sentence of confinement,
27 the court may order the person to be returned to the court,
28 at which time the court may review its previous action and
29 reaffirm it or substitute for it any sentence permitted by
30 law. The sentencing court retains jurisdiction for the limited
31 purposes of conducting such review and entering an appropriate
32 order notwithstanding the timely filing of a notice of appeal
33 or an application for discretionary review. The court's final
34 order in ~~any such~~ the proceeding shall be delivered to the
35 defendant personally or by certified mail. Such action is

1 discretionary with the court and its decision to take ~~such~~
2 the action or not to take ~~such~~ the action is not subject to
3 appeal. The other provisions of this section notwithstanding,
4 for the purposes of appeal a judgment of conviction is a final
5 judgment when pronounced.
6 EXPLANATION
7 By motion in a pending criminal appeal the supreme court
8 is often asked to order a limited remand to make sure the
9 district court has jurisdiction to reconsider a sentence
10 pursuant to Iowa Code section 902.4 or 903.2. This bill's
11 amendments are intended to render such motions unnecessary.
12 The bill would take effect July 1 following its enactment.
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Senate File 480

Judiciary and Law Enforcement: Rosenberg, Chair; Halvorson of Clayton, McKean, Tabor and Varn

Do Pass 3/23/84 (J. 1245)

SENATE FILE 480

BY COMMITTEE ON JUDICIARY

(AS AMENDED AND PASSED BY THE SENATE JANUARY 18, 1984)

Passed Senate, Date 1-18-84 (J. 159) Passed House, Date 3-27-84 (J. 1311)

Vote: Ayes 47 Nays 0 Vote: Ayes 95 Nays 0

Approved April 25, 1984

A BILL FOR

1 An Act relating to jurisdiction of the district court in
2 the possible reconsideration of a felon's or misdemeanant's
3 sentence.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
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13 ▬▬▬▬▬▬ = New Language by the Senate
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S.F. 483 H.F. _____

1 Section 1. Section 902.4, Code Supplement, 1983, is amended
2 to read as follows:
3 902.4 RECONSIDERATION OF FELON'S SENTENCE. For a period
4 of ninety days from the date when a person convicted of a
5 felony, other than a class "A" felony or a felony for which
6 a minimum sentence of confinement is imposed, begins to serve
7 a sentence of confinement, the court, on its own motion or
8 on the recommendation of the director of the Iowa department
9 of corrections, may order the person to be returned to the
10 court, at which time the court may review its previous action
11 and reaffirm it or substitute for it any sentence permitted
12 by law. The district court retains jurisdiction for the
13 limited purposes of conducting such review and entering an
14 appropriate order notwithstanding the timely filing of a
15 notice of appeal. The court's final order in the proceeding
16 shall be delivered to the defendant personally or by certified
17 mail. The court's decision to take the action or not to take
18 the action is not subject to appeal. However, for the purposes
19 of appeal, a judgment of conviction of a felony is a final
20 judgment when pronounced.
21 Sec. 2. Section 903.2, Code 1983, is amended to read as
22 follows:
23 903.2 RECONSIDERATION OF MISDEMEANANT'S SENTENCE. For
24 a period of thirty days from the date when a person convicted
25 of a misdemeanor begins to serve a sentence of confinement,
26 the court may order the person to be returned to the court,
27 at which time the court may review its previous action and
28 reaffirm it or substitute for it any sentence permitted by
29 law. The sentencing court retains jurisdiction for the limited
30 purposes of conducting such review and entering an appropriate
31 order notwithstanding the timely filing of a notice of appeal
32 or an application for discretionary review. The court's final
33 order in ~~any such~~ the proceeding shall be delivered to the
34 defendant personally or by certified mail. Such action is
35 discretionary with the court and its decision to take ~~such~~

the action or not to take ~~such~~ the action is not subject to appeal. The other provisions of this section notwithstanding, for the purposes of appeal a judgment of conviction is a final judgment when pronounced.

SENATE FILE 480

AN ACT

RELATING TO JURISDICTION OF THE DISTRICT COURT IN THE POSSIBLE RECONSIDERATION OF A FELON'S OR MISDEMEANANT'S SENTENCE.

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

Section 1. Section 902.4, Code Supplement, 1983, is amended to read as follows

902.4 RECONSIDERATION OF FELON'S SENTENCE. For a period of ninety days from the date when a person convicted of a felony, other than a class "A" felony or a felony for which a minimum sentence of confinement is imposed, begins to serve a sentence of confinement, the court, on its own motion or on the recommendation of the director of the Iowa department of corrections, may order the person to be returned to the court, at which time the court may review its previous action and reaffirm it or substitute for it any sentence permitted by law. The district court retains jurisdiction for the limited purposes of conducting such review and entering an appropriate order notwithstanding the timely filing of a notice of appeal. The court's final order in the proceeding shall be delivered to the defendant personally or by certified mail The court's decision to take the action or not to take the action is not subject to appeal. However, for the purposes of appeal, a judgment of conviction of a felony is a final judgment when pronounced

Sec. 2. Section 903.2, Code 1983, is amended to read as follows:

903.2 RECONSIDERATION OF MISDEMEANANT'S SENTENCE. For a period of thirty days from the date when a person convicted of a misdemeanor begins to serve a sentence of confinement, the court may order the person to be returned to the court, at which time the court may review its previous action and reaffirm it or substitute for it any sentence permitted by

law. The sentencing court retains jurisdiction for the limited purposes of conducting such review and entering an appropriate order notwithstanding the timely filing of a notice of appeal or an application for discretionary review. The court's final order in ~~any such~~ the proceeding shall be delivered to the defendant personally or by certified mail. Such action is discretionary with the court and its decision to take ~~such~~ the action or not to take ~~such~~ the action is not subject to appeal The other provisions of this section notwithstanding, for the purposes of appeal a judgment of conviction is a final judgment when pronounced.

ROBERT T. ANDERSON
President of the Senate

DONALD D. AVENSON
Speaker of the House

I hereby certify that this bill originated in the Senate and is known as Senate File 480, Seventieth General Assembly.

K. MARIE THAYER
Secretary of the Senate

Approved April 25, 1984

TERRY E. BRANSTAD
Governor

S.F. 480