

Am. Assembly 2/10/90, 3/1/90

FILED JAN 24 1990

SENATE FILE 2139
BY COMMITTEE ON JUDICIARY
approved 1/24/90

(SUCCESSOR TO SSB 2059)

Passed Senate, Date 2-10/1990 Passed House, Date 3/13/90
Vote: Ayes 17 Nays 2 Vote: Ayes 25 Nays 0
Approved MARCH 26, 1990

A BILL FOR

1 An Act relating to the appeal process for certain postconviction
2 procedures.

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

- 4
- 5
- 6
- 7
- 8
- 9
- 10
- 11
- 12
- 13
- 14
- 15
- 16
- 17
- 18
- 19
- 20
- 21
- 22
- 23

SF 2139

1 Section 1. Section 663A.9, Code 1989, is amended to read
2 as follows:

3 663A.9 APPEAL.

4 An appeal from a final judgment entered under this chapter
5 may be taken, perfected, and prosecuted either by the
6 applicant or by the state in the manner and within the time
7 after judgment as provided in the rules of appellate procedure
8 for appeals from final judgments in criminal cases. However,
9 if the applicant is seeking an appeal under section 663A.2,
10 subsection 6, the appeal shall be by writ of certiorari.

11 EXPLANATION

12 This bill requires that applicants appealing a prison
13 disciplinary decision to the Iowa supreme court do so by a
14 writ of certiorari.

15 This bill may include a state mandate under section 25B.3.

16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35

FULHRMAN, CH.
GETTINGS
COLEMAN

SSB 2059
JUDICIARY

SENATE FILE 2139
BY (PROPOSED DEPARTMENT OF
INSPECTIONS AND APPEALS
BILL)

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

A BILL FOR

1 An Act relating to the appeal process for certain postconviction
2 procedures.

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

4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23

1 Section 1. Section 663A.9, Code 1989, as amended to read
2 as follows:

3 663A.9 APPEAL.

4 An appeal from a final judgment entered under this chapter
5 may be taken, perfected, and prosecuted either by the
6 applicant or by the state in the manner and within the time
7 after judgment as provided in the rules of appellate procedure
8 for appeals from final judgments in criminal cases. However,
9 if the applicant is seeking an appeal under section 663A.2,
10 subsection 6, the appeal shall be by writ of certiorari.

11 EXPLANATION

12 This bill requires that applicants appealing a prison
13 disciplinary decision to the Iowa supreme court do so by a
14 writ of certiotari.

15

16

17

18

19

20

21

22

23

24

25

26

27

28

29

30

31

32

33

34

35

if the applicant is seeking an appeal under section 663A.2,
subsection 6, the appeal shall be by writ of certiorari.

SENATE FILE 2139

AN ACT
RELATING TO THE APPEAL PROCESS FOR CERTAIN POSTCONVICTION
PROCEDURES.

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

Section 1. Section 663A.9, Code 1989, is amended to read
as follows:

663A.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,

JO ANN ZIMMERMAN
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 2139, Seventy-third General Assembly.

JOHN F. DWYER
Secretary of the Senate

Approved March 26, 1990

TERRY E. BRANSTAD
Governor

SF 2139