

1-31-96 Judiciary
FILED JAN 25 1996
2/26/96 Do Pass

SENATE FILE 2087
BY COMMITTEE ON JUDICIARY

(SUCCESSOR TO SSB 2061)

Passed Senate, ^(P. 190) Date 1-31-96

Passed House, ^(P. 862) Date 3/20/96

Vote: Ayes 46 Nays 0

Vote: Ayes 98 Nays 0

Approved March 29, 1996

A BILL FOR

1 An Act providing that appeal of certain sentences be by writ of
2 certiorari.

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

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S.F. 2087

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

4 822.9 APPEAL.

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

12 EXPLANATION

13 This bill strikes and replaces a provision relating to
14 appeals in postconviction proceedings. The replacement of the
15 provision has the effect of reenacting the current Code
16 language, including a change which was made in 1992, that pro-
17 vides that appeals of forfeiture of reductions in sentences
18 must be made by writ of certiorari.

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Giannetto
Vilsack
Fraisel
Redfern
McKean

SSB-2061
Judiciary

SENATE FILE 2087
BY (PROPOSED COMMITTEE ON
JUDICIARY BILL BY
CHAIRPERSON GIANNETTO)

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

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if a party is seeking an appeal under section 822.2,
subsection 6, the appeal shall be by writ of certiorari.

LEONARD L. BOSWELL
President of the Senate

RON J. CORBETT
Speaker of the House

I hereby certify that this bill originated in the Senate and
is known as Senate File 2087, Seventy-sixth General Assembly.

JOHN F. DWYER
Secretary of the Senate

Approved March 29, 1996

TERRY E. BRANSTAD
Governor

SENATE FILE 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
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