

822.3 How to commence proceeding — limitation.

A proceeding is commenced by filing an application verified by the applicant with the clerk of the district court in which the conviction or sentence took place. However, if the applicant is seeking relief under [section 822.2, subsection 1](#), paragraph “f”, the application shall be filed with the clerk of the district court of the county in which the applicant is being confined within ninety days from the date the disciplinary decision is final. All other applications must be filed within three years from the date the conviction or decision is final or, in the event of an appeal, from the date the writ of procedendo is issued. However, this limitation does not apply to a ground of fact or law that could not have been raised within the applicable time period. For purposes of [this section](#), a ground of fact includes the results of DNA profiling ordered pursuant to an application filed under [section 81.10](#). An allegation of ineffective assistance of counsel in a prior case under this chapter shall not toll or extend the limitation periods in this section nor shall such claim relate back to a prior filing to avoid the application of the limitation periods. Facts within the personal knowledge of the applicant and the authenticity of all documents and exhibits included in or attached to the application must be sworn to affirmatively as true and correct. The supreme court may prescribe the form of the application and verification. The clerk shall docket the application upon its receipt and promptly bring it to the attention of the court and deliver a copy to the county attorney and the attorney general.

[C71, 73, 75, 77, 79, 81, §663A.3]

[84 Acts, ch 1193, §1](#); [89 Acts, ch 96, §1](#)

C93, §822.3

[2006 Acts, ch 1010, §163](#); [2019 Acts, ch 140, §34](#); [2019 Acts, ch 149, §8](#)

Referred to in [§602.8102\(115\)](#), [822.4](#)

See Code editor’s note on simple harmonization at the end of Vol VI

Section amended