

House Amendment 3129

Amendment Text

PAG LIN

1 1 Amend the amendment, [H-3109](#), to [House File 2](#), as
1 2 follows:
1 3 #1. Page 7, by inserting after line 45 the
1 4 following:
1 5 "Sec. ____ NEW SECTION. 901.12 NEW EVIDENCE IN
1 6 DEATH PENALTY CASES.
1 7 Notwithstanding Iowa rules of criminal procedure
1 8 23, Iowa court rules, third edition, if a defendant
1 9 has discovered important and material evidence in the
1 10 defendant's favor since the verdict in the defendant's
1 11 case, which the defendant could not with reasonable
1 12 diligence have discovered and produced at the trial,
1 13 the defendant may file a motion based upon this
1 14 ground, without unreasonable delay, at any time. If a
1 15 motion for a new trial is made under this section, the
1 16 defendant must produce, at the hearing, the affidavits
1 17 or testimony of the witnesses by whom the evidence is
1 18 expected to be given. If time is required by the
1 19 defendant to procure the affidavits or testimony, the
1 20 court may postpone the hearing of the motion for a
1 21 reasonable period of time."
1 22 #2. By numbering, renumbering, and correcting
1 23 internal references as necessary.
1 24
1 25
1 26 _____
1 27 [HOLVECK](#) of Polk
1 28
1 29
1 30 _____
1 31 [JOCHUM](#) of Dubuque
1 32
1 33
1 34 _____
1 35 [CONNORS](#) of Polk
1 36
1 37
1 38 _____
1 39 [BERNAU](#) of Story
1 40
1 41
1 42 _____
1 43 [WITT](#) of Black Hawk
1 44
1 45
1 46 _____
1 47 [MASCHER](#) of Johnson
1 48
1 49
1 50 _____
2 1 [SHOULTZ](#) of Black Hawk
2 2
2 3
2 4 _____
2 5 [BRAND](#) of Benton
2 6
2 7

2 8 _____
2 9 [KOENIGS](#) of Mitchell
2 10
2 11
2 12 _____
2 13 [BURNETT](#) of Story
2 14 [HF 2.244](#) 76
2 15 lh/jj