

House File 2450

H-8110

1 Amend House File 2450 as follows:

2 1. By striking page 3, line 32, through page 4, line 3, and
3 inserting:

4 ~~<3. A motion filed under this section shall be filed in~~
5 ~~the county where the defendant was convicted, and notice~~
6 ~~of the motion shall be served by certified mail upon the~~
7 ~~county attorney and, if known, upon the state, local agency,~~
8 ~~or laboratory holding evidence described in subsection 2,~~
9 ~~paragraph "k". The county attorney shall have sixty days to~~
10 ~~file an answer to the motion. The motion shall be heard in,~~
11 ~~and before any judge of the court in which the defendant's~~
12 ~~conviction or sentence took place. A record of the proceedings~~
13 ~~shall be made and preserved. All rules and statutes applicable~~
14 ~~in civil proceedings including pretrial and discovery~~
15 ~~procedures shall be available to the parties. The court may~~
16 ~~receive proof of affidavits, depositions, oral testimony, or~~
17 ~~other evidence, and may order the defendant brought before it~~
18 ~~for the hearing on the motion.>~~

19 2. Page 6, after line 34 by inserting:

20 ~~<13. If the court determines after DNA profiling ordered~~
21 ~~pursuant to this section that the results indicate a reasonable~~
22 ~~probability that the defendant would not have been convicted~~
23 ~~if such DNA profiling results had been introduced at trial,~~
24 ~~the court shall enter an appropriate order with respect to~~
25 ~~the defendant's conviction or sentence in the former criminal~~
26 ~~proceedings, and any supplementary orders as to rearraignment,~~
27 ~~retrial, custody, bail, discharge, correction of sentence, or~~
28 ~~other matters that may be necessary and proper. The court~~
29 ~~shall make specific findings of fact, and state expressly its~~
30 ~~conclusions of law, relating to each issue presented. This~~
31 ~~order shall be considered a final judgment.>~~

RIZER of Linn