

Reprinted 5/7/83

MAR 24 1983

Place On Calendar

HOUSE FILE 582

BY COMMITTEE ON JUDICIARY AND
LAW ENFORCEMENT

(Formerly Study Bill 328)

Passed House, Date 4-5-83 (p. 1061) Passed Senate, Date _____
Vote: Ayes 88 Nays 10 Vote: Ayes _____ Nays _____
Approved _____

A BILL FOR

- 1 An Act relating to the postconviction procedure Act.
- 2 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

HOUSE FILE 582

H-3431

- 1 Amend House File 582 as follows:
- 2 1. Page 1, line 10, by striking the word "two" and
- 3 inserting in lieu thereof the word "six".

H-3431 FILED MARCH 28, 1983 BY ROSENBERG of Story
Adopted 4/5/83 (p. 1060)

HOUSE FILE 582

H-3463

- 1 Amend amendment H-3431 to House File 582 as follows:
- 2 1. Page 1, line 3, by striking the word "six" and
- 3 inserting in lieu thereof the word "four".

H-3463 FILED MARCH 30, 1983 BY KNAPP of Dubuque
H/D 4/5 (p. 1010)

HOUSE FILE 582

H-3464

- 1 Amend House File 582 as follows:
- 2 1. Page 1, line 9, by striking the word "may"
- 3 and inserting in lieu thereof the word "must".
- 4 2. Page 1, line 10, by striking the words "at
- 5 any time" and inserting in lieu thereof the words "at
- 6 any-time".

H-3464 FILED MARCH 30, 1983 BY McINTEE of Black Hawk
Adopted 3/31/83 (p. 1012)

1 Section 1. Section 663A.3, Code 1983, is amended to read
2 as follows:

3 663A.3 HOW TO COMMENCE PROCEEDING. A proceeding is
4 commenced by filing an application verified by the applicant
5 with the clerk of the court in which the conviction or sentence
6 took place. However, if the applicant is seeking relief under
7 section 663A.2, subsection 6, the application shall be filed
8 with the clerk of the court of the county in which the
9 applicant is being confined. An application may be filed
10 at any time within two years from the date the conviction
11 or decision is final or, in the event of an appeal, from the
12 date the writ of procedendo is issued. However, this
13 limitation does not apply to a ground that could not have
14 been raised within the applicable time period. Facts within
15 the personal knowledge of the applicant and the authenticity
16 of all documents and exhibits included in or attached to the
17 application must be sworn to affirmatively as true and correct.
18 The supreme court may prescribe the form of the application
19 and verification. The clerk shall docket the application
20 upon its receipt and promptly bring it to the attention of
21 the court and deliver a copy to the county attorney and the
22 attorney general.

23 EXPLANATION

24 This bill would make several changes in the postconviction
25 procedure Act, as contained in Code chapter 663A, including
26 limiting the time in which to file, and limiting the grounds
27 for relief.

28 This bill takes effect July 1 following its enactment.

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4/6/83 Do Pass 4/8 (p. 116)

HOUSE FILE 582

Judiciary
Ritsema, Chair
Gentleman
Coleman

HOUSE FILE 582

BY COMMITTEE ON JUDICIARY AND
LAW ENFORCEMENT

(As Amended and Passed by the House)

Passed House, Date 4-12-84 (p. 1950) Passed Senate, Date 4-13-83 (p. 1255)

Vote: Ayes 95 Nays 0 Vote: Ayes 41 Nays 0

Approved May 4, 1984

Repassed Senate 4-18-84 (p. 1619)
37-8

A BILL FOR

- 1 An Act relating to the postconviction procedure Act.
- 2 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

HOUSE FILE 582

S-3550

- 1 Amend House File 582 as amended, passed and reprint
- 2 ed by the House as follows:
- 3 1. Page 1, line 10, by striking the word "six" and
- 4 inserting in lieu thereof the word "two".

S-3550 FILED
APRIL 13, 1983
4/10 4/13/83 (p. 1255)

BY BILL HUTCHINS

HOUSE FILE 582

S-3560

- 1 Amend House File 582 as amended, passed and reprint
- 2 ed by the House as follows:
- 3 1. Page 1, line 13, by inserting after the word
- 4 "ground" the words "of fact or law".

S-3560 FILED & ADOPTED
APRIL 13, 1983
Adopted 4/13 (p. 1255)

BY ROBERT M. CARR

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1 Section 1. Section 663A.3, Code 1983, is amended to read
2 as follows:

3 663A.3 HOW TO COMMENCE PROCEEDING. A proceeding is
4 commenced by filing an application verified by the applicant
5 with the clerk of the court in which the conviction or sentence
6 took place. However, if the applicant is seeking relief under
7 section 663A.2, subsection 6, the application shall be filed
8 with the clerk of the court of the county in which the
9 applicant is being confined. An application may must be filed
10 at-any-time within six years from the date the conviction
11 or decision is final or, in the event of an appeal, from the
12 date the writ of procedendo is issued. However, this
13 limitation does not apply to a ground that could not have
14 been raised within the applicable time period. Facts within
15 the personal knowledge of the applicant and the authenticity
16 of all documents and exhibits included in or attached to the
17 application must be sworn to affirmatively as true and correct.
18 The supreme court may prescribe the form of the application
19 and verification. The clerk shall docket the application
20 upon its receipt and promptly bring it to the attention of
21 the court and deliver a copy to the county attorney and the
22 attorney general.

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HOUSE AMENDMENT TO SENATE AMENDMENT TO
HOUSE FILE 582

S-5875

1 Amend the Senate amendment H-3766 to House File
2 582 as amended, passed and reprinted by the House
3 as follows:

4 1. Page 1, by striking line 3 and inserting in
5 lieu thereof the following:

6 "1. Page 1, line 10, by striking the word "six"
7 and inserting in lieu thereof the word "three".

8 2. Page 1, line 13, by inserting after the word".

S-5875 FILED
APRIL 13, 1984

RECEIVED FROM THE HOUSE

Senate concurred 4/15 (p. 1619)

SENATE AMENDMENT TO HOUSE FILE 582

H-3766

1 Amend House File 582 as amended, passed and reprint-
2 ed by the House as follows:

3 1. Page 1, line 13, by inserting after the word
4 "ground" the words "of fact or law".

H-3766 FILED APRIL 18, 1983

RECEIVED FROM THE SENATE

House amended (6263) & concurred 4/12 (p. 195)

HOUSE FILE 582

H-5003

1 Amend the Senate amendment H-3766 to House File
2 582 amended, passed, and reprinted as follows:

3 1. Page 1, by striking line 3 and inserting in
4 lieu thereof the following:

5 "1. Page 1, line 10, by striking the word "six"
6 and inserting in lieu thereof the word "two".

7 2. Page 1, line 13, by inserting after the word".

BY MC INTEE of Black Hawk
JAY of Appanoose
TABOR of Jackson
HALVORSON of Clayton
MAULSBY of Calhoun
SCHROEDER of Pottawattamie
MC KEAN of Jones
PARKER of Jasper
MILLER of Woodbury
COREY of Louisa
PAULIN of Plymouth
CLARK of Cerro Gordo
VARN of Johnson

H-5003 FILED JANUARY 16, 1984

H/D 4/12 (p. 195)

HOUSE FILE 582

H-6263

1 Amend the Senate amendment H-3766 to House File
2 582 as amended, passed and reprinted by the House
3 as follows:

4 1. Page 1, by striking line 3 and inserting in
5 lieu thereof the following:

6 "1. Page 1, line 10, by striking the word "six"
7 and inserting in lieu thereof the word "three".

8 2. Page 1, line 13, by inserting after the word".

BY JAY of Appanoose
ROSENBERG of Story
MCINTEE of Black Hawk

H-6263 FILED APRIL 12, 1984

ADOPTED *(p. 194)*

it to the attention of the court and deliver a copy to the county attorney and the attorney general.

HOUSE FILE 582

DONALD D. AVENSON
Speaker of the House

AN ACT

RELATING TO THE POSTCONVICTION PROCEDURE ACT.

CHARLES P. MILLER
President Pro Tempore of the Senate

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

Section 1. Section 663A.3, Code 1983, is amended to read as follows:

663A.3 HOW TO COMMENCE PROCEEDING. A proceeding is commenced by filing an application verified by the applicant with the clerk of the court in which the conviction or sentence took place. However, if the applicant is seeking relief under section 663A.2, subsection 6, the application shall be filed with the clerk of the court of the county in which the applicant is being confined. An application ~~may~~ must be filed ~~at any time~~ 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. 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

I hereby certify that this bill originated in the House and is known as House File 582, Seventieth General Assembly.

JOSEPH O'HERN
Chief Clerk of the House

Approved *May 4*, 1984

TERRY E. BRANSTAD
Governor

H.F. 582