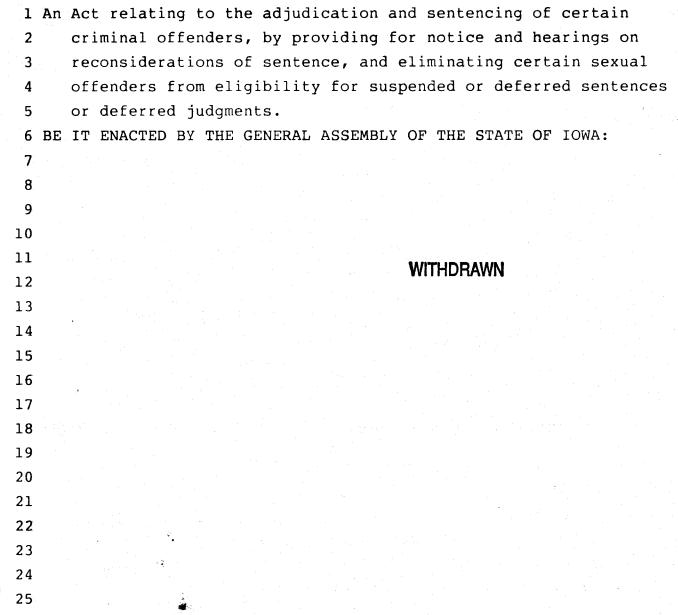
MAR 5 1997 JUDICIARY

HOUSE FILE 468 BY FORD and LAMBERTI

			WITHDRA	WN (p. 7.	38)			
Passed	House,	Date	J= 67= 1	Passed	Senate,	Date		
Vote:	Ayes _	Nays		Vote:	Ayes	Nays		
	1	Approved		1.				

## A BILL FOR



TLSB 1911HH 77 lh/cf/24 17 468

s.f. \_\_\_\_\_ H.f. **468** 

1 Section 1. Section 902.4, Code 1997, is amended to read as 2 follows:

3 902.4 RECONSIDERATION OF FELON'S SENTENCE.

For a period of ninety days from the date when a person 4 5 convicted of a felony, other than a class "A" felony or a 6 felony for which a minimum sentence of confinement is imposed, 7 begins to serve a sentence of confinement, the court, on its 8 own motion or on the recommendation of the director of the 9 Iowa department of corrections, may order the person to be 10 returned to the court, at which time the court may review its 11 previous action and reaffirm it or substitute for it any 12 sentence permitted by law. Copies of the order to return the 13 person to the court shall be provided to the attorney for the 14 state, the defendant's attorney, and the defendant. Upon a 15 request of the attorney for the state, the defendant's 16 attorney, or the defendant if the defendant has no attorney, 17 the court shall conduct a hearing on the issue of 18 reconsideration of sentence and shall permit oral argument on 19 the issue. The court shall not disclose its decision to 20 reconsider or not to reconsider the sentence of confinement 21 until the date reconsideration is ordered or the date the 22 ninety-day period expires, whichever occurs first. The 23 district court retains jurisdiction for the limited purposes 24 of conducting such review and entering an appropriate order 25 notwithstanding the timely filing of a notice of appeal. The 26 court's final order in the proceeding shall be delivered to 27 the defendant personally or by certified mail. The court's 28 decision to take the action or not to take the action is not 29 subject to appeal. However, for the purposes of appeal, a 30 judgment of conviction of a felony is a final judgment when 31 pronounced.

32 Sec. 2. Section 907.3, unnumbered paragraph 1, Code 1997, 33 is amended to read as follows:

Pursuant to section 901.5, the trial court may, upon a plea 35 of guilty, a verdict of guilty, or a special verdict upon

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1 which a judgment of conviction may be rendered, exercise any 2 of the options contained in this section. However, this 3 section does not apply to a forcible felony or to a violation 4 of chapter 709 committed by a person who is a mandatory 5 reporter of child abuse under section 232.69 in which the 6 victim is a person who is under the age of seventeen.

## EXPLANATION

8 This bill provides that if a court enters an order 9 returning a person who has been sentenced for a criminal act 10 to the court for purposes of reconsideration of sentence, that 11 copies of the order must be provided to the attorney for the 12 state, the defendant's attorney, and the defendant. Upon the 13 request of any of those persons, the court is to conduct a 14 hearing on the issue of reconsideration and shall permit oral 15 argument on the issue.

16 The bill also excludes persons who are mandatory reporters 17 of child abuse from eligibility for deferred judgments and 18 sentences and suspended sentences if the person commits a 19 violation of the sexual abuse chapter and the victim is under 20 the age of 17.

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