

House File 84

HOUSE FILE _____
BY R. OLSON

Passed House, Date _____ Passed Senate, Date _____
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____
Approved _____

A BILL FOR

1 An Act relating to the reconsideration of the sentence of a
2 person convicted of a felony.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
4 TLSB 1562HH 82
5 jm/gg/14

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1 1 Section 1. Section 902.4, Code 2007, is amended to read as
1 2 follows:

1 3 902.4 RECONSIDERATION OF FELON'S SENTENCE.

1 4 For a period of one year from the date when a person
1 5 convicted of a felony, other than a class "A" felony or a
1 6 felony for which a minimum sentence of confinement is imposed,
1 7 begins to serve a sentence of confinement, the court, on its
1 8 own motion or on the recommendation of the director of the
1 9 Iowa department of corrections, may order the person to be
1 10 returned to the court, at which time the court may review its
1 11 previous action and reaffirm it or substitute for it any
1 12 sentence permitted by law. Copies of the order to return the
1 13 person to the court shall be provided to the attorney for the
1 14 state, the defendant's attorney, and the defendant. Upon a
1 15 request of the attorney for the state, the defendant's
1 16 attorney, or the defendant if the defendant has no attorney,
1 17 the court may, but is not required to, conduct a hearing on
1 18 the issue of reconsideration of sentence. The court shall ~~not~~
1 19 disclose its decision to reconsider or not to reconsider the
1 20 sentence of confinement ~~until the date reconsideration is~~
~~1 21 ordered when the court deems it appropriate to disclose its~~
1 22 ~~decision~~ or the date the one-year period expires, whichever
1 23 occurs first. The district court retains jurisdiction for the
1 24 limited purposes of conducting such review and entering an
1 25 appropriate order notwithstanding the timely filing of a
1 26 notice of appeal. The court's final order in the proceeding
1 27 shall be delivered to the defendant personally or by regular
1 28 mail. The court's decision to take the action or not to take
1 29 the action is not subject to appeal. However, for the
1 30 purposes of appeal, a judgment of conviction of a felony is a
1 31 final judgment when pronounced.

1 32 EXPLANATION

1 33 This bill relates to the reconsideration of the sentence of
1 34 a person convicted of a felony.

1 35 The bill provides that the court may disclose its decision
2 1 to reconsider the sentence of confinement when the court deems
2 2 it appropriate to disclose its decision, or one year from the
2 3 date the sentence of the person begins, whichever occurs
2 4 first.

2 5 Current law provides that the court shall not disclose its
2 6 decision to reconsider the sentence until the date
2 7 reconsideration is ordered, or one year from the date the
2 8 sentence of the person begins, whichever occurs first.

2 9 LSB 1562HH 82

2 10 jm:rj/gg/14