

**CHAPTER 1139**  
**RECONSIDERATION OF SENTENCE**  
*S.F. 480*

**AN ACT** relating to jurisdiction of the district court in the possible reconsideration of a felon's or misdemeanor's sentence.

*Be It Enacted by the General Assembly of the State of Iowa:*

Section 1. Section 902.4, Code Supplement, 1983, is amended to read as follows:

**902.4 RECONSIDERATION OF FELON'S SENTENCE.** For a period of ninety days from the date when a person convicted of a felony, other than a class "A" felony or a felony for which a minimum sentence of confinement is imposed, begins to serve a sentence of confinement, the court, on its own motion or on the recommendation of the director of the Iowa department of corrections, may order the person to be returned to the court, at which time the court may review its previous action and reaffirm it or substitute for it any sentence permitted by law. The district court retains jurisdiction for the limited purposes of conducting such review and entering an appropriate order notwithstanding the timely filing of a notice of appeal. The court's final order in the proceeding shall be delivered to the defendant personally or by certified mail. The court's decision to take the action or not to take the action is not subject to appeal. However, for the purposes of appeal, a judgment of conviction of a felony is a final judgment when pronounced.

Sec. 2. Section 903.2, Code 1983, is amended to read as follows:

**903.2 RECONSIDERATION OF MISDEMEANANT'S SENTENCE.** For a period of thirty days from the date when a person convicted of a misdemeanor begins to serve a sentence of confinement, the court may order the person to be returned to the court, at which time the court may review its previous action and reaffirm it or substitute for it any sentence permitted by law. The sentencing court retains jurisdiction for the limited purposes of conducting such review and entering an appropriate order notwithstanding the timely filing of a notice of appeal or an application for discretionary review. The court's final order in ~~any such~~ the proceeding shall be delivered to the defendant personally or by certified mail. Such action is discretionary with the court and its decision to take ~~such~~ the action or not to take ~~such~~ the action is not subject to appeal. The other provisions of this section notwithstanding, for the purposes of appeal a judgment of conviction is a final judgment when pronounced.

Approved April 25, 1984