

FEB 23 2006

JUDICIARY

HOUSE FILE 2516

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
- 5
- 6
- 7
- 8
- 9
- 10
- 11
- 12
- 13
- 14
- 15
- 16
- 17
- 18
- 19
- 20
- 21
- 22
- 23
- 24

HF 2516

TLSB 6372HH 81

jm/gg/14

1 Section 1. Section 902.4, Code 2005, is amended to read as  
2 follows:

3 902.4 RECONSIDERATION OF FELON'S SENTENCE.

4 For a period of one year from the date when a person  
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 may, but is not required to, conduct a hearing on  
18 the issue of reconsideration of sentence. The court shall ~~not~~  
19 disclose its decision to reconsider or not to reconsider the  
20 sentence of confinement ~~until the date reconsideration is~~  
21 ordered when the court deems it appropriate to disclose its  
22 decision or the date the one-year period expires, whichever  
23 occurs first. The district court retains jurisdiction for the  
24 limited purposes of conducting such review and entering an  
25 appropriate order notwithstanding the timely filing of a  
26 notice of appeal. The court's final order in the proceeding  
27 shall be delivered to the defendant personally or by regular  
28 mail. The court's decision to take the action or not to take  
29 the action is not subject to appeal. However, for the  
30 purposes of appeal, a judgment of conviction of a felony is a  
31 final judgment when pronounced.

32 EXPLANATION

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

35 The bill provides that the court may disclose its decision

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

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

9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
29  
30  
31  
32  
33  
34  
35