

MAR 7 2006
Place On Calendar

HOUSE FILE 2675
BY COMMITTEE ON JUDICIARY

(SUCCESSOR TO HF 2516)

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:
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HF 2675

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.

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