

(4) A crime involving illegal manufacture, use, possession, sale, or an attempt to illegally manufacture, use, possess, or sell alcohol or a controlled substance or other drug.

b. The person or persons actually transporting the prisoners shall be trained and proficient in the safe use of firearms.

c. Any employees of a private entity which has entered into the contract for transportation of prisoners shall only possess and use security and restraint equipment, including any firearms, which has been issued by the private entity.

d. The person or persons actually transporting the prisoners shall be trained and proficient in appropriate transportation procedures.

e. The person or entity complies, within one year of publication, with any applicable standards for the transportation of prisoners promulgated by the American corrections association.

2. The department shall adopt rules pertaining to contracts with private persons or entities providing transportation of inmates of institutions under the control of the department.

Approved April 21, 1998

CHAPTER 1132

PAYMENT OF COSTS OF POSTCONVICTION PROCEEDINGS

S.F. 2339

AN ACT relating to an inmate's right to counsel in a postconviction proceeding pertaining to a forfeiture of a reduction in sentence or the unlawful holding of a person in custody or restraint.

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

Section 1. Section 822.5, Code 1997, is amended to read as follows:

822.5 PAYMENT OF COSTS.

1. If the applicant is unable to pay court costs and ~~expenses of legal representation, including stenographic, and printing, or other legal services or consultation expenses~~, these costs and expenses shall be made available to the applicant ~~in the preparation of the application, in the trial court, and on review. Unless the applicant is confined in a state institution and is seeking relief under section 822.2, subsections 5 and 6, the costs and expenses of legal representation shall also be made available to the applicant in the preparation of the application, in the trial court, and on review if the applicant is unable to pay.~~ However, nothing in this section shall be interpreted to require payment of expenses of legal representation, including stenographic, printing, or other legal services or consultation, when the applicant is self-represented or is utilizing the services of an inmate.

2. ~~If an applicant confined in a state institution seeks relief under section 822.2, subsection 6, and the court finds in favor of the applicant, or when relief is denied and costs and expenses referred to in subsection 1 cannot be collected from the applicant, these costs and expenses initially shall be paid by the county in which the application was filed. The facts of payment and the proceedings on which it is based, with a statement of the amount of costs and expenses incurred, shall be submitted to the county in a timely manner with approval in writing by the presiding or district judge appended to the statement or endorsed on it, and shall be certified by the clerk of the district court under seal to the state executive council. The executive council shall review the proceedings and authorize reimbursement for the~~

~~costs and expenses or for that part which the executive council finds justified, and shall notify the director of revenue and finance to draw a warrant to the county treasurer on the state general fund for the amount authorized.~~

Approved April 21, 1998

CHAPTER 1133

ALLOCATION OF STATE AID FOR SCHOOL-BASED YOUTH SERVICES PROGRAMS

S.F. 2353

AN ACT relating to an allocation of state aid for purposes of school-based youth services programs.

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

Section 1. Section 279.51, subsection 1, paragraphs c and e, Code Supplement 1997, are amended to read as follows:

c. For each of the fiscal years during the fiscal period beginning July 1, 1996, and ending June 30, ~~1998~~ 2000, two million eight hundred thousand dollars of the funds appropriated shall be allocated for the school-based youth services education program established in subsection 3. For each of the fiscal years during the fiscal period beginning July 1, 1994, and ending June 30, ~~1998~~ 2000, twenty thousand dollars of the funds allocated in this paragraph shall be expended for staff development, research, and the development of strategies for coordination with community-based youth organizations and agencies. A school that received a grant during the fiscal year beginning July 1, 1993, or July 1, 1997, is ineligible to receive a grant under this paragraph. Subject to the approval of the state board of education, the allocation made in this paragraph may be renewed for additional four-year periods of time.

e. Notwithstanding paragraph "c", for each of the fiscal years during the fiscal period beginning July 1, ~~1994~~ 1998, and ending June 30, ~~1998~~ 2000, fifty thousand dollars of the funds allocated in paragraph "c" shall be granted to each of the ~~four~~ schools that received grants under subsection 3 during the fiscal year beginning July 1, 1993, or July 1, 1997, to allow for expansion and to include identified minimum services if the school submits a program plan pursuant to subsection 3.

Approved April 21, 1998