

Appropriations: Sheriff, Clark; Halvorson of Clayton and Sullivan.

Do Pass 3/25 (p. 1116)

HOUSE FILE 2429

MAR 5 1982

HOUSE FILE 2429 *3/31 Do Pass 4/1 (p. 989)*

BY COMMITTEE ON JUDICIARY AND LAW ENFORCEMENT

Judiciary
Baughner, Chair
Coleman
Dreeszen

(Formerly House File 2048)

Passed House, Date 3-21-82 (p. 1116) Passed Senate, Date 4-8-82 (p. 1110)

Vote: Ayes 97 Nays 0 Vote: Ayes 49 Nays 0

Approved April 23, 1982

A BILL FOR

- 1 An Act relating to the use of chapter 663A of the Code by
- 2 persons convicted of, or sentenced for, a public offense.
- 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 4
- 5

REPRESENTATIVE CONLON

STATE OF IOWA

FISCAL NOTE

Request No. 82-285

2429

In compliance with a written request received March 4, 1982, there is hereby submitted a Fiscal Note for House File 2429 pursuant to Joint Rule 16. Background information used in developing this Fiscal Note is available from the Legislative Fiscal Bureau, to members of the Legislature upon request.

H.F. 2429, An Act relating to the use of Chapter 663A of the Code by persons convicted of, or sentenced for, a public offense.

The fiscal effect cannot be determined.

FILE MARCH 8, 1982

BY GERRY RANKIN, Fiscal Director

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1 Section 1. Section 663A.5, Code 1981, is amended by adding
2 the following new unnumbered paragraph:

3 NEW UNNUMBERED PARAGRAPH. If an applicant confined in
4 a state institution seeks relief under section 663A.2,
5 subsection 6, and the court finds in favor of the applicant,
6 or the postconviction proceedings fail and costs and expenses
7 referred to in unnumbered paragraph 1 cannot be collected
8 from the applicant, these costs and expenses initially shall
9 be paid by the county in which the state institution is
10 located. The facts of payment and the proceedings on which
11 it is based, with a statement of the amount of costs and
12 expenses incurred, with approval in writing by the presiding
13 judge appended to the statement or endorsed on it, shall be
14 certified by the clerk of the district court under seal to
15 the state executive council. The executive council shall
16 review the proceedings and authorize reimbursement for the
17 costs and expenses or for that part which the executive council
18 finds justified, and shall notify the state comptroller to
19 draw a warrant to the county treasurer on the state general
20 fund for the amount authorized.

21 EXPLANATION

22 This bill requires the state executive council to reim-
23 burse counties having correctional institutions for court
24 costs, legal services, printing, etc., incurred by those
25 counties in providing legal assistance to indigent inmates
26 for postconviction proceedings under chapter 663A when the
27 inmate is claiming an unlawful forfeiture of a sentence
28 reduction under section 246.39 or 246.43. Prior to the passage
29 of H.F. 765 during the 1981 Session, these cases were heard
30 under the habeas corpus statute and those counties were
31 reimbursed. The procedures for reimbursement would be the
32 same as those presently existing under the habeas corpus
33 statute, chapter 663.

34 The bill would take effect July 1 following enactment.

35

draw a warrant to the county treasurer on the state general fund for the amount authorized.

HOUSE FILE 2429

AN ACT

RELATING TO THE USE OF CHAPTER 663A OF THE CODE BY PERSONS CONVICTED OF, OR SENTENCED FOR, A PUBLIC OFFENSE.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

Section 1. Section 663A.5, Code 1981, is amended by adding the following new unnumbered paragraph:

NEW UNNUMBERED PARAGRAPH. If an applicant confined in a state institution seeks relief under section 663A.2, subsection 6, and the court finds in favor of the applicant, or the postconviction proceedings fail and costs and expenses referred to in unnumbered paragraph 1 cannot be collected from the applicant, these costs and expenses initially shall be paid by the county in which the state institution is located. The facts of payment and the proceedings on which it is based, with a statement of the amount of costs and expenses incurred, with approval in writing by the presiding judge appended to the statement or endorsed on it, 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 state comptroller to

DELWYN STROMER
Speaker of the House

TERRY E. BRANSTAD
President of the Senate

I hereby certify that this bill originated in the House and is known as House File 2429, Sixty-ninth General Assembly.

ELIZABETH A. ISAACSON
Chief Clerk of the House

Approved 4/23, 1982

ROBERT D. RAY
Governor

H.F. 2429