

Senate Study Bill 2163

Bill Text

PAG LIN

1 1 Section 1. Section [822.5](#), Code 1997, is amended to read as
1 2 follows:
1 3 822.5 PAYMENT OF COSTS.
1 4

~~1.~~
- If the applicant is unable to pay court costs and
1 5 expenses

~~of legal representation~~
-, including stenographic,
1 6 printing, or other

~~legal~~
- services or consultation, these costs
1 7 and expenses shall be made available to the applicant in the
1 8 preparation of the application, in the trial court, and on
1 9 review. Unless the applicant is confined in a state
1 10 institution and is seeking relief under section 822.2,
1 11 subsection 6, if the applicant is unable to pay court costs
1 12 and expenses of legal representation those costs and expenses
1 13 shall also be made available to the applicant in the
1 14 preparation of the application, in the trial court, and on
1 15 review. However, nothing in this section shall be interpreted
1 16 to require payment of expenses of legal representation,
1 17 including stenographic, printing, or other legal services or
1 18 consultation, when the applicant is self-represented or is
1 19 utilizing the services of an inmate.
1 20

~~2. If an applicant confined in a state institution seeks~~
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1 21
~~relief under section 822.2, subsection 6, and the court finds~~
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1 22
~~in favor of the applicant, or when relief is denied and costs~~
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1 23
~~and expenses referred to in subsection 1 cannot be collected~~
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1 24
~~from the applicant, these costs and expenses initially shall~~
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1 25
~~be paid by the county in which the application was filed. The~~
-
1 26
~~facts of payment and the proceedings on which it is based,~~
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~~with a statement of the amount of costs and expenses incurred,~~

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~~shall be submitted to the county in a timely manner with~~

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~~approval in writing by the presiding or district judge~~

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~~appended to the statement or endorsed on it, and shall be~~

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~~certified by the clerk of the district court under seal to the~~

1 32

~~state executive council. The executive council shall review~~

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~~the proceedings and authorize reimbursement for the costs and~~

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~~expenses or for that part which the executive council finds~~

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~~justified, and shall notify the director of revenue and~~

2 1

~~finance to draw a warrant to the county treasurer on the state~~

2 2

~~general fund for the amount authorized.~~

2 3

EXPLANATION

2 4 This bill strikes language which entitles an inmate to, and

2 5 provides a payment mechanism for, counsel in postconviction

2 6 relief actions based on the alleged unlawful forfeiture of

2 7 good conduct time and the exhaustion of administrative

2 8 remedies to regain the good conduct time reduction in

2 9 sentence.

2 10 LSB 4342SC 77

2 11 lh/sc/14