

CHAPTER 1203

PUBLIC DEFENDER

S. F. 182

AN ACT relating to the office of public defender.

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

1 SECTION 1. Section three hundred thirty-six A point one (336A.1),
2 Code 1973, as amended by Acts of the Sixty-fifth General Assembly,
3 1973 Session, chapter one hundred thirty-six (136), section three hun-
4 dred fifty-six (356), is amended to read as follows:

5 **336A.1 Office established and abolished.** In any county the board
6 of supervisors may establish *or abolish, by resolution of the board,* the
7 office of public defender. A county may join with one or more other
8 contiguous counties within its judicial district to establish one office of
9 public defender to serve those counties.

10 The office of public defender may be abolished by the following pro-
11 cedure:

12 1. A board of county supervisors shall submit the issue that the
13 office of public defender be abolished to a vote of the people of the
14 county upon receipt of a petition that the office of public defender be
15 abolished, signed by not less than ten percent of those voting for presi-
16 dent of the United States or governor, as the case may be, in the last
17 general election, and shall submit the issue to a vote of the people at the
18 next general election or at a special election called therefor in the form
19 and manner required for the submission of public measures in the title
20 on elections. If a majority of the votes cast approve the issue, the office
21 of public defender shall be abolished on the date specified on the ballot.

22 If more than one county is involved in the abolishment of the office
23 of public defender, the office shall not be abolished unless the abolish-
24 ment is authorized by a vote of the people *resolution of the board of*
25 *supervisors of in* each of the counties involved.

1 SEC. 2. Section three hundred thirty-six A point three (336A.3),
2 subsection one (1), Code 1973 is amended to read as follows:

3 **336A.3 Nomination and appointment.**

4 1. The public defender shall be a qualified attorney admitted to prac-
5 tice before the Iowa supreme court. When a vacancy exists in the office
6 of the public defender, the *district court* judges of the *judicial* district
7 ~~court~~ *of containing* the county or counties which the defender is to
8 serve, *sitting en banc*, shall nominate two attorneys qualified to serve
9 as public defender and certify the names of such nominees to the
10 board(s) of supervisors of the county or counties which the public
11 defender is to serve. The supervisors shall, within thirty days after
12 such certification, appoint by majority vote, one of these nominees to
13 be public defender for a term of six years so long as he shall remain
14 qualified as otherwise provided in this chapter.

Approved May 2, 1974