

CHAPTER 1061INDIGENT DEFENSE AND
APPOINTMENTS OF GUARDIANS AD LITEM

S.F. 2217

AN ACT relating to providing legal representation to an eligible indigent person and the appointment of a guardian ad litem.

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

Section 1. Section 13B.4, subsection 2, Code Supplement 2007, is amended to read as follows:

2. The state public defender shall file a notice with the clerk of the district court in each county served by a public defender designating which public defender office shall receive notice of appointment of cases. The state public defender may also designate a nonprofit organization which has a contract with the state public defender to provide legal services to eligible indigent persons prior to July 1, 2004. ~~Except as otherwise provided, in~~ In each county in which the state public defender files a designation, the state public defender's designee shall be appointed by the court to represent all eligible indigents persons or to serve as guardian ad litem for eligible children in juvenile court in all of the cases and proceedings specified in the designation. The appointment shall not be made if the state public defender notifies the court that the ~~state public defender~~ defender's designee will not provide legal representation ~~services~~ es in certain cases as identified in the designation by the state public defender.

Sec. 2. Section 13B.9, subsection 1, paragraph c, Code 2007, is amended by striking the paragraph and inserting in lieu thereof the following:

c. Serve as guardian ad litem for each child in all cases in which the local public defender office is the state public defender's designee. The local public defender shall be responsible for determining who shall perform the duties of the guardian ad litem as defined in section 232.2 and shall be responsible for assuring the court that the duties of the guardian ad litem have been fulfilled.

Sec. 3. Section 13B.9, subsection 4, Code 2007, is amended to read as follows:

4. a. If a conflict of interest arises or if the local public defender is unable to handle a case because of a temporary overload of cases, the local public defender shall return the case to the court. If the case is returned and the state public defender has filed a successor designation, the court shall appoint the successor designee. If there is no successor designee on file, the court shall make the appointment pursuant to section 815.10. As used in this subsection, "successor designee" may include another local public defender office or a nonprofit organization that has contracted with the state public defender under section 13B.4, subsection 3.

b. If a conflict of interest arises in any case, subsection 1 does not affect the local public defender's obligation to withdraw as counsel or as guardian ad litem.

Sec. 4. Section 814.11, subsection 2, Code 2007, is amended to read as follows:

2. If the appeal involves an indictable offense or denial of postconviction relief, the appointment shall be made to the state appellate defender unless the state appellate defender notifies the court that the state appellate defender is unable to handle the case ~~due to a conflict of interest or because of a temporary overload of cases.~~

Sec. 5. Section 814.11, Code 2007, is amended by adding the following new subsection:

NEW SUBSECTION. 2A. In a juvenile case in which a petition on appeal is required, the trial attorney shall continue representation throughout the appeal without an additional appointment order unless the court grants the attorney permission to withdraw from the case.

Sec. 6. Section 814.11, subsections 3 and 4, Code 2007, are amended to read as follows:

3. ~~If the state appellate defender is unable to handle the case or withdraws from the case, or if the appeal is other than an indictable offense or denial of postconviction relief or if the state appellate defender is unable to handle the case, including a juvenile case in which a petition on appeal is not required or a juvenile case in which the trial attorney has withdrawn from the case,~~ the court shall appoint an attorney who has a contract with the state public defender to handle such an appeal.

4. If the court determines that no contract attorney is available to handle the appeal, the court may appoint a noncontract attorney, ~~if the state public defender consents to the appointment of the noncontract attorney.~~ The order of appointment shall include a specific finding that no contract attorney was is available and the state public defender consents to the appointment.

Sec. 7. Section 815.10A, subsection 2, Code 2007, is amended to read as follows:

2. Claims for compensation and reimbursement submitted by an attorney appointed after June 30, 2004, are not considered timely unless the claim is submitted to the state public defender within forty-five days of ~~the a withdrawal order, sentencing, acquittal, or dismissal of, whichever is earliest, in~~ a criminal case or ~~the withdrawal order, final ruling, or dismissal of, whichever is earliest, in~~ any other type of case.

Sec. 8. Section 815.11, Code Supplement 2007, is amended to read as follows:

815.11 APPROPRIATIONS FOR INDIGENT DEFENSE — FUND CREATED.

Costs incurred for legal representation by a court-appointed attorney under chapter 229A, 665, 822, or 908, or section 232.141, subsection 3, paragraph “d”, or section 598.23A, 600A.6B, 814.9, 814.10, 814.11, 815.4, 815.7, or 815.10 on behalf of an indigent shall be paid from moneys appropriated by the general assembly to the office of the state public defender in the department of inspections and appeals and deposited in an account to be known as the indigent defense fund. Costs incurred representing an indigent defendant in a contempt action, or representing an indigent juvenile in a juvenile court proceeding ~~under chapter 600,~~ are also payable from the fund. However, costs incurred in any administrative proceeding or in any other proceeding under this chapter or chapter 598, 600, 600A, 633, 633A, 814, or 915 or other provisions of the Code or administrative rules are not payable from the fund.

Approved April 11, 2008

CHAPTER 1062

PROVIDERS OF MUNICIPAL CABLE OR VIDEO SERVICES — CERTIFICATE OF FRANCHISE AUTHORITY APPLICATIONS

S.F. 2248

AN ACT modifying provisions relating to the application for a certificate of franchise authority applicable to the provision of cable or video services by an existing provider.

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

Section 1. Section 477A.1, subsection 12, Code Supplement 2007, is amended to read as follows:

12. “Municipality” means a ~~county or~~ city.