

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a juvenile case in which a petition on appeal is not required or a juvenile case in which the trial attorney has withdrawn from the case,~~ the court shall appoint an attorney who has a contract with the state public defender to handle such an appeal.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.

Sec. 2. Section 477A.2, subsection 2, paragraph b, Code Supplement 2007, is amended to read as follows:

b. Upon expiration of a franchise, a person may choose to renegotiate a franchise agreement with a municipality or may choose to obtain a certificate of franchise authority under this chapter. An application for a certificate of franchise authority pursuant to this subsection may be filed within sixty days prior to the expiration of a municipal franchise agreement. A certificate of franchise authority obtained pursuant to an application filed prior to the expiration of a municipal franchise agreement shall take effect upon the expiration date of the municipal franchise agreement.

Approved April 11, 2008

CHAPTER 1063

IDENTITY THEFT AND CONSUMER CREDIT REPORTS — SECURITY FREEZE

S.F. 2277

AN ACT relating to offenses against identity by establishing a procedure to secure credit information and providing a penalty.

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

Section 1. **NEW SECTION.** 714F.1 DEFINITIONS.

For the purposes of this chapter, unless the context otherwise requires:

1. “Consumer” means an individual who is a resident of this state.
2. “Consumer credit report” means a consumer report, as defined in 15 U.S.C. § 1681a, that is used or collected in whole or in part for the purpose of serving as a factor in establishing a consumer’s eligibility for credit for personal, family, or household purposes.
3. “Consumer reporting agency” means the same as defined in 15 U.S.C. § 1681a(f). A consumer reporting agency does not include any of the following:
 - a. A check service or fraud prevention service company that reports on incidents of fraud or issues authorizations for the purpose of approving or processing negotiable instruments, electronic fund transfers, or similar methods of payment.
 - b. A deposit account information service company that issues reports regarding account closures due to fraud, overdrafts, automated teller machine abuse, or similar negative information regarding a consumer to inquiring financial institutions for use only in reviewing the consumer’s request for a deposit account at the inquiring financial institution.
 - c. Any person or entity engaged in the practice of assembling and merging information contained in a database of one or more consumer reporting agencies and does not maintain a permanent database of credit information from which new consumer reports are produced.
4. “Identification information” means as defined in section 715A.8.
5. “Identity theft” means as used in section 715A.8.
6. “Normal business hours” means Sunday through Saturday, between the hours of 6:00 a.m. and 9:30 p.m., central standard time or central daylight saving time.
7. “Proper identification” means the same as defined in 15 U.S.C. § 1681h(a)(1).
8. “Security freeze” means a notice placed in a consumer credit report, at the request of the consumer and subject to certain exceptions, that prohibits a consumer reporting agency from releasing the consumer credit report or score relating to the extension of credit.