

CHAPTER 116

INDIGENT DEFENSE — COMPENSATION RECORDS — JUVENILE CASES

H.F. 592

AN ACT relating to payments from the indigent defense fund by the state public defender.

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

Section 1. NEW SECTION. 13B.4B Confidentiality of indigent defense claim records.

1. A claim for compensation and reimbursement for legal assistance and supporting documents submitted to the state public defender for payment of costs incurred in the legal representation of an indigent person from the indigent defense fund established in section 815.11 shall be kept confidential by the state public defender except as otherwise provided in subsection 2.

2. *a.* The claim and supporting documents shall be released to the client on whose behalf the costs were incurred, or the client's designee, upon written request by the client.

b. Summary claims data may be released if the data contains no information that is required to be kept confidential pursuant to an attorney's obligations under the Iowa rules of professional conduct. Such summary data may include:

(1) The name of the attorney or vendor who provided the legal services.

(2) The name of the county in which legal services were provided.

(3) The case number and name of the client unless the information is a confidential juvenile record under section 232.147.

(4) The type of claim and the type of cases for which legal services were provided.

(5) The number of hours and expenses claimed, and the total amount paid.

c. The state public defender may in the state public defender's sole discretion release claims and supporting documents to the auditor of state, the Iowa supreme court attorney disciplinary board, the grievance commission of the supreme court of Iowa, or to other state or local agencies to the extent necessary to investigate fraud or other criminal activity against the attorney or vendor submitting the claim.

d. The state public defender may release the claim and supporting documents to the court with respect to a hearing held under section 13B.4, subsection 4, paragraph "d".

Sec. 2. Section 22.7, Code 2013, is amended by adding the following new subsection:

NEW SUBSECTION. 10. A claim for compensation and reimbursement for legal assistance and supporting documents submitted to the state public defender for payment from the indigent defense fund established in section 815.11, as provided in section 13B.4B.

Sec. 3. Section 232.147, subsection 3, Code 2013, is amended by adding the following new paragraph:

NEW PARAGRAPH. h. The state public defender.

Sec. 4. Section 814.11, subsections 2, 3, and 4, Code 2013, are amended to read as follows:

2. *a.* 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.

b. If the state appellate defender is unable to handle the case, the state public defender may transfer the case to a local public defender office, nonprofit organization, or private attorney designated by the state public defender to handle such a case. The state appellate defender shall notify the supreme court of the transfer of a case, and upon such notification the responsibility of the state appellate defender in the case terminates.

c. If, after transfer of the case to a local public defender office, nonprofit organization, or private attorney, the local public defender office, nonprofit organization, or private attorney withdraws from the case, the court shall appoint an attorney who has a contract with the state public defender to provide legal services in appellate cases.

3. *a.* In a juvenile case under chapter 232 or a proceeding under chapter 600A, 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.

b. If the court grants the attorney permission to withdraw, the court shall appoint the state public defender's designee pursuant to section 13B.4.

c. If the state public defender has not made a designation pursuant to section 13B.4 to handle the type of case or the state public defender's designee is unable to handle the case, the court shall appoint an attorney who has a contract with the state public defender to provide legal services in appellate cases.

4. a. In all other cases not specified in subsection 2 or 3, or except as otherwise provided in this section, the court shall appoint the state public defender's designee pursuant to section 13B.4.

b. If the state public defender has not made a designation pursuant to section 13B.4 to handle these other types of cases or the state public defender's designee is unable to handle the case, the court shall appoint an attorney to represent an indigent person who has a contract with the state public defender to provide legal services in appellate cases.

Approved May 24, 2013