

CHAPTER 56

INDIGENT DEFENSE — PRACTICES AND PROCEDURES

H.F. 210

AN ACT relating to the practices and procedures of the state public defender.

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

Section 1. Section 815.9, subsection 4, paragraph b, Code 2013, is amended to read as follows:

b. If the appointed attorney is a private attorney or is employed by a nonprofit organization, the state public defender shall report to the clerk of the district court the amounts of any approved claims for compensation and expenses paid on behalf of a person receiving legal assistance after such claims have been reviewed and paid by the state public defender unless the appointed attorney is paid other than on an hourly rate basis and the state public defender has notified the appointed attorney that the attorney is responsible for reporting the attorney's total hours of service plus expenses to the court.

Sec. 2. Section 815.9, subsection 4, Code 2013, is amended by adding the following new paragraph:

NEW PARAGRAPH. c. If the appointed attorney has been notified by the state public defender that the attorney is responsible for reporting to the court the total hours of service plus expenses incurred in providing legal assistance to a person, the attorney shall submit a report to the court in the same manner as a public defender submits a report pursuant to paragraph "a". The amount of the attorney fees to be included in the total cost of legal assistance required to be reimbursed shall be calculated using the hours of service stated in the report at the hourly rate of compensation specified under section 815.7.

Sec. 3. Section 815.10, subsection 4, Code 2013, is amended to read as follows:

4. The appointment of an attorney shall be on a rotational or equalization basis, considering the experience of the attorney, and the difficulty of the case, and the geographic proximity of the attorney's office to the courthouse and client.

Sec. 4. Section 815.10, Code 2013, is amended by adding the following new subsection:

NEW SUBSECTION. 7. The state public defender may adopt rules setting forth additional uniform standard procedures for the appointment of counsel and uniform forms for appointment.

Sec. 5. Section 815.10A, subsection 2, Code 2013, is amended to read as follows:

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

Sec. 6. Section 908.2A, subsection 2, Code 2013, is amended to read as follows:

2. If the appointing authority determines counsel should be appointed and all of the criteria apply in subsection 1, the appointing authority shall appoint the state public defender's designee pursuant to section 13B.4. If the state public defender has not made a designation for the type of case or the state public defender's designee is unable to handle the case, a contract attorney with the state public defender may be appointed to represent the alleged parole violator. If a contract attorney is unavailable, an attorney who has agreed to provide these services may be appointed. The appointed attorney shall apply to the state public defender for payment in the manner prescribed by the state public defender.

Approved April 24, 2013