

CHAPTER 815

COSTS — COMPENSATION AND FEES — INDIGENT DEFENSE

Referred to in [§13B.4](#), [81.13](#), [232.141](#), [600A.6B](#), [801.1](#), [822.2](#)

Deferral of costs in civil and criminal proceedings; see [chapter 610](#)

815.1	Costs incurred by a privately retained attorney representing an indigent person.	815.9	Indigency determined — penalty.
815.2	Grand jury clerks and other officers.	815.9A	Recovery of indigent defense costs. Repealed by 99 Acts, ch 135, §31.
815.3	Witnesses called to county attorney investigations.	815.10	Appointment of counsel by court.
815.4	Special witnesses for indigents.	815.10A	Claims for compensation and expense reimbursement.
815.5	Expert witnesses for state and defense.	815.11	Appropriations for indigent defense — fund created.
815.6	Fees to material witnesses.	815.12	Trial jury expenses.
815.7	Fees to attorneys.	815.13	Payment of prosecution costs.
815.7A	Travel time for attorney or guardian ad litem.	815.14	Fee for public defender.
815.8	Sheriffs' fees.	815.15	Violations of local ordinances — reimbursement.

815.1 Costs incurred by a privately retained attorney representing an indigent person.

1. The court shall not authorize the payment of state funds for the costs incurred in the legal representation of an indigent person represented by a privately retained attorney unless the requirements of [this section](#) are satisfied.

2. An application for the payment of state funds for the costs incurred in the legal representation of an indigent person that is submitted by the privately retained attorney shall be filed with the court in the county in which the case was filed and include all of the following:

a. A copy of the attorney's fee agreement for the representation, including hourly rate, amount of retainer or other moneys received, and number of hours of work completed by the attorney to date.

b. A showing that the costs are reasonable and necessary for the representation of the indigent person in a case for which counsel could have been appointed under [section 815.10](#).

c. An itemized accounting of all compensation paid to the attorney including the amount of any retainer.

d. The amount of compensation earned by the attorney.

e. Information on any expected additional costs to be paid or owed by the indigent person to the attorney for the representation.

f. A signed financial affidavit completed by the indigent person.

3. The privately retained attorney shall submit a copy of the application and all attached documents to the state public defender.

4. The court shall not grant the application and authorize all or a portion of the payment to be made from state funds unless the court determines, after reviewing the application and supporting documents, that all of the following apply:

a. The represented person is indigent and unable to pay for the costs sought to be paid.

b. The costs are reasonable and necessary for the representation of the indigent person in a case for which counsel could have been appointed under [section 815.10](#).

c. The moneys paid or to be paid to the privately retained attorney by or on behalf of the indigent person are insufficient to pay all or a portion of the costs sought to be paid from state funds.

(1) In determining whether the moneys paid or to be paid to the attorney are insufficient for purposes of this paragraph "c", the court shall add the hours previously worked to the hours expected to be worked to finish the case and multiply that sum by the hourly rate of compensation specified under [section 815.7](#).

(2) If the product calculated in subparagraph (1) is greater than the moneys paid or to be

paid to the attorney by or on behalf of the indigent person, the moneys shall be considered insufficient to pay all or a portion of the costs sought to be paid from state funds.

(3) If the private attorney is retained on a flat fee agreement, and a precise record of hours worked is not available, the attorney shall provide the court a reasonable estimate of the time expended to allow the court to make the calculation pursuant to this paragraph “c”.

5. Either the privately retained attorney for the indigent person or a representative from the office of the state public defender may participate in a hearing on the application by telephone.

6. If the court finds the payment of the costs incurred or to be incurred by a privately retained attorney are reasonable and necessary, the order of the court shall specify the maximum amount of costs which the attorney may incur without further court order, and that the actual amount of such costs to be allowed are subject to review by the state public defender for reasonableness.

7. Following entry of an order allowing costs to be incurred by a privately retained attorney representing an indigent person, the attorney or a claimant referred to in [subsection 9](#) seeking payment or reimbursement for costs shall submit a claim for payment in accordance with the rules of the state public defender.

8. If the privately retained attorney or claimant referred to in [subsection 9](#) seeking payment or reimbursement for costs pursuant to [this section](#) fails to comply with the requirements of [this section](#), the state public defender may deny all or a part of the costs requested.

9. [This section](#) applies to payments to witnesses under [section 815.4](#), evaluators, investigators, and certified shorthand reporters, and for other costs incurred by a privately retained attorney in the legal representation.

10. [This section](#) shall not be construed to restrict the payment of costs on behalf of indigent persons represented on a pro bono basis.

[2019 Acts, ch 51, §1](#)

815.2 Grand jury clerks and other officers.

The clerk of the grand jury and any assistant clerks and bailiffs of the grand jury appointed by the court, shall receive such compensation as may be set by the court with the approval of the county board of supervisors for time actually and necessarily employed in the performance of the duties prescribed in [rule of criminal procedure 2.3](#).

[C97, §5256; S13, §5256; C24, 27, 31, 35, 39, §13696, 13699; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, §770.19, 770.22; C79, 81, §815.2]

Referred to in [§602.1303](#)

815.3 Witnesses called to county attorney investigations.

Witnesses subpoenaed by the county attorney pursuant to [rule of criminal procedure 2.5](#) shall receive the same fees and mileage as are allowed witnesses in the district court, and shall be paid in the same manner in which witnesses before the grand jury are paid except that such fees and mileage shall be certified only by the county attorney.

[C79, 81, §815.3]

Referred to in [§331.756\(68\)](#), [602.1303](#)

815.4 Special witnesses for indigents.

1. An application for an expert or other witnesses under [Iowa rule of criminal procedure 2.20](#) shall include a statement attesting that the attorney advised the indigent person of the application, the expected expenses, and the potential for reimbursement of the expenses pursuant to [section 815.9](#).

2. a. The court shall authorize the securing of a witness prior to the witness incurring any expenses.

b. The court shall either set in advance a maximum dollar amount of the claim for expenses or approve the final amount of the claim for expenses as reasonable compensation.

c. The state public defender shall only approve the claim for the expenses of the witness if the securing of the witness was authorized by the court and either the maximum dollar

amount of the claim for expenses was set prior to the expenses being incurred or the court has approved the final amount of the claim for expenses as reasonable compensation.

3. A witness secured for an indigent person under [Iowa rule of criminal procedure 2.20](#) shall file a claim for compensation with the state public defender as required by the rules of the state public defender, and the claim shall be supported by an itemization specifying the time expended, services rendered, and expenses incurred on behalf of the indigent person.

[C79, 81, §815.4]

[93 Acts, ch 175, §21](#); [99 Acts, ch 135, §24](#); [2012 Acts, ch 1063, §6](#)

Referred to in [§815.1](#), [815.5](#), [815.11](#)

815.5 Expert witnesses for state and defense.

Notwithstanding the provisions of [section 622.72](#), reasonable compensation as determined by the court shall be awarded expert witnesses, expert witnesses for an indigent person referred to in [section 815.4](#), or expert witnesses called by the state in criminal cases.

[C79, 81, §815.5]

[93 Acts, ch 175, §22](#); [99 Acts, ch 135, §25](#); [2013 Acts, ch 90, §211](#)

See [R.Cr.P. 2.20\(4\)](#)

815.6 Fees to material witnesses.

Persons confined as material witnesses shall, for each day of confinement, receive such fees as are set by the district court.

[C79, 81, §815.6]

815.7 Fees to attorneys.

1. An attorney who has not entered into a contract authorized under [section 13B.4](#) and who is appointed by the court to represent any person pursuant to [section 814.11](#) or [815.10](#) shall be entitled to reasonable compensation and expenses.

2. For appointments made on or after July 1, 1999, through June 30, 2006, the reasonable compensation shall be calculated on the basis of sixty dollars per hour for class “A” felonies, fifty-five dollars per hour for class “B” felonies, and fifty dollars per hour for all other cases.

3. For appointments made on or after July 1, 2006, through June 30, 2007, the reasonable compensation shall be calculated on the basis of sixty-five dollars per hour for class “A” felonies, sixty dollars per hour for all other felonies, sixty dollars per hour for misdemeanors, and fifty-five dollars per hour for all other cases.

4. For appointments made on or after July 1, 2007, through June 30, 2019, the reasonable compensation shall be calculated on the basis of seventy dollars per hour for class “A” felonies, sixty-five dollars per hour for class “B” felonies, and sixty dollars per hour for all other cases.

5. For appointments made on or after July 1, 2019, through June 30, 2021, the reasonable compensation shall be calculated on the basis of seventy-three dollars per hour for class “A” felonies, sixty-eight dollars per hour for class “B” felonies, and sixty-three dollars per hour for all other cases.

6. For appointments made on or after July 1, 2021, through June 30, 2022, the reasonable compensation shall be calculated on the basis of seventy-six dollars per hour for class “A” felonies, seventy-one dollars per hour for class “B” felonies, and sixty-six dollars per hour for all other cases.

7. For appointments made on or after July 1, 2022, through June 30, 2023, the reasonable compensation shall be calculated on the basis of seventy-eight dollars per hour for class “A” felonies, seventy-three dollars per hour for class “B” felonies, and sixty-eight dollars per hour for all other cases.

8. For appointments made on or after July 1, 2023, the reasonable compensation shall be calculated on the basis of eighty-three dollars per hour for class “A” felonies, seventy-eight dollars per hour for class “B” felonies, and seventy-three dollars per hour for all other cases.

9. The expenses shall include any sums as are necessary for investigations in the interest of justice, and the cost of obtaining the transcript of the trial record and briefs if an appeal is filed. The attorney need not follow the case into another county or into the appellate court unless so directed by the court. If the attorney follows the case into another county or into the appellate court, the attorney shall be entitled to compensation as provided in [this section](#).

Only one attorney fee shall be so awarded in any one case except that in class “A” felony cases, two may be authorized if both attorneys are appointed pursuant to [section 815.10](#).

[C51, §2561 – 2563; R60, §1578, 4168 – 4170; C73, §3829 – 3831; C97, §5314; C24, 27, 31, 35, 39, §13774; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, §775.5; C79, 81, §815.7]

[94 Acts, ch 1187, §23](#); [96 Acts, ch 1193, §8](#); [97 Acts, ch 126, §50](#); [99 Acts, ch 135, §26](#); [2000 Acts, ch 1115, §5](#); [2004 Acts, ch 1084, §12](#); [2006 Acts, ch 1166, §9](#); [2007 Acts, ch 213, §25](#); [2012 Acts, ch 1063, §7](#); [2019 Acts, ch 163, §34, 35](#); [2021 Acts, ch 166, §24](#); [2022 Acts, ch 1021, §176](#); [2022 Acts, ch 1146, §21](#); [2023 Acts, ch 66, §154](#); [2023 Acts, ch 113, §19, 20](#)

Referred to in [§125.78](#), [222.13A](#), [229.2](#), [229.8](#), [815.1](#), [815.9](#), [815.11](#), [815.14](#)

See Code editor’s note on simple harmonization at the beginning of this Code volume

Subsections 6 and 7 amended

NEW subsection 8 and former subsection 8 renumbered as 9

815.7A Travel time for attorney or guardian ad litem.

1. Compensation for time spent by an attorney or guardian ad litem traveling outside of the attorney’s or guardian ad litem’s county of domicile is payable when the travel is reasonable and necessary to represent the indigent client and shall be calculated at a rate of thirty-five dollars per hour. Compensation for travel for a court proceeding other than a trial or other contested proceeding shall only be paid if the attorney or guardian ad litem files a motion for a remote hearing and the motion is denied. [This section](#) does not affect any allowable compensation for time spent traveling already compensated pursuant to any other applicable provision of law.

2. Compensation for travel for an arraignment, pretrial conference, scheduling conference, or any other uncontested or nontestimonial judicial proceeding, for which a request for a remote hearing was denied, paid to the attorney or guardian ad litem from the indigent defense fund created in [section 815.11](#) shall be reimbursed by the judicial branch.

3. For purposes of [this section](#), “*county of domicile*” means the address the attorney or guardian ad litem has on file with the office of the state public defender.

[2023 Acts, ch 113, §21](#)

NEW section

815.8 Sheriffs’ fees.

For delivering defendants under the change of venue provisions of [rule of criminal procedure 2.11](#) or transferring arrested persons under [section 804.24](#), sheriffs are entitled to the same fees as are allowed for the conveyance of persons to institutions under [section 331.655](#).

[C51, §3277; R60, §4741; C73, §4382; C97, §5355; C24, 27, 31, 35, 39, §13825; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, §778.16; C79, 81, §815.8]

[85 Acts, ch 21, §48](#)

Referred to in [§331.655](#)

815.9 Indigency determined — penalty.

1. For purposes of [this chapter](#), [chapters 13B](#), [229A](#), [232](#), [665](#), [812](#), [814](#), and [822](#), and [section 811.1A](#), and the rules of criminal procedure, a person is indigent if the person is entitled to an attorney appointed by the court as follows:

a. A person is entitled to an attorney appointed by the court to represent the person if the person has an income level at or below one hundred twenty-five percent of the United States poverty level as defined by the most recently revised poverty income guidelines published by the United States department of health and human services, unless the court determines that the person is able to pay for the cost of an attorney to represent the person on the pending case. In making the determination of a person’s ability to pay for the cost of an attorney, the court shall consider not only the person’s income, but also the availability of any assets subject to execution, including but not limited to cash, stocks, bonds, and any other property which may be applied to the satisfaction of judgments, and the seriousness of the charge or nature of the case.

b. A person with an income level greater than one hundred twenty-five percent, but at or below two hundred percent, of the most recently revised poverty income guidelines published by the United States department of health and human services shall not be entitled to an

attorney appointed by the court, unless the court makes a written finding that not appointing counsel on the pending case would cause the person substantial hardship. In determining whether substantial hardship would result, the court shall consider not only the person's income, but also the availability of any assets subject to execution, including but not limited to cash, stocks, bonds, and any other property which may be applied to the satisfaction of judgments, and the seriousness of the charge or nature of the case.

c. A person with an income level greater than two hundred percent of the most recently revised poverty income guidelines published by the United States department of health and human services shall not be entitled to an attorney appointed by the court, unless the person is charged with a felony and the court makes a written finding that not appointing counsel would cause the person substantial hardship. In determining whether substantial hardship would result, the court shall consider not only the person's income, but also the availability of any assets subject to execution, including but not limited to cash, stocks, bonds, and any other property which may be applied to the satisfaction of judgments, and the seriousness of the charge or nature of the case.

2. A determination of whether a person is entitled to an appointed attorney shall be made on the basis of an affidavit of financial status submitted at the time of the person's initial appearance or at such later time as a request for court appointment of counsel is made. The state public defender shall adopt rules prescribing the form and content of the affidavit of financial status. The affidavit of financial status shall be signed under penalty of perjury and shall contain sufficient information to allow the determination to be made of whether the person is entitled to an appointed attorney under [this section](#). If the person is granted an appointed attorney, the affidavit of financial status shall be filed and permanently retained in the person's court file.

3. If a person is granted an appointed attorney, the person shall be required to reimburse the state for the total cost of legal assistance provided to the person pursuant to [this section](#). "Legal assistance" as used in [this section](#) shall include not only the expense of the public defender or an appointed attorney, but also transcripts, witness fees, expenses, and any other goods or services required by law to be provided to an indigent person entitled to an appointed attorney.

4. a. If the appointed attorney is a public defender, the attorney shall submit a report to the court specifying the total hours of service plus expenses incurred in providing legal assistance to the person, unless the court has ordered that the cost of legal assistance is not required to be reimbursed to the state. In a criminal case, the report shall be submitted within a reasonable period of time after the date of sentencing, acquittal, or dismissal. In a case other than a criminal case, the report shall be submitted within a reasonable period of time after the date of any court ruling or the conclusion of a trial held in the case, or if the case is dismissed within a reasonable period of time after the date of dismissal.

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.

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](#).

5. If the person receiving legal assistance is convicted in a criminal case, the total costs and fees incurred for legal assistance shall be ordered paid when the reports submitted pursuant to [subsection 4](#) are received by the court, and the court shall order the payment of such amounts as restitution, to the extent to which the person is reasonably able to pay, or order

the performance of community service in lieu of such payments, in accordance with [chapter 910](#).

6. If the person receiving legal assistance is acquitted in a criminal case or is a party in a case other than a criminal case, the court shall order the payment of all or a portion of the total costs and fees incurred for legal assistance, to the extent the person is reasonably able to pay, after an inquiry which includes notice and reasonable opportunity to be heard.

7. When ordering payment of all or a portion of the total costs and fees incurred for legal assistance under [subsection 6](#), the court may order payment of the costs and fees in reasonable installments as provided in [section 909.3](#), or may order the entire amount due and payable. If any costs and fees are not paid at the time specified in the order of the court, a judgment shall be entered against the person for any unpaid amount. Such judgment may be enforced by the state in the same manner as a civil judgment.

8. If a person is granted an appointed attorney or has received legal assistance in accordance with [this section](#) and the person is employed, the person shall execute an assignment of wages. An order for assignment of income, in a reasonable amount to be determined by the court, shall be entered by the court. The state public defender shall prescribe forms for use in wage assignments and court orders entered under [this subsection](#).

9. Notwithstanding [subsections 3](#) and [6](#), a minor granted a court-appointed attorney or guardian ad litem under [section 232.11](#) in a juvenile proceeding shall not be ordered to reimburse costs and fees incurred for legal assistance except as otherwise provided in [chapter 232](#).

83 Acts, ch 186, §10137, 10201; 93 Acts, ch 175, §23, 24; 96 Acts, ch 1193, §9 – 11; 99 Acts, ch 135, §27; 2000 Acts, ch 1115, §6; 2002 Acts, ch 1067, §15; 2004 Acts, ch 1084, §13; 2012 Acts, ch 1063, §8, 9; 2013 Acts, ch 56, §1, 2; 2017 Acts, ch 88, §4

Referred to in §13B.10, 125.76, 331.756(5)(a), 331.756(5)(c), 331.756(5)(d), 598.7, 801.4, 814.11, 815.4, 815.10, 815.10A, 815.14, 908.2A, 910.1, 910.2, 910.3

815.9A Recovery of indigent defense costs. Repealed by 99 Acts, ch 135, §31.

815.10 Appointment of counsel by court.

1. *a.* The court, for cause and upon its own motion or upon application by an indigent person or a public defender, shall appoint the state public defender's designee pursuant to [section 13B.4](#) to represent an indigent person at any stage of the criminal, postconviction, contempt, commitment under [chapter 229A](#), termination under [chapter 600A](#), detention under [section 811.1A](#), competency under [chapter 812](#), parole revocation if applicable under [section 908.2A](#), or juvenile proceedings or on appeal of any criminal, postconviction, contempt, commitment under [chapter 229A](#), termination under [chapter 600A](#), detention under [section 811.1A](#), competency under [chapter 812](#), parole revocation under [chapter 908](#), or juvenile action in which the indigent person is entitled to legal assistance at public expense. However, in juvenile cases, the court may directly appoint an existing nonprofit corporation established for and engaged in the provision of legal services for juveniles. An appointment shall not be made unless the person is determined to be indigent under [section 815.9](#).

b. An indigent person is entitled to the appointment of one attorney in all cases, except the court may appoint two attorneys in class "A" felony cases and in cases where an assistant state public defender from the wrongful convictions division of the office of the state public defender enters an appearance after a private attorney has been appointed to represent the indigent person. However, in a class "A" felony case, a person who is represented by a privately retained attorney or by an attorney who has agreed to represent the person is not entitled to have an attorney appointed to represent the person based upon the indigence of the person.

c. For purposes of [this subsection](#), a criminal proceeding in which an indigent person is entitled to legal assistance at public expense is a proceeding where the person faces the possibility of imprisonment under the applicable criminal statute or ordinance. [This section](#) does not require the appointment of an attorney if the indigent person does not request the appointment of an attorney or waives the right to an appointed attorney.

2. If the state public defender or the state public defender's designee is unable to represent

an indigent person, the court shall appoint an attorney who has a contract with the state public defender to represent the person in the particular type of case and in the county in which the case is pending.

3. If the court determines that no contract attorney is available to represent the person, the court may appoint a noncontract attorney. The order of appointment shall include a specific finding that no contract attorney was available.

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

5. An attorney who has been retained or has agreed to represent a person and subsequently applies to the court for appointment to represent that person because the person is indigent shall notify the state public defender of the application. Upon the filing of the application, the attorney shall provide the state public defender with a copy of any representation agreement, and information on any moneys earned or paid to the attorney prior to the appointment.

6. An attorney appointed under [this section](#) is not liable to a person represented by the attorney for damages as a result of a conviction in a criminal case unless the court determines in a postconviction proceeding or on direct appeal that the person's conviction resulted from ineffective assistance of counsel, and the ineffective assistance of counsel is the proximate cause of the damage. In juvenile or civil proceedings, an attorney appointed under [this section](#) is not liable to a person represented by the attorney for damages unless it has been determined that the attorney has provided ineffective assistance of counsel, and the ineffective assistance of counsel is the proximate cause of the damage.

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

[83 Acts, ch 186, §10138, 10201; 91 Acts, ch 268, §436, 439; 94 Acts, ch 1187, §24; 96 Acts, ch 1040, §5; 99 Acts, ch 135, §28; 2000 Acts, ch 1115, §7; 2002 Acts, ch 1067, §16; 2004 Acts, ch 1017, §4; 2004 Acts, ch 1084, §14; 2005 Acts, ch 19, §120; 2005 Acts, ch 107, §8, 14; 2012 Acts, ch 1063, §10; 2013 Acts, ch 56, §3, 4; 2017 Acts, ch 88, §5; 2022 Acts, ch 1060, §1](#)

Referred to in [§13B.4, 13B.9, 22.7\(44\), 815.1, 815.7, 815.11](#)

815.10A Claims for compensation and expense reimbursement.

1. An attorney other than a public defender who has been appointed by the court under [this chapter](#) must submit a claim to the state public defender for compensation and reimbursement of expenses incurred in the representation of an indigent person.

2. Claims for compensation and reimbursement submitted by an attorney 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 the date of service, as defined by the state public defender in rules.

3. *a.* An attorney shall obtain court approval prior to exceeding the fee limitations established by the state public defender pursuant to [section 13B.4](#). An attorney may exceed the fee limitations if good cause for exceeding the fee limitations is shown. An attorney may obtain court approval after exceeding the fee limitations if good cause excusing the attorney's failure to seek approval prior to exceeding the fee limitations is shown. However, failure to file an application to exceed a fee limitation prior to exceeding the fee limitation does not constitute good cause. The order approving an application to exceed the fee limitations shall be effective from the date of filing the application unless the court order provides an alternative effective date. The application and the court order approving the application to exceed fee limitations and any other order affecting the amount of compensation or reimbursement shall be submitted with any claim for compensation.

b. Except for an application to exceed fee limitations by an attorney or guardian ad litem representing a juvenile in a juvenile proceeding, an application to exceed fee limitations shall include a statement attesting that the attorney advised the indigent person of the application, and the potential for reimbursement of the attorney fees pursuant to [section 815.9](#).

4. If the information is not submitted as required under [this section](#) and under the rules of the state public defender, the claim for compensation may be denied until the information

is provided. Upon receipt of the required information, the state public defender may approve reasonable and necessary compensation, as provided for in the administrative rules and the law.

2002 Acts, ch 1067, §17; 2004 Acts, ch 1040, §5; 2008 Acts, ch 1061, §7; 2012 Acts, ch 1063, §11; 2013 Acts, ch 56, §5

815.11 Appropriations for indigent defense — fund created.

1. 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, appeals, and licensing and deposited in an account to be known as the indigent defense fund, except as provided in [subsection 2](#). Costs incurred representing an indigent defendant in a contempt action, representing an indigent juvenile in a juvenile court proceeding, or representing a person pursuant to [section 13B.13](#) 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.

2. The costs and fees associated with translators, foreign language interpreters, and sign language interpreters are not payable from this fund. The costs and fees of sign language interpreters shall be paid by the county pursuant to [section 622B.7](#), and the costs and fees of translators and foreign language interpreters shall be paid pursuant to [section 622A.3](#) from moneys appropriated by the general assembly to the judicial branch revolving fund created pursuant to [section 602.1302, subsection 3](#).

83 Acts, ch 186, §10139, 10201; 85 Acts, ch 195, §65; 90 Acts, ch 1233, §45; 94 Acts, ch 1187, §25; 98 Acts, ch 1171, §18; 99 Acts, ch 135, §29; 2000 Acts, ch 1115, §8; 2002 Acts, ch 1067, §18; 2003 Acts, ch 51, §5; 2004 Acts, ch 1040, §6; 2005 Acts, ch 107, §9, 14; 2006 Acts, ch 1030, §82; 2006 Acts, ch 1041, §8; 2007 Acts, ch 22, §106; 2008 Acts, ch 1061, §8; 2020 Acts, ch 1040, §2; 2021 Acts, ch 77, §21; 2023 Acts, ch 19, §2040

Referred to in [§13B.1, 13B.4A, 22.7\(10\), 232.141, 600A.6B, 815.7A, 815.15](#)
Subsection 1 amended

815.12 Trial jury expenses.

The clerk of the district court shall pay fees and mileage due petit jurors, and the costs of food, lodging, and transportation when provided for petit jurors.

83 Acts, ch 186, §10140, 10201

815.13 Payment of prosecution costs.

The county or city which has the duty to prosecute a criminal action shall pay the costs of depositions taken on behalf of the prosecution, the costs of transcripts requested by the prosecution, and in criminal actions prosecuted by the county or city under county or city ordinance the fees that are payable to the clerk of the district court for services rendered and the court costs taxed in connection with the trial of the action or appeals from the judgment. The county or city shall pay witness fees and mileage in trials of criminal actions prosecuted by the county or city under county or city ordinance. These fees and costs are recoverable by the county or city from the defendant unless the defendant is found not guilty or the action is dismissed, in which case the state shall pay the witness fees and mileage in cases prosecuted under state law.

83 Acts, ch 186, §10141, 10201; 84 Acts, ch 1178, §12; 84 Acts, ch 1301, §16; 85 Acts, ch 197, §43

Referred to in [§331.424](#)

815.14 Fee for public defender.

The amount of restitution for the expense of the public defender for each case under [section 910.3](#) or the total cost of legal assistance required to be reimbursed under [section 815.9, subsection 3](#), shall include all expenses incurred in the representation of the person combined with the attorney fees for the public defender calculated at the same hourly rate

of compensation specified under [section 815.7](#). The expense of the public defender may exceed the fee limitations established in [section 13B.4](#). The expense of the public defender required to be reimbursed is subject to a determination of the extent to which the person is reasonably able to pay, as provided for in [section 815.9](#) and [chapter 910](#).

[2002 Acts, ch 1067, §19](#); [2012 Acts, ch 1063, §12](#)

815.15 Violations of local ordinances — reimbursement.

1. If an attorney is appointed in a case to represent an indigent person for an alleged violation of a local ordinance that may require a term of confinement, the office of the state public defender shall seek reimbursement from the political subdivision of the state that was the plaintiff in the case for the compensation paid to and the expenses incurred by the attorney.

2. A political subdivision of the state shall reimburse the office of the state public defender for the compensation and expenses paid from the indigent defense fund in [section 815.11](#) to an attorney who represented the indigent person pursuant to [subsection 1](#).

[2017 Acts, ch 88, §6, 7](#)