

Senate File 1165  
Appropriations  
Hill of Jasper  
Chairperson  
Wilits  
Plymat

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2/19

FILED FEB 18 1976

SENATE FILE 1165

By PRIEBE

Passed Senate, Date \_\_\_\_\_ Passed House, Date \_\_\_\_\_  
Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_ Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_  
Approved \_\_\_\_\_

## A BILL FOR

1 An Act relating to payment by the state of the cost of  
2 certain court appointed attorneys.  
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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1 Section 1. Section two hundred thirty-two point fifty-  
2 two (232.52), Code 1975, is amended to read as follows:

3 232.52 EXPENSES CHARGED TO COUNTY AND STATE. The following  
4 expenses upon certification of the judge or upon such other  
5 authorization as provided by law are a charge upon the county  
6 in which the proceedings are held.

7 1. The fees and mileage of witnesses and the expenses  
8 and mileage of officers serving notices and subpoenas.

9 2. The expenses of transporting a child to a place  
10 designated by a child placing agency for the care of a child  
11 if the court transfers legal custody to a child placing agency.

12 3. The expense of transporting a child to or from a place  
13 designated by the court.

14 ~~4. Reasonable compensation for an attorney appointed by~~  
15 ~~the court to serve as counsel or guardian ad litem.~~

16 5 4. The expense of treatment or care ordered by the court  
17 under authority of subsection 6 of section 232.33 or subsection  
18 6 of section 232.34. The reasonable compensation for an  
19 attorney appointed by the court to serve as counsel or guardian  
20 ad litem is a charge upon the state as set forth in section  
21 seven hundred seventy-five point five (775.5) of the Code.

22 Sec. 2. Section three hundred thirty-six B point six  
23 (336B.6), Code 1975, is amended to read as follows:

24 336B.6 FEE TAXED AS COURT COSTS. If a court finds that  
25 a person desires legal assistance, and is financially able  
26 to secure counsel but refuses to employ an attorney, the court  
27 shall appoint an attorney to represent such person at public  
28 expense. The attorney fee paid by the state ~~or county~~ in  
29 such cases shall be taxed as part of the court costs against  
30 the person receiving the legal assistance, and the state ~~or~~  
31 ~~county~~ shall be reimbursed for said fee when the court costs  
32 are paid.

33 Sec. 3. Section seven hundred seventy-five point five  
34 (775.5), Code 1975, is amended by adding the following new  
35 unnumbered paragraph:

1 NEW UNNUMBERED PARAGRAPH. The state shall pay the reasonable  
2 compensation of an attorney appointed by the court to defend  
3 persons charged with a crime in this state or an attorney  
4 appointed by the court to serve as counsel or guardian ad  
5 litem pursuant to chapter two hundred thirty-two (232) of  
6 the Code. The state comptroller shall pay the compensation  
7 approved by the court pursuant to this section out of any  
8 moneys in the general fund of the state not otherwise  
9 appropriated.

10 If the attorney is appointed prior to the effective date  
11 of this Act, the county is still responsible for payment of  
12 the reasonable compensation of such attorney. If the attorney  
13 is appointed on or after the effective date, the state is  
14 responsible for such payment.

15 Sec. 4. Section seven hundred seventy-eight point fifteen  
16 (778.15), Code 1975, is amended to read as follows:

17 778.15 COST ATTENDING CHANGE. When the place of trial  
18 is changed under the provisions of this chapter, the county  
19 from which the change was taken shall pay the expenses and  
20 charges of removing, delivering, and keeping the defendant,  
21 and all other expenses and costs necessary and consequent  
22 upon such change and trial, which except the reasonable  
23 compensation of court-appointed attorneys to defend persons  
24 charged with a crime or to serve as counsel or guardian ad  
25 litem pursuant to chapter two hundred thirty-two (232) of  
26 the Code. All expenses and costs chargeable to the county  
27 shall be audited and allowed by the court trying the case;  
28 and all such expenses and costs may be recovered by the county  
29 to which the trial is changed in an action against the county  
30 in which the prosecution was commenced.

31 EXPLANATION

32 This bill requires the state to pay the reasonable  
33 compensation of court-appointed attorneys to defend persons  
34 charged with a crime in Iowa or to serve as counsel or guardian  
35 ad litem pursuant to chapter 232 of the Code. The reasonable

1 compensation of such court-appointed attorneys is now paid  
2 by the counties.

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