

Amended 2/1/85

Reprinted 2/1/85

As Amended 2/1/85 (p. 1505)

FILED FEB 7 1985

SENATE FILE 200

BY MANN

Passed Senate, Date 3-4-85 (p. 533) Passed House, Date 4-12-85 (p. 1505)
Vote: Ayes 148 Nays 1 Vote: Ayes 95 Nays 0
Approved April 23, 1985 (p. 1591)

A BILL FOR

1 An Act relating to the office of the appellate defender.
2 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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1 Section 1. 1981 Iowa Acts, chapter 23, section 8, is
2 repealed.

3 Sec. 2. This Act, being deemed of immediate importance,
4 takes effect from and after its publication in The New Iowa
5 Bystander, a newspaper published in Des Moines, Iowa, and in
6 The Sioux City Journal, a newspaper published in Sioux City,
7 Iowa.

8 Sec. 3. It is the intent of the general assembly of the
9 state of Iowa that the provisions of this Act take effect
10 prior to the date which 1981 Acts, chapter 23, section 8,
11 would take effect and that from the effective date of this
12 Act, 1981 Acts, chapter 23, section 8, be given no force of
13 law.

14 EXPLANATION

15 This bill repeals the repealing clause originally enacted
16 with the substantive provisions relating to the creation and
17 operation of the office of the state appellate defender. This
18 bill also provides that the Act takes effect as of the date of
19 its publication and that the Act is intended to take effect
20 prior to the repealing clause originally provided in the
21 creation of the office, and that the original repealing clause
22 be given no force of law.

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SENATE FILE 200
FISCAL NOTE

REQUESTED BY SEN. HORN

In compliance with a request a fiscal note for Senate File 200 is hereby submitted pursuant to Joint Rule 17.

Senate File 200 allows the office of the state appellate defender to continue operations. At the time it was created, the legislation establishing the office was scheduled to be repealed after four years.

The state appellate defender does not receive any general fund appropriation. It is funded entirely with charges to counties for indigent appellate defense. Revenue from counties is expected to exceed expenditures as follows:

	FY-86	FY-87
Revenues from counties	\$ 337,445	\$ 346,467
Expenditures		
Salaries	249,333	250,251
Other	<u>36,675</u>	<u>38,575</u>
	\$ 286,008	\$ 288,826
Revenues exceed expenditures	\$ 51,467	\$ 57,641

It is expected that county expenditures for indigent appellate defense would increase substantially if the Appellate Defender's office sunsets. The agency bills at an hourly rate of \$27.50, while private court-appointed counsel averages \$50.00 an hour.

Source: Appellate Defender's Office

Filed February 21, 1985

BY DENNIS C. PROUTY, DIRECTOR
LEGISLATIVE FISCAL BUREAU

1 Amend Senate File 200 as follows:

2 1. Page 1, by striking line 1 and inserting the
3 following:

4 "Section 1. Section 13B.4, Code 1985, is amended
5 to read as follows:

6 13B.4 DUTIES OF APPELLATE DEFENDER.

7 The appellate defender shall represent indigents on
8 appeal in criminal cases and on appeal in proceedings
9 to obtain postconviction relief when appointed to do
10 so by the district court in which the judgment or
11 order was issued, and may represent indigents in
12 proceedings instituted pursuant to chapter 908, and
13 shall not engage in the private practice of law. The
14 court may, upon the application of the indigent or the
15 indigent's trial attorney, or on its own motion,
16 appoint the appellate defender to represent the
17 indigent on appeal or on appeal in postconviction
18 proceedings.

19 Sec. 2. 1981 Iowa Acts, Chapter 23, section 8,
20 is".

21 2. Page 1, line 3, by striking the word "This"
22 and inserting the following: "Section 2 of this".

23 3. Page 1, line 9, by inserting after the words
24 "provisions of" the following: "sections 2 and 3 of".

25 4. By renumbering as necessary.

S-3152 Filed

February 25, 1985

Adopted 3/4/85 (7 520)

By MANN

The Judiciary 3/7/85

Do Pass 3/29/85 (p. 1206)

SENATE FILE 200

BY MANN

(AS AMENDED AND PASSED BY THE SENATE MARCH 4, 1985)

Passed Senate, Date 3-4-85 (p. 580) Passed House, Date 4-12-85 (p. 1505)

Vote: Ayes 48 Nays 1 Vote: Ayes 95 Nays 0

Approved April 23, 1985 (p. 1591)

A BILL FOR

1 An Act relating to the office of the appellate defender.

2 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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————— = New Language
by the Senate

1 Section 1. Section 13B.4, Code 1985, is amended to read as
2 follows:

3 13B.4 DUTIES OF APPELLATE DEFENDER.

4 The appellate defender shall represent indigents on appeal
5 in criminal cases and on appeal in proceedings to obtain
6 postconviction relief when appointed to do so by the district
7 court in which the judgment or order was issued, and may
8 represent indigents in proceedings instituted pursuant to
9 chapter 908, and shall not engage in the private practice of
10 law. The court may, upon the application of the indigent or
11 the indigent's trial attorney, or on its own motion, appoint
12 the appellate defender to represent the indigent on appeal or
13 on appeal in postconviction proceedings.

14 Sec. 2. 1981 Iowa Acts, Chapter 23, section 8, is
15 repealed.

16 Sec. 3. Section 2 of this Act, being deemed of immediate
17 importance, takes effect from and after its publication in The
18 New Iowa Bystander, a newspaper published in Des Moines, Iowa,
19 and in The Sioux City Journal, a newspaper published in Sioux
20 City, Iowa.

21 Sec. 4. It is the intent of the general assembly of the
22 state of Iowa that the provisions of sections 2 and 3 of this
23 Act take effect prior to the date which 1981 Acts, chapter 23,
24 section 8, would take effect and that from the effective date
25 of this Act, 1981 Acts, chapter 23, section 8, be given no
26 force of law.

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section 8, would take effect and that from the effective date of this Act, 1981 Acts, chapter 23, section 8, be given no force of law.

SENATE FILE 200

AN ACT
RELATING TO THE OFFICE OF THE APPELLATE DEFENDER.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

Section 1. Section 13B.4, Code 1985, is amended to read as follows:

13B.4 DUTIES OF APPELLATE DEFENDER.

The appellate defender shall represent indigents on appeal in criminal cases and on appeal in proceedings to obtain postconviction relief when appointed to do so by the district court in which the judgment or order was issued, and may represent indigents in proceedings instituted pursuant to chapter 908, and shall not engage in the private practice of law. The court may, upon the application of the indigent or the indigent's trial attorney, or on its own motion, appoint the appellate defender to represent the indigent on appeal or on appeal in postconviction proceedings.

Sec. 2. 1981 Iowa Acts, chapter 23, section 8, is repealed.

Sec. 3. Section 2 of this Act, being deemed of immediate importance, takes effect from and after its publication in The New Iowa Bystander, a newspaper published in Des Moines, Iowa, and in The Sioux City Journal, a newspaper published in Sioux City, Iowa.

Sec. 4. It is the intent of the general assembly of the state of Iowa that the provisions of sections 2 and 3 of this Act take effect prior to the date which 1981 Acts, chapter 23,

ROBERT T. ANDERSON
President of the Senate

DONALD D. AVENSON
Speaker of the House

I hereby certify that this bill originated in the Senate and is known as Senate File 200, Seventy-first General Assembly.

K. MARIE THAYER
Secretary of the Senate

Approved *April 23, 1985*

TERRY E. BRANSTAD
Governor