

STATE PUBLIC DEFENDER[493]

Notice of Intended Action

Twenty-five interested persons, a governmental subdivision, an agency or association of 25 or more persons may demand an oral presentation hereon as provided in Iowa Code section 17A.4(1)“b.”

Notice is also given to the public that the Administrative Rules Review Committee may, on its own motion or on written request by any individual or group, review this proposed action under section 17A.8(6) at a regular or special meeting where the public or interested persons may be heard.

Pursuant to the authority of Iowa Code section 13B.4(8), the State Public Defender hereby gives Notice of Intended Action to amend Chapter 12, “Claims for Indigent Defense Services,” Iowa Administrative Code.

The proposed amendments will require court-appointed attorneys to submit attorney fee claims for payment to the State Public Defender’s Office using an online system. The amendments are intended to allow the State Public Defender to achieve greater efficiencies and overall improvements in the processing, review and payment of attorney fee claims. The amendments also specify the manner in which the online claims must be submitted.

Any interested person may make written suggestions or comments on the proposed amendments on or before September 22, 2016. Such written suggestions or comments should be sent to the State Public Defender, Fourth Floor, Lucas State Office Building, 321 East 12th Street, Des Moines, Iowa 50319-0083; by fax to (515)281-7289; or by e-mail to kswaim@spd.state.ia.us.

A public hearing will be held on September 22, 2016, at 2:30 p.m. in Conference Room 424, Fourth Floor, Lucas State Office Building, 321 East 12th Street, Des Moines, Iowa, at which time persons may present their views orally or in writing. At the hearing, persons will be asked to give their names and addresses for the record and to confine their remarks to the subject of the amendments.

Any persons who intend to attend the hearing and have special requirements, such as those related to hearing or mobility impairments, should contact the State Public Defender and advise of specific needs.

The State Public Defender does not believe that the proposed amendments pose any financial hardship on any regulated entity or individual.

After review and analysis of this rule making, no adverse impact on jobs has been found.

These amendments are intended to implement Iowa Code chapters 13B and 815.

The following amendments are proposed.

ITEM 1. Amend paragraph **12.2(1)“a”** as follows:

a. A completed fee claim on a form promulgated by the state public defender.

(1) Adult fee claims, including all trial-level criminal and postconviction relief proceedings, misdemeanor appeals to district court, and applications for discretionary review or applications for interlocutory appeals to the Iowa supreme court, must be submitted on an Adult form. Juvenile fee claims, including petitions on appeal and applications for interlocutory appeals, must be submitted on a Juvenile form. Appellate fee claims, including claims for all criminal and postconviction relief appeals, work performed after the granting of an application for discretionary review or for interlocutory appeal, and work performed after full briefing is ordered following a juvenile petition on appeal, must be submitted on an Appellate form. ~~The For paper claims submitted on or before December 31, 2016, the~~ claim forms may be downloaded from the state public defender Web site: <http://spd.iowa.gov>.

(2) Claims submitted on or after January 1, 2017, shall be submitted electronically via the online claims Web site: <https://spdclaims.iowa.gov>. Effective January 1, 2017, any reference in these rules to forms for Adult, Juvenile, or Appellate claims means the respective electronic claims submission page on the online claims Web site. The state public defender, at the state public defender’s sole discretion, may grant limited exceptions to the requirement that claims be submitted electronically via the online claims Web site.

ITEM 2. Amend subparagraph **12.2(1)(f)(6)** as follows:

(6) ~~The~~ For paper claims submitted on or before December 31, 2016, the itemization must be typed in at least 10-point type on 8½" × 11" paper. For claims submitted on or after January 1, 2017, the itemization shall be submitted electronically via the Attorney Hours grid on the appropriate claims submission page on the online claims Web site. Separate electronic attachments of itemizations will not be accepted.