

### Regulatory Analysis

Notice of Intended Action to be published: 493—Chapter 1  
“Administration”

Iowa Code section(s) or chapter(s) authorizing rulemaking: 13B.4(8)

State or federal law(s) implemented by the rulemaking: Iowa Code section 13B.4 and chapter 815

### *Public Hearing*

A public hearing at which persons may present their views orally or in writing will be held as follows:

May 6, 2025  
2 p.m.

Via videoconference:  
[meet.google.com/gbm-frju-oxh](https://meet.google.com/gbm-frju-oxh)  
Or dial: (US) +1 563.293.1803  
PIN: 316 603 891#

### *Public Comment*

Any interested person may submit written or oral comments concerning this Regulatory Analysis, which must be received by the Office of the State Public Defender no later than 4:30 p.m. on the date of the public hearing. Comments should be directed to:

Kurt Swaim, First Assistant State Public Defender  
6200 Park Avenue, Suite 100  
Des Moines, Iowa 50321  
Phone: 515.218.2445  
Email: [kswaim@spd.state.ia.us](mailto:kswaim@spd.state.ia.us)

### *Purpose and Summary*

This proposed rulemaking repromulgates administrative rules based on the requirements of Executive Order 10. Chapter 1 provides information to the public about the organizational structure of the State Public Defender, its purpose, and its location.

### *Analysis of Impact*

1. **Persons affected by the proposed rulemaking:**
  - **Classes of persons that will bear the costs of the proposed rulemaking:**  
There are no expected additional costs to the State or individuals.
  - **Classes of persons that will benefit from the proposed rulemaking:**  
The Office of the State Public Defender, indigent persons represented by court-appointed attorneys, and employees of the State Public Defender will benefit.
2. **Impact of the proposed rulemaking, economic or otherwise, including the nature and amount of all the different kinds of costs that would be incurred:**
  - **Quantitative description of impact:**  
Not applicable. There are no expected additional costs to the State or individuals.
  - **Qualitative description of impact:**  
Not applicable.
3. **Costs to the State:**
  - **Implementation and enforcement costs borne by the agency or any other agency:**

There are no expected additional costs to the State. Changes have not been made to the substance of this chapter but rather to the language used.

- **Anticipated effect on state revenues:**

There is no anticipated effect.

**4. Comparison of the costs and benefits of the proposed rulemaking to the costs and benefits of inaction:**

Not applicable.

**5. Determination whether less costly methods or less intrusive methods exist for achieving the purpose of the proposed rulemaking:**

Not applicable.

**6. Alternative methods considered by the agency:**

- **Description of any alternative methods that were seriously considered by the agency:**

No alternative methods were considered.

- **Reasons why alternative methods were rejected in favor of the proposed rulemaking:**

No viable alternative was identified. The information and process set forth in this chapter are largely driven by existing statute.

*Small Business Impact*

**If the rulemaking will have a substantial impact on small business, include a discussion of whether it would be feasible and practicable to do any of the following to reduce the impact of the rulemaking on small business:**

- Establish less stringent compliance or reporting requirements in the rulemaking for small business.

- Establish less stringent schedules or deadlines in the rulemaking for compliance or reporting requirements for small business.

- Consolidate or simplify the rulemaking's compliance or reporting requirements for small business.

- Establish performance standards to replace design or operational standards in the rulemaking for small business.

- Exempt small business from any or all requirements of the rulemaking.

**If legal and feasible, how does the rulemaking use a method discussed above to reduce the substantial impact on small business?**

There is no expected impact on small business.

*Text of Proposed Rulemaking*

ITEM 1. Rescind 493—Chapter 1 and adopt the following **new** chapter in lieu thereof:

CHAPTER 1  
ADMINISTRATION

**493—1.1(13B) Scope.** This chapter sets forth the organizational structure of the state public defender system and describes its purpose. Definitions of terms used in this chapter can be found in 493—Chapter 7.

**493—1.2(13B) Function.** The position of state public defender is established by Iowa Code chapter 13B. The state public defender is charged with the supervision of the operation of the state public defender system and with the coordination of the provision of legal defense representation of indigent persons in the state of Iowa.

**493—1.3(13B) Overall organization and method of operations.**

**1.3(1) State public defender system.** The state public defender system is administered by the state public defender. The system consists of three divisions: an administrative division, a local public defender division, and an appellate division.

**1.3(2) Types of cases.** Based on statutes and appropriate case law, the state public defender system provides representation for persons found to be indigent in the following types of cases:

- a. Felonies;
- b. Misdemeanors, if an accused faces the possibility of imprisonment under the applicable criminal statute or ordinance;
- c. Juvenile matters, including delinquency, termination of parental rights, child in need of assistance (CINA), judicial bypass proceedings, filing by an indigent party of an adoption petition under Iowa Code section 600.3 to adopt a child who was the subject of a termination of parental rights proceeding under Iowa Code chapter 232, and juvenile commitments;
- d. Probation and parole revocation cases;
- e. Civil commitment proceedings under Iowa Code chapter 229A; and
- f. Other matters authorized by law.

**1.3(3) State public defender.** The state public defender is appointed by the governor, subject to confirmation by the senate. The state public defender is the chief administrative officer of the state public defender system and in that capacity coordinates the legal representation of indigent clients in criminal, juvenile and related cases in Iowa. The duties of the state public defender include but are not limited to:

- a. Supervising the operations of the local public defender offices;
- b. Acting as chief legal officer of the state public defender system;
- c. Preparing and submitting the annual budget, personnel and employment policies and preparing an annual report of the activities of the office;
- d. Determining locations for establishing future local public defender offices;
- e. All other duties as set forth in Iowa Code section 13B.4.

**1.3(4) Administrative division.** The administrative division carries out all the duties of the state public defender, including but not limited to budget preparation, processing claims for payment of public defender-related costs and expenses, coordinating hiring and disciplinary matters, maintaining statistics regarding case management and handling of cases, and all other administrative matters.

**1.3(5) Local public defender division.**

a. The local public defender division provides legal representation at the trial level to qualified persons charged with adult crimes or in juvenile matters in counties where local public defender services are provided. The division also provides representation to qualified persons in juvenile appeals and in civil commitment proceedings under Iowa Code chapter 229A at the trial and appellate levels and in any other matters authorized by law.

b. The local public defender division consists of independent local offices and branch offices. Each independent local office is under the direct supervision of a local public defender. A local public defender may supervise a branch office. If so, the branch office may be considered part of the local office.

**1.3(6) Appellate division.** The appellate division is administered by the state appellate defender, who reports directly to the state public defender. The appellate division provides legal representation to indigent clients in posttrial matters in the appellate courts of the state of Iowa.

**493—1.4(13B) Information.** Information concerning the office of the state public defender or the state public defender system may be obtained by contacting the Office of the State Public Defender, 6200 Park Avenue, Suite 100, Des Moines, Iowa 50321; by telephone at 515.218.2445; or by fax at 515.281.7289. Office hours are 8 a.m. to 4:30 p.m., Monday through Friday, excluding state holidays. The state public defender's website address is [spd.iowa.gov](http://spd.iowa.gov).

These rules are intended to implement Iowa Code chapter 13B.