

or filing of such records. However, account records showing unpaid balances due to depositors shall not be destroyed.

2. A copy of an original may be kept in lieu of any original records.

a. For purposes of this section, a copy includes any duplicate, rerecording or reproduction of an original record from any photograph, photostat, microfilm, microcard, miniature or microphotograph, computer printout, electronically stored data or image, or other process which accurately reproduces or forms a durable medium for accurately and legibly reproducing an unaltered image or reproduction of the original record.

b. A copy is deemed to be an original and shall be treated as an original record in a judicial or administrative proceeding for purposes of admissibility in evidence. A facsimile, exemplification, or certified copy of any such copy reproduced from a film record is deemed to be a facsimile, exemplification, or certified copy of the original.

Sec. 6. Section 533.27, unnumbered paragraph 1, Code 2005, is amended to read as follows:

~~No~~ With the exception of certain account records which shall not be destroyed pursuant to section 533.26, liability shall not accrue against any credit union destroying any such records after the expiration of the time provided in ~~sections section 533.26 to, this section, and section 533.29~~ and in. In any cause or proceedings in which any such records or files may be called ~~in~~ into question or be demanded of the credit union or ~~of~~ any officer or employee ~~thereof~~ of the credit union, a showing that such records or files have been destroyed in accordance with the terms of ~~said~~ such sections shall be a sufficient excuse for the failure to produce them. Nothing herein shall require credit unions to retain any class of records or files for the period of limitations of actions provided herein; but any records, files, or class of records not deemed necessary for the conduct of the current business of credit unions, or future examinations thereof, or for defense in the event of litigation, may be destroyed within such period.

Approved April 11, 2006

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## CHAPTER 1041

### INDIGENT DEFENSE AND JUVENILE COURT ACTIONS — COSTS AND FUNDING

*S.F. 2304*

**AN ACT** relating to indigent defense claims and the reimbursement of costs in juvenile cases paid by a county.

*Be It Enacted by the General Assembly of the State of Iowa:*

Section 1. Section 13B.1, Code 2005, is amended by adding the following new subsection: **NEW SUBSECTION.** 1A. "Claimant" means an attorney or other person seeking reimbursement of costs or fees payable from the appropriations under section 815.11.

Sec. 2. Section 13B.4, subsection 4, paragraph c, subparagraphs (3), (4), and (5), Code Supplement 2005, are amended to read as follows:

(3) Request additional information or return the claim to the attorney claimant, if the claim is incomplete.

(4) If any portion of the claim is excessive, notify the attorney claimant that the claim is excessive and will be reduced to an amount which is not excessive, and reduce and approve the balance of the claim.

(5) If any portion of the claim is not payable within the scope of appointment of the attorney claimant, notify the attorney claimant that a portion of the claim is not within the scope of appointment and is not payable, deny those portions of the claim that are not payable, and approve the balance of the claim.

Sec. 3. Section 13B.4, subsection 4, paragraph d, Code Supplement 2005, is amended to read as follows:

d. Notwithstanding chapter 17A, the attorney claimant may seek review of any action or intended action denying or reducing any claim by filing a motion with the court with jurisdiction over the original appointment for review.

(1) The motion must be filed within twenty days of any action taken by the state public defender.

(2) The motion shall be set for hearing by the court and the state public defender shall be provided with at least ten days' notice of the hearing. The state public defender shall not be required to file a resistance to the motion filed under this paragraph "d".

(3) The state public defender or the attorney claimant may participate by telephone. If the state public defender participates by telephone, the state public defender shall be responsible for initiating and paying for all telephone charges.

(4) The filing of a motion shall not delay the payment of the amount approved by the state public defender.

(5) If a claim or portion of the claim is denied, the action of the state public defender shall be affirmed unless the action conflicts with a statute or an administrative rule or the law.

(6) If the claim is reduced for being excessive, the attorney claimant shall have the burden to establish by a preponderance of the evidence that the amount of compensation and expenses is reasonable and necessary to competently represent the client.

(7) The decision of the court following a hearing on the motion is a final judgment appealable by the state public defender or the claimant.

~~(7)~~ (8) Any court order entered after the state public defender has taken action on a claim, which affects that claim, without first notifying the state public defender and permitting the state public defender an opportunity to be heard, is void.

Sec. 4. Section 13B.4, subsections 6 and 7, Code Supplement 2005, are amended to read as follows:

6. The state public defender is authorized to contract with county attorneys to provide collection services related to court-ordered indigent defense restitution ~~of court-appointed attorney fees or the expense of a public defender~~.

7. The state public defender shall not revise the allocations to the office of the state public defender and the allocations ~~for fees of court-appointed attorneys~~ for indigent defense of adults and juveniles, unless prior notice of the revisions is given ~~prior to their effective date~~ to the legislative services agency, the cochairpersons and ranking members of the joint appropriations subcommittee on the justice system, and the cochairpersons and ranking members of the house and senate committees on appropriations.

Sec. 5. Section 232.141, subsection 2, Code 2005, is amended to read as follows:

2. All of the following juvenile court expenses are a charge upon the county in which the proceedings are held, to the extent provided in subsection 3:

a. ~~The fees and mileage of witnesses and the expenses of officers serving notices and subpoenas which are Juvenile court expenses~~ incurred by an attorney appointed by the court to serve as counsel to any party or to serve as a guardian ad litem for any child, including fees and expenses for foreign language interpreters, costs of depositions and transcripts, fees and mileage of witnesses, and the expenses of officers serving notices and subpoenas.

b. Reasonable compensation for an attorney appointed by the court to serve as counsel to any party or as guardian ad litem for any child in juvenile court.

c. Fees and expenses incurred by the juvenile court for foreign language interpreters for court proceedings.

Sec. 6. Section 232.141, subsection 3, paragraphs c and d, Code 2005, are amended to read as follows:

c. ~~Costs incurred for compensation of an attorney appointed by the court to serve as counsel to any party or as guardian ad litem for any child shall be paid in accordance with sections 13B.4 and 815.7~~ The county, on an annual basis, shall pay to the indigent defense fund created under section 815.11 the amount of the county's base cost as determined in accordance with this subsection.

d. Costs incurred under subsection 2 shall be paid by the state from the appropriations to the indigent defense fund under section 815.11 in accordance with this chapter, chapter 815, and the rules adopted by the state public defender. The county shall be required to reimburse the indigent defense fund for costs incurred by the state up to the county's base in this subsection.

Sec. 7. Section 622A.1, Code 2005, is amended to read as follows:

622A.1 DEFINITION.

As used in this chapter, "legal proceeding" means any action before any court, or any legal action preparatory to appearing before any court, whether civil, ~~or criminal, or juvenile~~ in nature; and any administrative proceeding before any state agency or governmental subdivision which is quasi-judicial in nature and which has direct legal implications to any person.

Sec. 8. Section 815.11, Code Supplement 2005, is amended to read as follows:

815.11 APPROPRIATIONS FOR INDIGENT DEFENSE — FUND CREATED.

Costs incurred under chapter 229A, 665, 822, or 908, or section 232.141, subsection 3, paragraph "c" ~~"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 ~~funds~~ moneys appropriated by the general assembly to the office of the state public defender in the department of inspections and appeals ~~for those purposes and deposited in an account to be known as the indigent defense fund.~~ Costs incurred representing an indigent defendant in a contempt action, or representing an indigent juvenile in a juvenile court proceeding under chapter 600, are also payable from ~~these funds~~ the fund. However, costs incurred in any administrative proceeding or in any other proceeding under chapter 598, 600, 600A, 633, ~~814, 815,~~ or 915 or other provisions of the Code or administrative rules are not payable from ~~these funds~~ the fund.

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