

SENATE/HOUSE FILE _____
BY (PROPOSED STATE PUBLIC
DEFENDER BILL)

A BILL FOR

1 An Act relating to the legal representation of indigent persons
2 in criminal proceedings.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 13B.4, subsection 1, Code 2016, is
2 amended to read as follows:

3 1. a. The state public defender shall coordinate the
4 provision of legal representation of all indigents under
5 arrest or charged with a crime, who face the possibility
6 of imprisonment under the applicable criminal statute or
7 ordinance.

8 b. The state public defender shall also coordinate the
9 provision of legal representation of all indigents seeking
10 postconviction relief, against whom a contempt action is
11 pending, in proceedings under section 811.1A or chapter 229A or
12 812, in juvenile proceedings, on appeal in criminal cases, and
13 on appeal in proceedings to obtain postconviction relief when
14 ordered to do so by the district court in which the judgment
15 or order was issued, and may provide for the representation of
16 indigents in proceedings instituted pursuant to chapter 908.

17 c. The state public defender shall not engage in the private
18 practice of law.

19 Sec. 2. Section 815.10, subsection 1, Code 2016, is amended
20 by adding the following new paragraph:

21 NEW PARAGRAPH. c. For purposes of this subsection, a
22 criminal proceeding in which an indigent person is entitled to
23 legal representation at public expense is a proceeding where
24 the person faces the possibility of imprisonment under the
25 applicable criminal statute or ordinance. This section does
26 not require the appointment of an attorney if the indigent
27 person does not request the appointment of an attorney or
28 waives the right to an appointed attorney.

29 EXPLANATION

30 The inclusion of this explanation does not constitute agreement with
31 the explanation's substance by the members of the general assembly.

32 This bill relates to the legal representation of indigent
33 persons in criminal proceedings.

34 The bill specifies that the state public defender shall
35 coordinate the representation of indigent persons under

1 arrest or charged with a crime who face the possibility
2 of imprisonment under the applicable criminal statute or
3 ordinance. The bill does not require the appointment of an
4 attorney for an indigent person if the indigent person does not
5 request the appointment of an attorney or waives the right to
6 an appointed attorney.

7 The bill, in part, is in response to the Iowa supreme court's
8 decision in State v. Young, 863 N.W.2d 249 (Iowa 2015).