



[HF 842](#) – Public Defenders, Discovery Request Fees (LSB1205HZ)
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 Fiscal Note Version – New

Description

[House File 842](#) relates to the assessment of fees when a public defender or designee requests copies of certain documents. The Bill provides that a written request for a discovery document by a public defender or public defender’s designee shall be provided at no more than \$10 per document request unless otherwise ordered by the court. A request for multiple discovery documents made at the same time is considered to be a single request. Digital Discovery documents are to be provided in a format that is generally accessible to the public. However, no fee will be charged if the discovery document requested is available on a cloud-based system or if the discovery document is available for downloading by an individual from an existing system such as a State, county, or city Internet site.

Background

Currently, State agencies and local governments may charge a fee to the State Public Defender for discovery documents. The fees vary by the local or State agency providing the document and the document being provided. The fees are paid from the Indigent Defense Fund.

Assumptions

- The Bill will not change existing discovery practices and procedures other than to impose an upper limit on the amount that can be charged for the production of documents to an indigent defendant or person during a criminal case or other proceeding in which the indigent person is entitled to representation at State expense.
- Entities will charge the maximum amount allowed by the Bill, \$10 per request.
- The Bill does not require clerks’ offices to provide paper copies of electronic documents that are already available electronically.
- The average annual number of claims to the Indigent Defense Fund for discovery requests over the last four years was 2,964 claims. The average annual total paid for these claims was \$114,000. It is assumed that the number of claims to the Indigent Defense Fund for discovery requests will remain consistent in future fiscal years.

Fiscal Impact

House File 842 is estimated to result in a cost savings of \$84,000 per year to the Indigent Defense Fund beginning in FY 2022. **Table 1** provides the annual estimated costs to the Indigent Defense Fund under this Bill and current law.

Table 1 — Indigent Defense Fund — Annual Discovery Request Fee Costs

Annual Cases	Current Law	HF 842	HF 842 Cost Savings
2,964	\$ 114,000	\$ 30,000	\$ 84,000

Additionally, HF 842 is estimated to have an impact on several local agencies applicable under the Bill, including but not limited to local law enforcement and county attorneys. Due to the

varying nature of fees charged by local agencies for discovery materials, the overall local impact of the \$10 fee cap cannot be determined and will vary on a case-by-case basis.

Sources

Office of the State Public Defender
Judicial Branch
LSA analysis

/s/ Holly M. Lyons

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The fiscal note for this Bill was prepared pursuant to [Joint Rule 17](#) and the Iowa Code. Data used in developing this fiscal note is available from the Fiscal Services Division of the Legislative Services Agency upon request.

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