



SF 2061 – Indigent Defense in Cases of Possible Imprisonment (LSB5139SV)
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Fiscal Note Version – New

Description

Senate File 2061 requires the State Public Defender to coordinate the representation of indigent persons under arrest or charged with a crime and facing the possibility of imprisonment under the applicable criminal statute or ordinance. The Bill does not require the appointment of an attorney for an indigent person if the indigent person does not request the appointment of an attorney or waives the right to an appointed attorney.

Background

The State Public Defender currently provides representation for indigent persons for misdemeanors if there is a potential for a jail sentence.

In [State v. Young, 863 N.W.2d 249 \(Iowa 2015\)](#), the Iowa Supreme Court held, as a matter of Iowa Constitutional law, an indigent person charged with a crime and facing the possibility of imprisonment under the applicable criminal statute has the right to court appointed counsel, including simple misdemeanor offenses. **SF 2061** codifies the holding of *State v. Young*.

Assumptions

- The rate of increase in the number of attorneys appointed by the court in stand-alone simple misdemeanor cases between July 1, 2015, and the end of calendar year 2015 will remain the same in the future.
- The average cost of representation of those indigents charged with stand-alone misdemeanor offenses will remain the same as it was during of the first half of FY 2016.

Fiscal Impact

SF 2061 has no fiscal impact since it codifies the holding of *State v. Young*. However, the holding in *State v. Young* has had an impact, and will continue to have an impact by increasing the number of indigent persons that receive a court-appointed attorney in stand-alone misdemeanor cases. From July 1, 2015, through January 8, 2016, the cost of representation for indigents in stand-alone misdemeanors increased by \$219,484. Annualizing this increase to the indigent defense fund results in an increase of approximately \$440,000 per year going forward.

Source

Office of the State Public Defender

/s/ Holly M. Lyons

February 2, 2016