



THOMAS J. VILSACK  
GOVERNOR

## OFFICE OF THE GOVERNOR

SALLY J. PEDERSON  
LT. GOVERNOR

April 11, 2006

The Honorable Chester Culver  
Secretary of State  
State Capitol Building  
L O C A L

Dear Mr. Secretary:

I hereby transmit:

**Senate File 2304**, an Act relating to indigent defense claims and the reimbursement of costs in juvenile cases paid by a county.

**Senate File 2338**, an Act modifying provisions relating to utilization of indirect cost reimbursements in appropriations to the office of grants enterprise management of the department of management, and making an appropriation.

**Senate File 2353**, an Act relating to debt management, mortgage bankers and brokers, delayed deposit services, regulated loans, and industrial loans, and providing for fees and penalties.

The above Senate Files are hereby approved this date.

Sincerely,

A handwritten signature in blue ink, appearing to read "Tom Vilsack".

Thomas J. Vilsack  
Governor

TJV:jmc

cc: Secretary of the Senate  
Chief Clerk of the House





SENATE FILE 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:

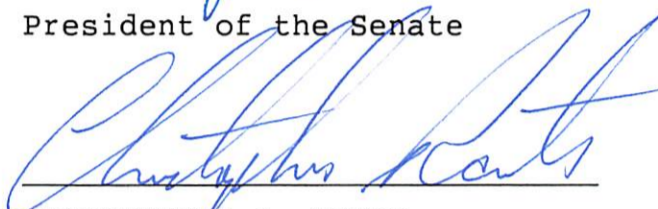
815.11 APPROPRIATIONS FOR INDIGENT DEFENSE -- FUND CREATED.

Costs incurred under chapter 229A, 665, 822, or 908, or section 232.141, subsection 3, paragraph "e" "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-these-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.



JEFFREY M. LAMBERTI  
President of the Senate



CHRISTOPHER C. RANTS  
Speaker of the House

I hereby certify that this bill originated in the Senate and is known as Senate File 2304, Eighty-first General Assembly.



MICHAEL E. MARSHALL  
Secretary of the Senate

Approved April 11, 2006



THOMAS J. VILSACK  
Governor