

February 11, 1969

HOUSE FILE 241

Judiciary ^{Case 2-10}
appropriation 2-18-70, Pass 3/20
Sen. " 3/31, Pass 4/6

By MILLER of Jones,
BRINCK and SHEPHERD
(Lamborn)

Passed House, Date 3-30-70 Passed Senate, Date 4-9-70

Vote: Ayes 102 Nays 2 Vote: Ayes 45 Nays 0

Approved

A BILL FOR

1 An Act relating to the payment of attorney fees to court-
2 appointed attorneys.

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

4 Section 1. Section six hundred sixty-three point forty-
5 four (663.44), Code 1966, as amended by chapter four hundred
6 ten (410), Acts of the Sixty-second General Assembly, is here-
7 by further amended by adding the following to the end thereof:

8 "This section shall be retroactive to January 1, 1966, and
9 shall be operative from that date."

10 Sec. 2. Section seven hundred forty-five point five
11 (745.5), Code 1966, is hereby amended as follows:

12 1. By inserting in line one (1) after the word "fees" the
13 words ", including any award of attorney's fees to a court-
14 appointed attorney,".

15 2. By adding to the end thereof the following:

16 "This section shall be retroactive to January 1, 1966 and
17 shall be operative from that date."

18 Sec. 3. Section seven hundred eighty-nine point twenty
19 (789.20), Code 1966, is hereby amended as follows:

20 1. By inserting in line two (2) after the word "fees" the
21 words ", including any award of attorney's fees to a court
22 appointed attorney,".

23 2. By inserting in line five (5) after the word "institu-
24 tion" the words ", or for a crime committed by such inmate
25 while placed outside the walls or confines of the institution

- 1 under the control and direction of a warden, supervisor, offi-
2 cer, or employee thereof, or for a crime committed by such
3 inmate during an escape or other unauthorized departure from
4 such institution or from the control of a warden, supervisor,
5 officer, or employee thereof, or wherever the said inmate may
6 have been placed by authorized personnel thereof.”
- 7 3. By inserting in line seven (7) after the word “fees”
8 the words “, including an award of attorney’s fees to a court
9 appointed attorney,”.
- 10 4. By adding at the end thereof the following:
11 “This section shall be retroactive to January 1, 1966, and
12 shall be operative from that date.”

EXPLANATION OF HOUSE FILE 241

Presently, the costs of habeas corpus, escapes and judgments against the inmates of any state institution are paid by the county in which the proceedings take place. The county may then be reimbursed by the state for the costs, except attorneys’ fees for court appointed attorneys.

This bill will provide for the payment of attorneys’ fees to court appointed attorneys in these cases.

Also included is a retroactive provision which would make this bill effective January 1, 1966.

FISCAL NOTE HOUSE FILE 241

Date prepared February 18, 1970

Requested by Miller of Jones.

Prepared in regard to House File 241, a bill for an act relating to the payment of attorney’s fee to court appointed attorneys.

Following is the fiscal effect in dollars of the legislative proposal as required by House Rule 48:

According to an inquiry made by the Fiscal Director, House File 241 would affect Jones and Lee Counties. We have been informed by the Jones County Clerk of Court that the amount which would be claimed by Jones County after the passage of House File 241 totals \$11,293.12 through 1969.

The Lee County Clerk of Court has not determined the amount of the Lee County claim but has promised to do so. As soon as this information is available to the Fiscal Director, an addendum will be made to this Fiscal Note.

GERRY D. RANKIN
Legislative Fiscal Director