

Judiciary 4/22 Do Pass 4/22 (p. 1417)  
Use Judiciary 4/24 Do Pass (p. 1791)

SENATE FILE 2308

Judiciary  
Rush, Chair  
Taylor  
Delahery

APR 21 1952

SENATE FILE 2308

BY HULTMAN AND JUNKINS

Passed Senate, Date 4-24-52 (p. 1434) Passed House, Date 4-24-52 (p. 1798)

Vote: Ayes 49 Nays 0 Vote: Ayes 94 Nays 2

Approved May 21, 1952

# A BILL FOR

1 An Act authorizing two or more counties to establish a  
2 joint indigent defense fund.  
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

- 4
- 5
- 6
- 7
- 8
- 9
- 10
- 11
- 12
- 13
- 14
- 15
- 16
- 17
- 18
- 19
- 20
- 21
- 22
- 23
- 24
- 25

S. 2308

1 Section 1. Chapter 331, division IV, part 2, Code 1981  
2 Supplement, is amended by adding the following new section:

3 NEW SECTION. JOINT COUNTY INDIGENT DEFENSE FUND.

4 1. Two or more counties may execute an agreement under  
5 chapter 28E to create a joint county indigent defense fund  
6 to be used to compensate attorneys appointed to represent  
7 indigents under section 331.778 when funds budgeted for that  
8 purpose are exhausted. In addition to other requirements  
9 of an agreement under chapter 28E, the agreement shall provide  
10 for the amount to be paid by each county based on its  
11 population to establish and maintain an appropriate balance  
12 in the joint fund, and for a method of repayment if a county  
13 withdraws more funds than it has contributed.

14 2. The amount to be paid by each county under the agree-  
15 ment may be paid from property taxes levied or from any other  
16 funds available to the county for that purpose.

17 Sec. 2. Section 331.422, Code 1981 Supplement, is amended  
18 by adding the following new subsection after subsection 24  
19 and renumbering the remaining subsections:

20 NEW SUBSECTION. For a joint county indigent defense fund,  
21 an amount sufficient to make its per capita payment to the  
22 fund or to repay excess funds withdrawn from the fund as  
23 provided in a joint agreement executed under chapter 28E for  
24 the purposes specified in section 1 of this Act.

25 EXPLANATION

26 This bill authorizes any two or more counties to execute  
27 an agreement under chapter 28E establishing a fund to which  
28 each county would contribute on the basis of its population  
29 and which would be used to pay the legal fees incurred by  
30 a member county when a court-appointed attorney is appointed  
31 to defend an indigent criminal defendant in the county and  
32 money previously appropriated to cover those costs has been  
33 exhausted. Each member county would collect sufficient revenue  
34 under its court expense fund levy to satisfy its contribution  
35 to the fund.

- 1
- 2
- 3
- 4
- 5
- 6
- 7
- 8
- 9
- 10
- 11
- 12
- 13
- 14
- 15
- 16
- 17
- 18
- 19
- 20
- 21
- 22
- 23
- 24
- 25
- 26
- 27
- 28
- 29
- 30
- 31
- 32
- 33
- 34
- 35

The bill would take effect July 1 following enactment.

fund or to repay excess funds withdrawn from the fund as provided in a joint agreement executed under chapter 28E for the purposes specified in section 1 of this Act.

SENATE FILE 2308

AN ACT

AUTHORIZING TWO OR MORE COUNTIES TO ESTABLISH A JOINT INDIGENT DEFENSE FUND.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

Section 1. Chapter 331, division IV, part 2, Code 1981 Supplement, is amended by adding the following new section:

NEW SECTION. JOINT COUNTY INDIGENT DEFENSE FUND.

1. Two or more counties may execute an agreement under chapter 28E to create a joint county indigent defense fund to be used to compensate attorneys appointed to represent indigents under section 331.778 when funds budgeted for that purpose are exhausted. In addition to other requirements of an agreement under chapter 28E, the agreement shall provide for the amount to be paid by each county based on its population to establish and maintain an appropriate balance in the joint fund, and for a method of repayment if a county withdraws more funds than it has contributed.

2. The amount to be paid by each county under the agreement may be paid from property taxes levied or from any other funds available to the county for that purpose.

Sec. 2. Section 331.422, Code 1981 Supplement, is amended by adding the following new subsection after subsection 24 and renumbering the remaining subsections:

NEW SUBSECTION. For a joint county indigent defense fund, an amount sufficient to make its per capita payment to the

---

TERRY E. BRANSTAD  
President of the Senate

---

DELWYN STROMER  
Speaker of the House

I hereby certify that this bill originated in the Senate and is known as Senate File 2308, Sixty-ninth General Assembly.

---

K. MARIE THAYER  
Secretary of the Senate

Approved May 21, 1982

---

ROBERT D. RAY  
Governor

S.F. 2308