

5-4/1/97
MAR 13 1997

Place On Calendar

HOUSE FILE 618
BY COMMITTEE ON JUDICIARY

(SUCCESSOR TO HSB 208)

Passed House, ^(p. 922) Date 4/1/97
Vote: Ayes 98 Nays 0
Approved _____

Passed Senate, Date _____
Vote: Ayes _____ Nays _____

A BILL FOR

1 An Act relating to state reimbursement for expenses of attorneys
2 provided to indigent persons in juvenile court.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
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HF 618

1 Section 1. Section 232.141, subsection 3, paragraph c,
2 Code 1997, is amended to read as follows:

3 c. Costs incurred under subsection 2 which are not paid by
4 the county under paragraphs "a" and "b" shall be reimbursed by
5 the state. Reimbursement for the costs of compensation of an
6 attorney appointed by the court to serve as counsel or
7 guardian ad litem shall be made as provided in section 815.7.
8 A county shall apply for reimbursement to the department of
9 inspections and appeals which shall prescribe rules and forms
10 to implement this subsection.

11 Sec. 2. Section 815.7, Code 1997, is amended to read as
12 follows:

13 815.7 FEES TO ATTORNEYS.

14 An attorney who has not entered into a contract authorized
15 under section 13B.4 and who is appointed by the court to
16 represent any person charged with a crime in this state or to
17 serve as counsel or guardian ad litem to a person in juvenile
18 court in this state shall be entitled to a reasonable
19 compensation which shall be the ordinary and customary charges
20 for like services in the community to be decided in each case
21 by a judge of the district court or of the juvenile court, as
22 applicable, including such sum or sums as the court may
23 determine are necessary for investigation in the interests of
24 justice and in the event of appeal the cost of obtaining the
25 transcript of the trial and the printing of the trial record
26 and necessary briefs in behalf of the defendant. However, the
27 reasonable compensation awarded an attorney shall not be
28 calculated based upon an hourly rate that exceeds the rate a
29 contract attorney as provided in section 13B.4 would receive
30 in a similar case. Such attorney need not follow the case
31 into another county or into the appellate court unless so
32 directed by the court at the request of the defendant, where
33 grounds for further litigation are not capricious or
34 unreasonable, but if such attorney does so, the attorney's fee
35 shall be determined accordingly. Only one attorney fee shall

1 be so awarded in any one case except that in class "A" felony
2 cases, two may be authorized.

3 EXPLANATION

4 This bill provides that the costs of compensation of
5 attorneys who are appointed by the court to serve as counsel
6 or guardian ad litem for persons in juvenile court, which are
7 not paid by a county as part of the county's based cost for
8 witness fees, mileage fees, and attorney fees, are to be paid
9 by the state in the same manner provided for attorneys
10 appointed to represent indigent persons in criminal cases.

Millage, Ch
Lamberti
Moreland

HSB 208

JUDICIARY

HOUSE FILE _____
Succeeded By
SF (HF) 618
BY (PROPOSED COMMITTEE ON
JUDICIARY BILL BY
CHAIRPERSON LAMBERTI)

Passed House, Date _____ Passed Senate, Date _____
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____
Approved _____

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