

# House Study Bill 208

## Bill Text

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1 1 Section 1. Section [232.141](#), subsection 3, paragraph c,  
1 2 Code 1997, is amended to read as follows:  
1 3 c. Costs incurred under subsection 2 which are not paid by  
1 4 the county under paragraphs "a" and "b" shall be reimbursed by  
1 5 the state. Reimbursement for the costs of compensation of an  
1 6 attorney appointed by the court to serve as counsel or  
1 7 guardian ad litem shall be made as provided in section 815.7.  
1 8 A county shall apply for reimbursement to the department of  
1 9 inspections and appeals which shall prescribe rules and forms  
1 10 to implement this subsection.

1 11 Sec. 2. Section [815.7](#), Code 1997, is amended to read as  
1 12 follows:

1 13 815.7 FEES TO ATTORNEYS.

1 14 An attorney who has not entered into a contract authorized  
1 15 under section 13B.4 and who is appointed by the court to  
1 16 represent any person charged with a crime in this state or to  
1 17 serve as counsel or guardian ad litem to a person in juvenile  
1 18 court in this state shall be entitled to a reasonable  
1 19 compensation which shall be the ordinary and customary charges  
1 20 for like services in the community to be decided in each case  
1 21 by a judge of the district court or of the juvenile court, as  
1 22 applicable, including such sum or sums as the court may  
1 23 determine are necessary for investigation in the interests of  
1 24 justice and in the event of appeal the cost of obtaining the  
1 25 transcript of the trial and the printing of the trial record  
1 26 and necessary briefs in behalf of the defendant. However, the  
1 27 reasonable compensation awarded an attorney shall not be  
1 28 calculated based upon an hourly rate that exceeds the rate a  
1 29 contract attorney as provided in section 13B.4 would receive  
1 30 in a similar case. Such attorney need not follow the case  
1 31 into another county or into the appellate court unless so  
1 32 directed by the court at the request of the defendant, where  
1 33 grounds for further litigation are not capricious or  
1 34 unreasonable, but if such attorney does so, the attorney's fee  
1 35 shall be determined accordingly. Only one attorney fee shall  
2 1 be so awarded in any one case except that in class "A" felony  
2 2 cases, two may be authorized.

2 3 EXPLANATION

2 4 This bill provides that the costs of compensation of  
2 5 attorneys who are appointed by the court to serve as counsel  
2 6 or guardian ad litem for persons in juvenile court, which are  
2 7 not paid by a county as part of the county's based cost for  
2 8 witness fees, mileage fees, and attorney fees, are to be paid  
2 9 by the state in the same manner provided for attorneys  
2 10 appointed to represent indigent persons in criminal cases.

2 11 LSB 2602HC 77

2 12 lh/jj/8