

FILED MAR 8 1999

SENATE FILE

326

BY MADDOX

Passed Senate, Date _____

Passed House, Date _____

Vote: Ayes _____ Nays _____

Vote: Ayes _____ Nays _____

Approved _____

A BILL FOR

1 An Act establishing the rates of compensation for private,
2 noncontract, court-appointed attorneys.

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

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SF 326

JUDICIARY

1 Section 1. Section 815.7, Code 1999, is amended to read as
2 follows:

3 815.7 FEES TO ATTORNEYS.

4 An attorney who has not entered into a contract authorized
5 under section 13B.4 and who is appointed by the court to
6 represent any person charged with a crime in this state or to
7 serve as counsel or guardian ad litem to a person in juvenile
8 court in this state shall be entitled to a reasonable
9 compensation which shall be the ordinary and customary charges
10 for like services in the community to be decided in each case
11 by a judge of the district court or of the juvenile court, as
12 applicable, including such sum or sums as the court may
13 determine are necessary for investigation in the interests of
14 justice and in the event of appeal the cost of obtaining the
15 transcript of the trial and the printing of the trial record
16 and necessary briefs in behalf of the defendant. ~~However, the~~
17 The reasonable compensation awarded an attorney shall not be
18 calculated based upon an hourly rate that exceeds the rate a
19 contract attorney as provided in section 13B.4 would receive
20 in a similar case the following hourly rates: fifty-five
21 dollars per hour for out-of-court time and sixty-five dollars
22 per hour for in-court time. However, if the charge is either
23 a class "A" or class "B" felony, the hourly rate for in-court
24 time shall be seventy-five dollars per hour. The supreme
25 court shall coordinate these rates of compensation with the
26 court's guidelines regarding the range of hourly compensation
27 rates and the compensation limits placed on each misdemeanor
28 or felony case with the maximum hourly rates of compensation
29 established in this section. Such attorney need not follow
30 the case into another county or into the appellate court
31 unless so directed by the court at the request of the
32 defendant, where grounds for further litigation are not
33 capricious or unreasonable, but if such attorney does so, the
34 attorney's fee shall be determined accordingly. Only one
35 attorney fee shall be so awarded in any one case except that

1 in class "A" felony cases, two may be authorized.

2 EXPLANATION

3 This bill changes the rate of compensation for private,
4 noncontract, court-appointed attorneys and requires the new
5 rates of compensation to be coordinated with the supreme
6 court's compensation guidelines. In addition to changing the
7 compensation rate, the bill differentiates the compensation
8 rates for in-court attorney time and out-of-court attorney
9 time. The bill sets the compensation rates at \$55 per hour
10 for out-of-court time, \$65 per hour for in-court time, and \$75
11 per hour for in-court time on class "A" and class "B"
12 felonies.

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