

House File 753 - Introduced

HOUSE FILE 753

BY COMMITTEE ON WAYS AND MEANS

(SUCCESSOR TO HF 529)

(SUCCESSOR TO HF 4)

A BILL FOR

1 An Act relating to the assessment of fees when a public
2 defender or designee requests copies of certain documents.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. NEW SECTION. 815.16 Fees for requests for copies
2 of documents.

3 1. As used in this section:

4 a. "Agency" means the judicial branch, a state department or
5 agency, the office of a county attorney, a criminal or juvenile
6 justice agency, or a political subdivision of the state.

7 b. "Document" includes a copy of any of the following:

8 (1) Police reports.

9 (2) Photographs.

10 (3) Audiotapes.

11 (4) Videotapes.

12 (5) Audio or video files on storage systems, including
13 but not limited to disk, tape, optical, and other structured
14 repositories for storing digital information.

15 (6) Reports prepared by the department of human services.

16 2. An agency shall furnish copies of any of the documents
17 listed in subsection 1, paragraph "b", in the possession of
18 the agency that the agency has the technological capability to
19 duplicate at a cost not to exceed ten dollars per document,
20 if the software license of the agency permits, upon written
21 request of the state public defender, a public defender office,
22 or an attorney or nonprofit legal organization appointed by
23 the court as a designee of the state public defender, if
24 the document relates to the charge or charges filed in the
25 trial information. If the production of a document that is a
26 videotape would require extensive editing for confidentiality
27 purposes, the court may issue a protective order restricting
28 access to the videotape to only the defendant, the state public
29 defender, a public defender office, the county attorney, law
30 enforcement, or an attorney or nonprofit legal organization
31 appointed by the court as a designee of the state public
32 defender. When a document is provided on a storage system, the
33 agency shall, upon request, include the software necessary to
34 access the storage system.

35 3. If the state public defender, a public defender office,

1 or an attorney or nonprofit legal organization appointed by the
2 court as a designee of the state public defender requests and
3 is provided a document under this section which would otherwise
4 be discretionary discovery, a defense attorney shall comply
5 with the rules of criminal procedure concerning reciprocal
6 discovery.

7 EXPLANATION

8 The inclusion of this explanation does not constitute agreement with
9 the explanation's substance by the members of the general assembly.

10 This bill relates to the assessment of fees when a public
11 defender or designee requests copies of certain documents.

12 The bill defines "agency" to mean the judicial branch, a
13 state department or agency, the office of a county attorney, a
14 criminal or juvenile justice agency, or a political subdivision
15 of the state.

16 The bill requires an agency to furnish copies of any document
17 in the possession of the agency that the agency has the
18 technological capability to duplicate at a cost not to exceed
19 \$10 per document, upon request of the state public defender,
20 a public defender office, or an attorney or nonprofit legal
21 organization appointed by the court as a designee of the state
22 public defender.

23 The documents to be provided under the bill include copies
24 of police reports, photographs, audiotapes, videotapes, audio
25 or video files on storage systems, and reports prepared by the
26 department of human services. The document requested must
27 relate to the charge or charges filed in the trial information.

28 The bill provides that if the production of a videotape would
29 require extensive editing due to confidentiality concerns, the
30 court may issue a protective order restricting access to only
31 the defendant, the state public defender, a public defender
32 office, the county attorney, law enforcement, or an attorney
33 or nonprofit legal organization appointed by the court as a
34 designee of the state public defender. If a document requested
35 and provided would be classified as discretionary discovery,

1 a defense attorney must comply with the rules of criminal
2 procedure concerning reciprocal discovery.

3 Under the bill, when a document is provided on a storage
4 system, the agency shall, upon request, include the software
5 necessary to access the storage system.