

House File 146 - Introduced

HOUSE FILE 146

BY HITE, OLSON, and WOLFE

A BILL FOR

1 An Act relating to the appointment of counsel for indigent
2 persons in class "A" felony cases.

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

1 Section 1. Section 815.10, subsection 1, paragraph b, Code
2 2021, is amended to read as follows:

3 b. (1) An indigent person is entitled to the appointment
4 of one attorney in all cases, except that in class "A" felony
5 cases the court may appoint two attorneys. However, in a class
6 "A" felony case, a person who is represented by a privately
7 retained attorney or by an attorney who has agreed to represent
8 the person is not entitled to have an attorney appointed to
9 represent the person based upon the indigence of the person.

10 (2) In a class "A" felony case involving an indigent person
11 where a court determines that the appointment of two attorneys
12 is appropriate, upon the request of the indigent person, at
13 least one of the attorneys appointed shall be an attorney who
14 has a contract with the state public defender to represent
15 the person in the particular type of case and in the county
16 in which the case is pending. If the court determines that
17 no contract attorney is available to represent the person,
18 the court may appoint a noncontract attorney and the order of
19 appointment shall include a specific finding that no contract
20 attorney was available.

21

EXPLANATION

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

24 This bill relates to the appointment of counsel for indigent
25 persons in class "A" felony cases.

26 The bill provides that in a class "A" felony case involving
27 an indigent person where a court determines that the
28 appointment of two attorneys is appropriate, upon the request
29 of the indigent person, at least one of the attorneys appointed
30 shall be an attorney who has a contract with the state public
31 defender to represent the person in the particular type of case
32 and in the county in which the case is pending. If the court
33 determines that no contract attorney is available to represent
34 the person, the court may appoint a noncontract attorney and
35 the order of appointment shall include a specific finding that

1 no contract attorney was available.

2 A class "A" felony is punishable by confinement for life

3 without possibility of parole.