

**Senate File 51 - Introduced**

SENATE FILE 51  
BY WHITING

**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.