HOUSE FILE 317

BY COMMITTEE ON JUDICIARY

(SUCCESSOR TO HSB 13)

A BILL FOR

1 An Act relating to indigent defense and the appointment of
2   counsel by the court.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1   Section 1. Section 815.10, subsection 6, Code 2025, is
2 amended to read as follows:
3   6. An attorney appointed under this section is not liable
4 to a person represented by the attorney for damages as a
5 result of a conviction in a criminal case unless the court
6 determines in a postconviction proceeding or on direct appeal
7 that the person's conviction resulted from ineffective assistance
8 of counsel, and the ineffective assistance of counsel is the
9 proximate cause of the damage. In juvenile or civil proceedings,
10 an attorney appointed under this section is not liable to a
11 person represented by the attorney for damages unless it has been
12 determined that the attorney has provided ineffective assistance
13 of counsel, and the ineffective assistance of counsel is the
14 proximate cause of the damage. Any attorney appointed under this
15 section, without the consent of the attorney, who is accused of
16 ineffective assistance of counsel shall be treated as a state
17 employee under chapter 669, including defense and indemnification
18 under section 669.21.
19   EXPLANATION
20   The inclusion of this explanation does not constitute agreement with
21   the explanation's substance by the members of the general assembly.
22   This bill relates to indigent defense and the appointment of
23 counsel by the court.
24   The bill provides that any attorney appointed by the court,
25 without the consent of the attorney, who is accused of
26 ineffective assistance of counsel shall be treated as a state
27 employee under Code chapter 669 (state tort claims), including
28 defense and indemnification under Code section 669.21, which
29 provides that the state shall defend any employee, and shall
30 indemnify and hold harmless an employee against any claim.