

3 this Act and shall be paid to the commission by warrant drawn from
4 time to time upon the treasurer of state. Unexpended balances on June
5 30 of each year shall be credited to the general fund of the state by
6 December 31 following.

1 SEC. 4. Section three hundred twenty-one point four hundred
2 seventy-seven (321.477), Code 1962, is hereby amended by inserting
3 after the word "trailers" in the last line thereof the words "and regis-
4 tration of a motor carrier's interstate transportation service with the
5 Iowa commerce commission".

1 SEC. 5. The provisions of this Act shall not be construed to include
2 private carriers.

Approved June 3, 1965.

CHAPTER 304

CLAIMS AGAINST COUNTIES

S. F. 246

AN ACT relative to claims against counties.

Be It Enacted by the General Assembly of the State of Iowa:

1 SECTION 1. Section three hundred thirty-one point twenty-one
2 (331.21), Code 1962, is hereby amended as follows:

3 1. By inserting in line three (3) after the word "compensation" the
4 words "in excess of twenty-five (25) dollars".

Approved May 19, 1965.

CHAPTER 305

PUBLIC DEFENDER

H. F. 655

AN ACT enabling boards of supervisors to establish the office of public defender and the compensation and duties of public defenders and assistant public defenders.

Be It Enacted by the General Assembly of the State of Iowa:

1 SECTION 1. In any county, the board of supervisors may establish
2 the office of public defender. A county may join with one or more
3 other contiguous counties within its judicial district to establish one
4 office of public defender to serve those counties.

5 The office of public defender may be abolished by the following pro-
6 cedure:

7 1. A board of county supervisors shall submit the issue that the
8 office of public defender be abolished to a vote of the people of the
9 county upon receipt of a petition that the office of public defender be
10 abolished, signed by not less than ten (10) per cent of those voting

11 for governor in the last general election, and shall submit the issue to
12 a vote of the people at the next general election or at a special election
13 called therefor in the form and manner required for the submission of
14 public measures in the title on elections. If a majority of the votes cast
15 approve the issue, the office of public defender shall be abolished on the
16 date specified on the ballot.

17 If more than one (1) county is involved in the abolishment of the
18 office of public defender, the office shall not be abolished unless the
19 abolishment is authorized by a vote of the people in each of the coun-
20 ties involved.

1 SEC. 2. In addition to such funds as may be appropriated from the
2 court fund by the county for this purpose, a county may accept money
3 and other contributions from private organizations and individuals,
4 and other public agencies, in order to finance the establishment or
5 operation of the office of public defender, and be strictly accountable
6 therefore.

1 SEC. 3. 1. The public defender shall be a qualified attorney ad-
2 mitted to practice before the Iowa supreme court. When a vacancy
3 exists in the office of the public defender, the judges of the district
4 court of the county or counties which the defender is to serve shall
5 nominate two (2) attorneys qualified to serve as public defender and
6 certify the names of such nominees to the board(s) of supervisors of
7 the county or counties which the public defender is to serve. The
8 supervisors shall, within thirty (30) days after such certification,
9 appoint by majority vote, one of these nominees to be public defender
10 for a term of six (6) years so long as he shall remain qualified as
11 otherwise provided in this Act.

12 2. The public defender shall represent without charge, each indigent
13 person who is under arrest or charged with a crime if:

14 a. The defendant requests it; or

15 b. The court, on its own motion or otherwise so orders.

1 SEC. 4. For the purpose of this Act, an indigent shall be any per-
2 son who would be unable to retain in his behalf, legal counsel without
3 prejudicing his financial ability to provide economic necessities for
4 himself or his family.

5 Before the initial arraignment or other initial court appearance, the
6 determination of indigency shall be made by the public defender within
7 criteria set by the board(s) of supervisors. At or after arraignment
8 or other initial court appearance, the determination shall be made by
9 the court.

1 SEC. 5. 1. The compensation of the public defender shall be fixed
2 by the board(s) of supervisors. The compensation shall not be more
3 than that paid the highest paid county attorney of the county or coun-
4 ties the public defender serves.

5 2. The public defender may appoint as many assistant attorneys,
6 clerks, investigators, stenographers, and other employees as the
7 board(s) consider(s) necessary to enable him to carry out his re-
8 sponsibilities. Appointments under this section shall be made in the
9 manner prescribed by the county board(s) of supervisors. An assist-

10 ant attorney must be a qualified attorney licensed to practice before
11 the supreme court.

12 3. The compensation of persons appointed under subsection two (2)
13 shall be fixed by the county board (s) of supervisors.

1 SEC. 6. When representing an indigent person in a criminal pro-
2 ceeding, the public defender shall counsel and defend him, whether he
3 is held in custody without commitment or charged with a criminal
4 offense, at every stage of the proceedings against him; and prosecute
5 any appeals or other remedies before or after conviction that he con-
6 siders to be in the interest of justice.

1 SEC. 7. The court may, for cause, upon the application of the in-
2 digent person or the public defender, or on its own motion, appoint
3 an attorney other than the public defender, to represent the indigent
4 person at any state of the proceedings or on appeal. The attorney so
5 appointed shall be compensated as provided in section seven hundred
6 seventy-five point five (775.5) of the Code.

1 SEC. 8. The public defender shall make an annual report to the
2 judges of the district court sitting in any county he serves, the attorney
3 general and the board (s) of supervisors of any county he serves re-
4 porting all cases handled by him during the preceding year.

1 SEC. 9. The county board(s) of supervisors shall provide office
2 space, furniture, equipment, and supplies for the use of the public
3 defender suitable for the business of his office. However, an allowance
4 may be provided in place of facilities. Each item is a charge against
5 the county in which the services were rendered. If the public defender
6 serves more than one county, expenses that are properly allocable to
7 the business of more than one of those counties shall be pro-rated
8 among the counties concerned.

1 SEC. 10. Any public defender whose annual salary rate is twelve
2 thousand dollars (\$12,000) or more, and any assistant public defender
3 whose annual salary rate is ten thousand dollars (\$10,000) or more,
4 shall devote his full time to the discharge of his duties and shall not
5 directly or indirectly engage in the private practice of law, except that
6 he may be a member of a law partnership on leave of absence.

1 SEC. 11. No public defender or assistant public defender who is
2 subject to the preceding section shall directly or indirectly refer any
3 legal matter or civil or criminal litigation to any particular lawyer or
4 lawyers or directly or indirectly recommend or suggest to any person
5 the employment of any particular lawyer or lawyers to counsel in,
6 conduct, defend, or prosecute any legal matter or litigation, if the
7 county is or is likely to be a party thereto or have a substantial interest
8 therein; or receive any direct or indirect fee or compensation for or
9 in connection with any such referral, recommendation, or suggestion.
10 However, he may recommend a lawyer when requested to do so by any
11 court, governmental agency, or legal aid society.

Approved June 2, 1965.