

Domestic insurance companies shall cooperate with the commissioner in providing information to develop the reports under this section.

Sec. 3. Section 1 of this Act is effective July 1, 1988, and applies to premiums for annuity contracts received on or after that date for purposes of determining the tax imposed on the gross amount of premiums received during the 1988 and subsequent calendar years.

Sec. 4. Section 2 of this Act is effective upon enactment.

Approved May 5, 1988

CHAPTER 1160

COMMUNITY-BASED CORRECTIONAL PROGRAMS

S.F. 173

AN ACT establishing priorities for deductions from the earnings of residents of community-based correctional facilities.

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

Section 1. Section 905.8, Code 1987, is amended by adding the following new unnumbered paragraphs:

NEW UNNUMBERED PARAGRAPH. The deputy director of the department of corrections responsible for community-based correctional programs shall reallocate funds allocated by the department among the judicial districts as necessary to assure an equitable allocation of district departmental staff throughout the state and to comply with section 905.10.

NEW UNNUMBERED PARAGRAPH. The deputy director of the department of corrections responsible for community-based correctional programs shall comply with section 246.108, subsection 1, paragraph "i".

Sec. 2. Section 905.12, Code 1987, is amended by striking the section and inserting in lieu thereof the following:

905.12 SURRENDER OF EARNINGS.

When committing a person to a residential treatment center operated by a judicial district department of correctional services, the court shall order the person to surrender to the district department their total earnings less payroll deductions required by law. The court shall establish the person's legal obligations by order and the district department shall deduct from the earnings to satisfy the court order in the following order of priority:

1. An amount the resident may be legally obligated to pay for the support of dependents, which shall be paid to the dependents directly or through the department of human services in the county in which the dependents reside. For the purpose of this subsection, "legally obligated" means under a court order.

2. An amount determined to be the cost to the judicial district department of correctional services for food, lodging, and other expenses incurred by or on behalf of the resident.

3. Restitution ordered by the court under chapter 910.

4. Any other financial obligations which are admitted to by the resident or any judgment granted by the court to another person to whom the resident owes money, but no earnings of a resident are subject to garnishment while the person is committed to the center.

Any balance remaining after deductions and payments shall be credited to the resident's personal account at the district department and shall be paid to the resident upon release. The deputy director of the department of corrections responsible for community-based correctional

programs shall establish a plan to comply with the provisions of court orders entered pursuant to this section.

Approved May 5, 1988

CHAPTER 1161

PUBLIC DEFENDER REPRESENTATION OF INDIGENT ADULTS AND JUVENILES

S.F. 2304

AN ACT relating to the administration of legal representation of indigent persons in criminal cases and proceedings under chapter 232 by local public defenders, and the state public defender's office, and providing an effective date.

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

Section 1. Section 13B.1, Code 1987, is amended by striking the section and inserting in lieu thereof the following:

13B.1 DEFINITIONS.

As used in this chapter unless the context otherwise requires:

1. "Appointed attorney" means an attorney appointed and compensated by the state to represent an indigent defendant.
2. "Department" means the department of inspections and appeals.
3. "Financial statement" means a full written disclosure of all assets, liabilities, current income, dependents, and other information required to determine if a client qualifies for legal assistance at public expense.
4. "State public defender" means the state public defender appointed pursuant to this chapter.

Sec. 2. Section 13B.2, Code 1987, is amended to read as follows:

13B.2 POSITION ESTABLISHED.

The position of state ~~appellate~~ public defender is established within the department of inspections and appeals. The governor shall appoint the state ~~appellate~~ public defender, who shall serve at the pleasure of the governor, subject to confirmation by the senate, no less frequently than once every four years, whether or not there has been a new ~~appellate~~ state public defender appointed during that time, and shall establish the ~~appellate~~ state public defender's salary.

Sec. 3. Section 13B.3, Code 1987, is amended to read as follows:

13B.3 QUALIFICATIONS OF ~~APPELLATE~~ STATE PUBLIC DEFENDER.

Only persons admitted to practice law in this state shall be appointed ~~appellate~~ state public defender or assistant ~~appellate~~ state public defender.

Sec. 4. Section 13B.4, Code 1987, is amended to read as follows:

13B.4 JURISDICTION OF ~~APPELLATE~~ STATE PUBLIC DEFENDER.

The ~~appellate~~ state public defender shall represent indigents on appeal in criminal cases and on appeal in proceedings to obtain postconviction relief when appointed to do so by the district court in which the judgment or order was issued, and may represent indigents in proceedings instituted pursuant to chapter 908, and shall not engage in the private practice of law. The court may, upon the application of the indigent or the indigent's trial attorney, or on its own motion, appoint the ~~appellate~~ state public defender to represent the indigent on appeal or on appeal in postconviction proceedings.

Sec. 5. Section 13B.5, Code 1987, is amended to read as follows: