

**CHAPTER 51**  
INDIGENT DEFENSE  
*H.F. 349*

**AN ACT** relating to the representation of indigent persons and indigent defense claims.

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

Section 1. Section 13B.4, subsection 4, paragraph d, subparagraph (2), Code 2003, is amended to read as follows:

(2) The motion shall be set for hearing by the court and the state public defender shall be provided with at least ten days' notice of any the hearing on the motion. The state public defender shall not be required to file a resistance to the motion filed under this paragraph "d".

Sec. 2. Section 13B.4, subsection 4, paragraph d, Code 2003, is amended by adding the following new subparagraph:

NEW SUBPARAGRAPH. (7) Any court order entered after the state public defender has taken action on a claim, which affects that claim, without first notifying the state public defender and permitting the state public defender an opportunity to be heard, is void.

Sec. 3. Section 13B.4, Code 2003, is amended by adding the following new subsection:

NEW SUBSECTION. 6A. The state public defender shall not revise the allocations to the office of the state public defender and the allocations for fees of court-appointed attorneys for indigent adults and juveniles, unless notice of the revisions is given prior to their effective date to the legislative fiscal bureau, the cochairpersons and ranking members of the joint appropriations subcommittee on the justice system, and the cochairpersons and ranking members of the house and senate committees on appropriations.

Sec. 4. Section 13B.9, subsection 4, Code 2003, is amended to read as follows:

4. If a conflict of interest arises or if the local public defender is unable to handle a case because of a temporary overload of cases, the local public defender shall return the case to the court. If the case is returned and the state public defender has filed a successor designation, the court shall appoint the successor designee. If there is no successor designee on file, the court shall make the appointment pursuant to section 815.10. As used in this subsection, "successor designee" may include another local public defender office or a nonprofit organization that has a contract with the office of the state public defender for the provision of legal services to indigent persons.

Sec. 5. Section 815.11, Code 2003, is amended to read as follows:

815.11 APPROPRIATIONS FOR INDIGENT DEFENSE.

Costs incurred under chapter 229A, 665, or 822, or section 232.141, subsection 3, paragraph "c", or section 598.23A, 814.9, 814.10, 814.11, 815.4, 815.5, 815.7, 815.10, or 908.11 on behalf of an indigent shall be paid from funds appropriated by the general assembly to the office of the state public defender in the department of inspections and appeals for those purposes. Costs incurred in any administrative proceeding or in any other proceeding under chapter 598, 600A, 633, or 915, or other provisions of the Code or administrative rules are not payable from these funds.

Approved April 21, 2003