

GEORGE CARSON, from the Committee on Judiciary, submitted the following report:

MR. SPEAKER:

Your Committee on Judiciary, to whom was referred house file No. 543, a bill for an act to repeal section 3818, Code, and to amend chapter 30, acts fifteenth general assembly, relating to costs in criminal cases, beg leave to report that they have had the same under consideration and have adopted a substitute, and have instructed me to report the same back to the house with the recommendation that it be adopted, and when adopted, that it do pass.

GEORGE CARSON, *Chairman.*

Ordered passed on file.

SUBSTITUTE FOR HOUSE FILE NO. 543.]

A BILL

FOR AN ACT TO REPEAL SECTIONS 3790, 3806 AND 3818 OF THE CODE, AND ENACT SUBSTITUTES THEREFOR, AND TO AMEND CHAPTER 30, ACTS OF THE FIFTEENTH GENERAL ASSEMBLY, RELATING TO COSTS IN CRIMINAL CASES.

SECTION 1. *Be it enacted by the General Assembly of the State of Iowa,* That section 3790, chapter 2, title XXIII of the Code, be and the same is hereby repealed, and the following enacted in lieu thereof, viz.:

Sec. 3790. In all criminal cases in the district court where the prosecution fails, or where the costs, and fees taxable as costs, cannot be collected from the person liable to pay the same, and the facts being certified by the clerk and verified under oath by the person claiming such fees or costs, the board of supervisors may allow fifty per cent thereof, which shall be paid out of the county treasury, and shall be in full satisfaction of all such fees and costs against the county: *provided*, that to entitle any witness on the part of the defense to the payment of the fees herein provided, the judge of said court must certify that he was a material or necessary witness for the defense.

SEC. 2. That section 3806, chapter 2, title XXIII of the Code, be and the same is hereby repealed, and the following enacted in lieu thereof, viz.

3 Sec. 3806. In criminal cases, where the prosecution fails, or the fees contemplated in the
4 two preceding sections cannot be collected from the person liable to pay the same, the facts
5 being certified by the justice, and verified by affidavit, fifty per cent of such fees shall be
6 audited and paid out of the county treasury, in full of all claim against the county therefor.

SEC. 3. That section 3818, chapter 3, title XXIII of the Code, be and the same is hereby
2 repealed.

SEC. 4. That chapter 30 of the acts of the fifteenth general assembly be and the same is
2 hereby amended by striking out all of section 1 after the words "ninety-one," in the fifth line
3 thereof.

SEC. 5. This act being deemed of immediate importance, shall take effect and be in force
2 from and after its publication in the *Iowa State Register* and *Iowa State Leader*, newspapers
3 published at Des Moines, Iowa.