

A BILL

FOR AN ACT TO AMEND SECTIONS 205, 206, 207, 584, 585, 678, 757, 782, 1413, 1532, 1551, 1911, 3005, 3006, 3347, 3377, 3459, 4281, 4598, 4599, 4617, 4618, 4719 AND 4729, OF THE CODE, IN RELATION TO THE OFFICE OF DISTRICT ATTORNEYS, AND TO PROVIDE FOR THE ELECTION OF COUNTY ATTORNEYS AND DEFINING THEIR POWERS, DUTIES AND COMPENSATION.

Be it enacted by the General Assembly of the State of Iowa :

SECTION 1. That sections 584 and 585 of chapter 1, title 5, of the Code of 1873, be and the same is hereby amended by striking out of each of said sections the word district attorney.

SEC. 2. That sections 205, 206 and 207, of chapter 9, title 3, of the Code, be and the same is hereby repealed and the following enacted in lieu thereof:

3 Sec. 205. At the general election in 1886 and every two years thereafter, there shall
4 be elected in every county of this State, by the qualified electors thereof, a county at-
5 torney, whose term of office shall commence on the 1st day of January next after his
6 election, and who shall hold his office for the term of two years and until his successor
7 is elected and qualified. It shall be the duty of the county attorney to appear for the
8 State and his county, in all matters in which the State or such county may be a party
9 or interested, in any or all of the courts of his county, and before any judge on a writ
10 of *habeas corpus* sued out by a person charged or convicted of a public offense within
11 his county. When any of the above proceedings are taken from his county on appeal
12 to the Supreme Court, he shall furnish to the Attorney-General a brief containing the
13 substance thereof, and the questions therein involved, before the proceedings is set for
14 hearing in the Supreme Court. He shall also appear for the State or any county, in
15 any proceedings brought to his county from another on change of place of trial; *pro-*
16 *vided*, that nothing contained in this section shall be construed to prevent the board of
17 supervisors of the county wherein any of said proceedings originate, from employing
18 other counsel in any case properly belonging to his duties, when they deem it necessary.

19 Sec. 206. The county attorney shall be and is hereby made the attorney for the board
20 of supervisors, in their respective counties, in all matters pertaining to the county, or

21 the transactions or duties of said board; and shall when requested, give his opinion in
22 writing, without fee, upon all questions of law submitted to him by any member of said
23 board, or other county officer within his county, which have reference to the official
24 duty of such officer; and when requested by such officer, he shall prepare proper drafts
25 for contracts, forms and other writings which may be wanted for the use of his county,
26 and shall file in his office and preserve copies of all such opinions thus furnished, which
27 copies shall be turned over by him to his successor in office, along with all other books,
28 papers and property belonging to his office.

29 Sec. 207. All money received by the county attorney belonging to the State, or any
30 county, shall, immediately upon receipt thereof, be paid by him to the officer who, by
31 law, is entitled to the custody of the same.

SEC. 3. That section 757 of chapter 7, title 5, of the Code, be and the same is hereby
2 amended by striking out of said section the words "district attorney," and inserting in lieu
3 thereof the words "county attorney."

SEC. 4. That section 1413 of chapter two (2), title eleven (11), of the Code, be and the same
2 is hereby amended by striking out of said section the words "district attorney," and insert-
3 ing in lieu thereof the words "county attorney."

SEC. 5. That sections 1532 and 1551 of chapter six (6), title eleven (11), of the Code, as
2 amended by chapter 143 of the acts of the Twentieth General Assembly, be and the same is
3 hereby amended by striking out of each of said sections the words "district attorney"
4 wherever the same occurs, and inserting in lieu thereof the words "county attorney."

SEC. 6. That section 1911 of chapter two (2), title thirteen (13) of the Code be and the
2 same is hereby amended by striking out of said section the words "District Attorney"
3 wherever the same occurs and inserting in lieu thereof the words "county attorney."

SEC. 7. That sections 3005 and 3006 of chapter one (1), title eighteen (18) of the Code be
2 and the same is hereby amended by striking out of said sections the words "District At-
3 torney" wherever the same occurs, and inserting in lieu thereof the words "county attor-
4 ney," and by striking out of the fifth line of section 3006 the word "district" and insert-
5 ing in lieu thereof the word "county."

SEC. 8. That sections 3347 and 3348 of chapter six (6), title twenty (20) of the Code be and
2 the same is hereby amended by striking out of said sections the words "District Attorney"
3 and inserting in lieu thereof the words "county attorney."

SEC. 9. That section 3377 of chapter eight (8), title twenty (20) of the Code be and the same
2 is hereby amended by striking out of said section the words "District Attorney" and in-
3 serting in lieu thereof the words "county attorney."

SEC. 10. That section 3459 of chapter thirteen (13), title twenty (20) of the Code be and

2 the same is hereby amended by striking out of said section the words "District Attorney"
3 and inserting in lieu thereof the words "county attorney."

SEC. 11. That section 4281 of chapter fourteen (14), title twenty-five (25) of the Code be
2 and the same is hereby amended by striking out of said section the words "District Attor-
3 ney" wherever the same occurs and inserting in lieu thereof the words "county attorney."

SEC. 12. That sections 4598 and 4599 of chapter 43, title 25 of the Code be and the same
2 is hereby amended by striking out of said sections the words "District Attorney" wher-
3 ever the same occurs and inserting in lieu thereof the words "county attorney."

SEC. 13. That sections 4617 and 4618 of chapter 48, title 25 of the Code be and the same is
2 hereby amended by striking out of said sections the words "District Attorney" and insert-
3 ing in lieu thereof the words "county attorney."

SEC. 14. That section 4719 of chapter 56, title 25 of the Code be and the same is hereby
2 amended by striking out of said section the words "District Attorney" and inserting in
3 lieu thereof the words "county attorney."

SEC. 15. That section 4729 of chapter one (1), title 26 of the Code be and the same is
2 hereby amended by striking out of said section the words "District Attorney" and insert-
3 ing in lieu thereof the words "county attorney."

SEC. 16. That section 678 of chapter five (5), title five (5) of the Code be and the same is
2 hereby amended by striking out of said section the following words, to-wit: "Of each
3 District Attorney in the sum of not less than ten thousand dollars," and inserting in lieu
4 thereof the following words, to-wit: "Of each county attorney in the sum of not less than
5 five thousand dollars."

SEC. 17. That section 782 of chapter ten (10), title five (5) of the Code be and the same is
2 hereby amended by striking out of the second clause of said section the words "District
3 Attorney" and inserting in lieu thereof the words "county attorney."

SEC. 18. The salary of each county attorney shall be, in all counties having a population
2 as shown by the last preceding census, either State or national, of less than ten thousand
3 inhabitants the sum of four hundred dollars (\$400) per annum. In counties having a popula-
4 tion of more than ten thousand, but less than twenty thousand inhabitants, the sum of five
5 hundred dollars (\$500). In counties having a population of twenty thousand, but less
6 than thirty thousand inhabitants, the sum of six hundred dollars (\$600), and in counties
7 having a population of more than thirty thousand inhabitants, the sum of seven hundred
8 dollars (\$700), in addition to which they shall be allowed the following fees, which, together
9 with the annual salary, shall be audited and paid out of the county treasury the same as
10 other claims, to-wit:

11 For each conviction on a plea of guilty, \$5.00.

12 For each jury trial in cases of misdemeanor, \$10.00.

13 For each jury trial in cases of felony, \$20.00.

14 For each judgment for costs only, \$5.00.

15 For prosecuting an information before a justice of the peace, \$5.00.

16 For all fines and forfeitures actually collected by him, ten per cent of the first two
17 hundred dollars or fraction thereof, and one per cent of all sums in excess of two hun-
18 dred dollars.

SEC. 19. The provisions of this act shall not apply to district attorneys now in office until
2 from and after the 1st day of January, 1887.