

A BILL

FOR AN ACT TO REPEAL CHAPTER 8, TITLE 3, AND SECTION 3775, OF THE CODE OF IOWA, TO ABOLISH THE OFFICE OF DISTRICT ATTORNEY, TO PROVIDE FOR THE ELECTION OF COUNTY ATTORNEYS, DEFINE THEIR DUTIES AND FIX THEIR COMPENSATION.

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

SECTION 1. That the office of district attorney of the several judicial districts of this State is hereby abolished and declared to be vacant.

SEC. 2. That chapter eight, title three, and section 3775, of the Code of Iowa, be and the same are hereby repealed.

SEC. 3. That the qualified electors of each county, shall at the general election in the year 1886, and every two years thereafter elect a county attorney, who shall be a resident of the county, and who shall hold his office for the term of two years, and until his successor shall have been elected and qualified.

SEC. 4. Said office of county attorney is hereby declared to be a county office, and any vacancy therein shall be filled in the same manner as is now provided by law for filling vacancies in other county offices.

SEC. 5. The county attorney shall appear for the State and county in all matters in which the State or county may be interested, or to which either may be a party either in the district or circuit courts held within the county, and before any judge on a writ of habeas corpus sued out by any person charged or convicted of a public offense within his county. He shall appear for the State in all preliminary examinations in criminal cases, before committing magistrates in the township where the county seat is located, as well as all such examinations as are brought before such magistrates or removed therefrom upon change of the place of trial, as well as those before any other examining magistrate in the county where such magistrate shall, in writing, request his presence. He shall appear before said district court, or circuit court in all matters affecting the school fund, and before the Supreme Court in the event of an appeal thereto of any matter relating to or affecting the school fund. He shall collect and pay over to the county treasurer all fines assessed by the district court, and all sums owing upon forfeited bail bonds so far as he is able to collect them. He shall appear for the State or any county in any proceeding brought to his county from any other on change of place of trial. When any proceeding to which the State is a

16 party is taken to the Supreme Court, he shall furnish to the Attorney-General an abstract
17 containing the substance of the record, in the same form as abstracts are required to be pre-
18 pared for presentation to the Supreme Court, and showing all questions involved therein be-
19 fore the proceeding is set for hearing in the Supreme Court.

SEC. 6. The county attorney shall, without fee or reward, give opinions and advice to the
2 board of supervisors or other officers of the county, whenever requested to do so by such
3 board or officer, in all matters in which the State, county or school fund is interested, or
4 which relate to the duty of such board or officer. He shall not appear as an attorney *for*
5 *any party* in any matter pending before the board of supervisors, except at their request,
6 and to advise them as to their duty.

SEC. 7. The county attorney shall, before entering upon the duties of his office, take the
2 oath required to be taken by other county officers, and file a bond in a sum to be fixed by
3 the board of supervisors, but in no event in a less sum than two thousand dollars, condi-
4 tioned the same as the bonds of other county officers, and to be filed, approved and recorded
5 as other official bonds.

SEC. 8. Wherever the term district attorney appears in any of the statutes of this State,
2 not hereby repealed, it shall hereafter mean county attorney of the county where the duty
3 is to be performed ; and all laws now in force regulating the duties of district attorneys in
4 criminal matters and proceedings shall apply to county attorneys.

SEC. 9. The county attorney shall semi-annually and at the regular meeting of the board
2 of supervisors in January and June submit to such board a report in writing, of the condition
3 of all suits or claims in favor of the county or school fund, including fines, forfeitures and
4 fees allowed in criminal cases which are in his charge, with a statement of all moneys col-
5 lected by him, which statement must be accompanied by the receipt of the county treas-
6 urer for all such sums thus collected, which belong to the county or school fund. The board
7 of supervisors shall audit the accounts of such attorney, and if found to be correct shall
8 approve the same, and until such report is made, such account thus audited and approved
9 and all proper sums paid to the county treasurer, the salary of such attorney as hereinafter
10 fixed shall not be payable.

SEC. 10. Upon every conviction in the district court of any crime or misdemeanor, there
2 shall be taxed as part of the costs against the defendant and in favor of the county as at-
3 torney's fees the following sums : For each conviction on a plea of guilty five dollars; for
4 each jury trial in case of misdemeanor ten dollars; for each jury trial in case of felony
5 twenty dollars ; for each judgment for costs only five dollars. All of which fees shall be
6 long to the county and be collected by the county attorney the same as fines and forfeitures.

SEC. 11. The county attorney shall be allowed and paid from the county treasury a salary
2 for each year as follows : In counties of not more than 5,000 inhabitants \$500. In counties

3 having over 5,000 inhabitants, and under 10,000 inhabitants \$800. In counties having over
4 10,000, and under 20,000 inhabitants \$1,000. In counties having 20,000, and under 30,000 in-
5 habitants \$1,200, and in counties having over 30,000 inhabitants \$1,500. In addition to
6 which he shall receive the following percentage upon moneys actually collected and paid
7 into the county treasury: For all fines, forfeitures or attorney's fees ten per cent upon all
8 sums less than two hundred dollars, and five per cent upon all sums exceeding that amount.
9 For all collections of permanent school fund or interest thereon the fees provided by sec-
10 tion 1872 of the Code of Iowa. The salary of such attorney shall be audited and allowed by
11 the board of supervisors at their regular meetings in January and June.

SEC. 12. This act shall take effect on the first Monday of January, A. D. 1887, except so
2 much thereof as provides for the election of county attorneys at the general election in 1886,
3 which portion shall take effect at the same time as is provided for other laws.