

Reported Recommending
Ind. Postponed
Passed House
Failed to Pass House
Passed Senate
Failed to Pass Senate

House File 158

January 30, 1947.
Judiciary 2.

By SLOANE and BURKMAN.

A BILL FOR

An Act to amend section six hundred two point sixteen (602.16), Code, 1946, relating to the territorial jurisdiction of municipal courts.

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

1 Section 1. Section six hundred two point sixteen (602.16),
2 Code, 1946, is amended by striking therefrom all of lines one
3 (1) to six (6), inclusive, and the words, "court is situated"
4 in line seven (7) and inserting in lieu thereof the following:
5 "The municipal court shall have concurrent jurisdiction
6 with the district court, except as provided in sections six
7 hundred two point fourteen (602.14) and six hundred two point
8 fifteen (602.15), Code, 1946, and its venue shall be coextensive
9 with the territorial limits of the county in which said municipal
10 court is situated. However, in counties in which the district
11 court is held in more than one place, the venue of a municipal
12 court situated in such county shall be restricted to the
13 territory of the district court where such municipal court is
14 situated."

EXPLANATION OF H. F. 158

The purpose of this bill is to re-establish the jurisdiction of the Municipal Court as was provided in the original Municipal Court Act.

Many years ago, because of some difficulty in Pottawattamie County, Section 602.16 of the Code was amended to provide for a limit of the jurisdiction of the Municipal

Court of Council Bluffs to the west half of Pottawattamie County.

The purpose of this bill was to limit the venue of the Council Bluffs Municipal Court to the west half of Pottawattamie County, but, unfortunately, they failed to distinguish the difference between a venue and jurisdiction, which strictly limits the process of the municipal courts to the county in which the municipal court is situated.

This amendment is for the purpose of correcting the error made, so that the process of the municipal courts can extend beyond the county lines in which they have their venue, as was originally intended.

As the law now reads, a municipal court in a criminal case cannot leglly compel a witness to answer a subpoena outside the county in which said court is situated.