

January 11, 1951.  
Passed on File.

**House File 47**

By CROSIER and NELSON of Woodbury.

Passed House, Date .....  
Vote: Ayes..... Nays.....  
Passed Senate, Date .....  
Vote: Ayes..... Nays.....  
Approved .....

**A BILL FOR**

An Act relating to the mayors and police courts of cities and towns, and to repeal various sections of chapters three hundred sixty-three (363), four hundred sixteen (416), four hundred nineteen (419), and four hundred twenty (420), Code 1950, and to amend chapter three hundred sixty-seven (367), Code 1950.

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

1 Section 1. Section three hundred sixty-seven point  
2 one (367.1), Code 1950, is hereby amended by striking lines  
3 one (1) and two (2), and inserting in lieu thereof the  
4 following: "In cities having a population of fifteen  
5 thousand (15,000) or more, wherein there is no municipal".

1 Sec. 2. Title fifteen (XV), Code 1950, is amended as  
2 follows:

3 1. Section three hundred sixty-three point ten (363.10)  
4 is hereby amended by striking that part thereof commencing  
5 with the word ", and" in line three (3) and ending with the  
6 word "electorate" in line seven (7).

7 2. Section three hundred sixty-three point twelve  
8 (363.12) is hereby amended by striking all of the last  
9 sentence beginning with the word "In" in line six (6).

10 3. Section three hundred sixty-three point sixteen  
11 (363.16) is hereby repealed.

12 4. Section four hundred sixteen point fifty-four  
13 (416.54) is hereby repealed.

14 5. Section four hundred nineteen point thirty-seven  
15 (419.37) is hereby amended by striking from lines four (4)  
16 and five (5) the following: "appoint a police judge or  
17 magistrate,".

18 6. Chapter three hundred sixty-seven (367) is amended  
19 by adding the following: "The police court shall be presided  
20 over by a police judge, who shall be appointed by the council.  
21 The council may, in lieu of such appointment, provide by  
22 ordinance for the election of the police judge by the entire  
23 electorate of the city. The council may by ordinance empower  
24 the police judge to appoint a clerk of the police court, who  
25 shall be subject to removal by said judge."

1 Sec. 3. Title fifteen (XV), Code 1950, is amended as  
2 follows:

3 1. Section three hundred sixty-three point eighteen  
4 (363.18) subsection seven (7) is hereby repealed.

5 2. Chapter three hundred sixty-seven (367) is amended  
6 by adding the following: "During any vacancy in the office  
7 of police judge the mayor shall hold police court."

1 Sec. 4. Title fifteen (XV), Code 1950, is amended as  
2 follows:

3 1. Section three hundred sixty-three point forty-four

4 (363.44) is hereby repealed.

5 2. Section three hundred sixty-three point forty (363.40)  
6 is hereby repealed.

7 3. Section four hundred twenty point sixteen (420.16)  
8 is hereby repealed.

9 4. Chapter three hundred sixty-seven (367) is amended  
10 by adding the following: "Police judges in criminal cases  
11 under ordinances or state laws shall receive the same fees  
12 as justices of the peace receive in similar cases. In  
13 criminal cases under ordinance, said fees shall be payable  
14 from the municipal treasury, and in criminal cases under state  
15 law, said fees shall be payable from the county treasury.  
16 The council may by ordinance provide a salary in lieu of all  
17 fees, and thereafter all fees collected shall be paid into  
18 the municipal treasury."

1 Sec. 5. Title fifteen (XV), Code 1950, is amended as  
2 follows:

3 1. Section three hundred sixty-three point thirty  
4 (363.30) is hereby amended by striking that part thereof  
5 which commences with the word "attend" in line eight (8)  
6 and ends with the word "court," in line twelve (12).

7 2. Section three hundred sixty-three point forty-two  
8 (363.42) is hereby repealed.

9 3. Chapter three hundred sixty-seven (367) is amended  
10 by adding the following: "The marshal or his deputy shall  
11 attend upon the sittings of the mayors and police courts and

12 perform the duties of bailiff therein. The fees for such  
13 services shall be the same as constables receive for similar  
14 services in justice of the peace court. Fees shall be payable  
15 from the municipal treasury for services in connection with  
16 criminal cases under ordinances, and from the county treasury  
17 for services in connection with criminal cases under the state  
18 law. The council may by ordinance provide a salary in lieu  
19 of all fees, and thereafter all fees collected shall be paid  
20 into the municipal treasury.”.

1 Sec. 6. Title fifteen (XV), Code 1950, is amended as  
2 follows:

3 1. Section three hundred sixty-three point eighteen  
4 (363.18) subsection one (1) is hereby amended by striking the  
5 words commencing with the word “, and” in line nine (9) and  
6 ending with the word “city;” in line thirteen (13).

7 2. Section three hundred sixty-three point thirty-nine  
8 (363.39) is hereby repealed.

9 3. Section four hundred sixteen point fifty-five (416.55)  
10 is hereby repealed.

11 4. Section four hundred twenty point fifteen (420.15)  
12 is hereby repealed.

13 5. Chapter three hundred sixty-seven (367) is amended  
14 by adding the following: “For holding a mayors or police  
15 court, or discharging the duties of a justice of the peace,  
16 the mayor shall receive in addition to his regular salary

17 as mayor, such fees or salary as is by law or ordinance

18 provided for officers performing such duties.”.

EXPLANATION OF H. F. 47

**Chapter 367, Code 1950, relating to mayors and police courts. The purpose of this bill is to collect other sections relating to that subject which heretofore have been scattered throughout other chapters of Title XV of the Code, revise the language of such sections to eliminate duplication and ambiguities, and transfer such revised sections to chapter 367.**