

January 10, 1951.
Passed on File.

Senate File 23
By HATTERY and DYKHOUSE.

Passed Senate, Date.....
Vote: Ayes..... Nays.....
Passed House, 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11 (363.16) is hereby repealed.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13 (416.54) is hereby repealed.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4 (363.18) subsection seven (7) is hereby repealed.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 courts. 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.”.