

FILED FEB 26 '01

SENATE FILE 281
BY LAMBERTI

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

A BILL FOR

1 An Act relating to jurisdiction in criminal forfeiture
2 proceedings.

3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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SF 281 JUDICIARY

1 Section 1. Section 602.6306, subsection 2, Code 2001, is
2 amended to read as follows:

3 2. District associate judges also have jurisdiction in
4 civil actions for money judgment where the amount in
5 controversy does not exceed ten thousand dollars, jurisdiction
6 over involuntary commitment, treatment, or hospitalization
7 proceedings under chapters 125 and 229, jurisdiction of
8 indictable misdemeanors, and felony violations of section
9 321J.2, jurisdiction to enter a temporary or emergency order
10 of protection under chapter 236, and to make court
11 appointments and set hearings in criminal matters,
12 jurisdiction to enter orders in probate which do not require
13 notice and hearing and to set hearings in actions under
14 chapter 633, and the jurisdiction provided in section 602.7101
15 when designated as a judge of the juvenile court, and
16 jurisdiction in forfeiture proceedings as provided in section
17 809A.2. While presiding in these subject matters a district
18 associate judge shall employ district judges' practice and
19 procedure.

20 Sec. 2. Section 602.6405, subsection 1, Code 2001, is
21 amended to read as follows:

22 1. Magistrates have jurisdiction of simple misdemeanors,
23 including traffic and ordinance violations, and preliminary
24 hearings, search warrant proceedings, county and municipal
25 infractions, and small claims. Magistrates have jurisdiction
26 to determine the disposition of livestock or another animal,
27 as provided in sections 717.5 and 717B.4, if the magistrate
28 determines the value of the livestock or animal is less than
29 ten thousand dollars. Magistrates have jurisdiction to
30 exercise the powers specified in sections 556F.2 and 556F.12,
31 and to hear complaints or preliminary informations, issue
32 warrants, order arrests, make commitments, and take bail.
33 Magistrates have jurisdiction over violations of section
34 123.49, subsection 2, paragraph "h". Magistrates who are
35 admitted to the practice of law in this state have

1 jurisdiction over all proceedings for the involuntary
2 commitment, treatment, or hospitalization of individuals under
3 chapters 125 and 229, except as otherwise provided under
4 section 229.6A; nonlawyer magistrates have jurisdiction over
5 emergency detention and hospitalization proceedings under
6 sections 125.91 and 229.22. Magistrates have jurisdiction to
7 conduct hearings authorized under section 809.4, and in
8 forfeiture proceedings as provided in section 809A.2.

9 Sec. 3. Section 809A.2, Code 2001, is amended by adding
10 the following new subsection:

11 NEW SUBSECTION. 1A. A magistrate or district associate
12 judge may exercise jurisdiction under this chapter if the
13 total value of the interest in the property is less than five
14 thousand dollars, with appeal to be as in the case of small
15 claims.

16 EXPLANATION

17 This bill relates to a magistrate or district associate
18 judge exercising jurisdiction in criminal forfeiture
19 proceedings.

20 The bill provides that a magistrate or district associate
21 judge may exercise jurisdiction in a forfeiture proceeding
22 under Code chapter 809A if the value of the interest in the
23 property is less than \$5,000. Current law states that the
24 district court has jurisdiction of criminal forfeiture
25 proceedings.

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