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SSB 3126
Judiciary

Succeeded By
(SF) HF 2283

SENATE/HOUSE FILE _____
BY (PROPOSED JUDICIAL BRANCH BILL)

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

A BILL FOR

1 An Act concerning procedures, duties, and fees related to the
2 judicial branch.

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

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1 Section 1. Section 46.12, unnumbered paragraph 1, Code
2 2001, is amended to read as follows:

3 When a vacancy occurs or will occur within one hundred
4 twenty days in the supreme court, the court of appeals, or
5 district court, the state commissioner of elections shall
6 forthwith so notify the chairperson of the proper judicial
7 nominating commission, unless the chief justice has ordered
8 the state commissioner of elections to delay sending the
9 notification. The chief justice may order the delay for up to
10 one hundred eighty days for budgetary reasons. The
11 chairperson shall call a meeting of the commission within ten
12 days after such notice; if the chairperson fails to do so, the
13 chief justice shall call such meeting.

14 Sec. 2. Section 46.14, Code 2001, is amended to read as
15 follows:

16 46.14 NOMINATION.

17 1. Each judicial nominating commission shall carefully
18 consider the individuals available for judge, and within sixty
19 days after receiving notice of a vacancy shall certify to the
20 governor and the chief justice the proper number of nominees,
21 in alphabetical order. Such nominees shall be chosen by the
22 affirmative vote of a majority of the full statutory number of
23 commissioners upon the basis of their qualifications and
24 without regard to political affiliation. Nominees shall be
25 members of the bar of Iowa, shall be residents of the state or
26 district of the court to which they are nominated, and shall
27 be of such age that they will be able to serve an initial and
28 one regular term of office to which they are nominated before
29 reaching the age of seventy-two years. Nominees for district
30 judge shall file a certified application form, to be provided
31 by the supreme court, with the chairperson of the district
32 judicial nominating commission. ~~No person shall be eligible~~
33 ~~for nomination by a commission as judge during the term for~~
34 ~~which the person was elected or appointed to that commission.~~
35 Absence of a commissioner or vacancy upon the commission shall

1 not invalidate a nomination. The chairperson of the
2 commission shall promptly certify the names of the nominees,
3 in alphabetical order, to the governor and the chief justice.

4 2. A commissioner shall not be eligible for nomination by
5 the commission during the term for which the commissioner was
6 elected or appointed to that commission. A commissioner shall
7 not be eligible to vote for the nomination of a family member,
8 law partner, or current or former business partner. For
9 purposes of this subsection, "family member" means a spouse,
10 son, daughter, brother, sister, uncle, aunt, first cousin,
11 nephew, niece, father-in-law, mother-in-law, son-in-law,
12 daughter-in-law, brother-in-law, sister-in-law, father,
13 mother, stepfather, stepmother, stepson, stepdaughter,
14 stepbrother, stepsister, half brother, or half sister.

15 Sec. 3. Section 125.91, subsection 2, unnumbered paragraph
16 1, Code 2001, is amended to read as follows:

17 A peace officer who has reasonable grounds to believe that
18 the circumstances described in subsection 1 are applicable,
19 may, without a warrant, take or cause that person to be taken
20 to the nearest available facility referred to in section
21 125.81, subsection 2 or 3. Such an intoxicated or
22 incapacitated person may also be delivered to a facility by
23 someone other than a peace officer upon a showing of
24 reasonable grounds. Upon delivery of the person to a facility
25 under this section, the chief medical officer may order
26 treatment of the person, but only to the extent necessary to
27 preserve the person's life or to appropriately control the
28 person's behavior if the behavior is likely to result in
29 physical injury to the person or others if allowed to
30 continue. The peace officer or other person who delivered the
31 person to the facility shall describe the circumstances of the
32 matter to the administrator. If the administrator in
33 consultation with the chief medical officer has reasonable
34 grounds to believe that the circumstances in subsection 1 are
35 applicable, the administrator shall at once communicate with

1 the nearest available magistrate as defined in section 801.4,
2 subsection 10. The magistrate ~~shall immediately proceed to~~
3 ~~the facility where the person is detained, except that if the~~
4 ~~administrator's communication with the magistrate occurs~~
5 ~~between the hours of midnight and seven a.m. and the~~
6 ~~magistrate deems it appropriate under the circumstances~~
7 ~~described by the administrator, the magistrate may delay going~~
8 ~~to the facility, and in that case,~~ shall give the
9 administrator verbal instructions either directing that the
10 person be released forthwith, or authorizing the person's
11 continued detention at the facility. In the latter case, the
12 magistrate shall:

13 Sec. 4. Section 125.91, subsection 2, paragraphs a and b,
14 Code 2001, are amended by striking the paragraphs and
15 inserting in lieu thereof the following:

16 a. By the close of business on the next working day, file
17 with the clerk a written report stating the substance of the
18 communication with the administrator on the basis of which the
19 person's continued detention was ordered.

20 b. Review the validity of the detention in person or by
21 telephone by the end of the next working day, or within
22 twenty-four hours, whichever is sooner. The review shall
23 include an examination of the medical records of the person
24 made available to the magistrate in person or by facsimile.

25 Sec. 5. Section 125.91, subsection 2, is amended by adding
26 the following new paragraph:

27 NEW PARAGRAPH. c. Ensure that the person is provided
28 legal counsel at the earliest practicable time in the manner
29 prescribed in section 125.78. The magistrate shall arrange
30 for counsel to be present and counsel shall be afforded an
31 opportunity, if possible, to visit the person before the order
32 is issued.

33 Sec. 6. Section 125.91, subsection 3, Code 2001, is
34 amended to read as follows:

35 3. ~~Upon arrival at the facility, the magistrate shall at~~

1 ~~once-review-the-validity-of-the-detention.--Unless-convinced~~
2 ~~upon-initial-inquiry-that-there-are-no-grounds-for-further~~
3 ~~detention-of-the-person, the magistrate shall ensure that the~~
4 ~~person has or is provided legal counsel at the earliest~~
5 ~~practical time in the manner prescribed by section 125.78,~~
6 ~~subsection 1, and shall arrange for the counsel to be present,~~
7 ~~if practical, before proceeding further under this subsection.~~
8 ~~The magistrate shall immediately notify counsel of the~~
9 ~~respondent's emergency detention.--Counsel shall be afforded~~
10 ~~an opportunity to visit the respondent and to make appropriate~~
11 ~~preparations before or after the magistrate's order is issued.~~
12 If, after review in person or by telephone, the magistrate
13 finds, upon review of based on the information presented by
14 the administrator under subsection 2 and of on other
15 information or evidence the magistrate deems relevant, that
16 there is probable cause to believe that the circumstances
17 described in subsection 1 are applicable, the magistrate shall
18 enter a written order detaining the person at the facility,
19 or, if the facility where the person is at the time is not an
20 appropriate facility, detaining and transporting the person to
21 an appropriate facility. The magistrate's order shall state
22 the circumstances under which the person was detained or
23 otherwise delivered to a facility, and the grounds supporting
24 the finding of probable cause to believe that person is a
25 chronic substance abuser likely to physically injure the
26 person or others if not detained. The order shall be filed
27 with the clerk in the county where it is anticipated that an
28 application will be filed under section 125.75, and a
29 certified copy of the order shall be delivered to the
30 administrator of the facility where the person is detained, at
31 the earliest practical time.

32 Sec. 7. Section 229.6A, subsection 1, Code Supplement
33 2001, is amended to read as follows:

34 1. Notwithstanding section 229.11, the juvenile court has
35 **exclusive** original jurisdiction in proceedings concerning a

1 minor for whom an application for involuntary admission is
2 filed under section 229.6 or for whom an application for
3 voluntary admission is made under section 229.2, subsection 1,
4 to which the minor objects. In proceedings under this chapter
5 concerning a minor, ~~notwithstanding section 229.11,~~ the term
6 "court", "judge", or "clerk" means the juvenile court, judge,
7 or clerk, except that the term "court" or "judge" may also
8 mean "magistrate".

9 Sec. 8. Section 229.21, subsection 5, Code Supplement
10 2001, is amended to read as follows:

11 5. The hospitalization or commitment hearing before the
12 district judge shall be held, and the judge's finding shall be
13 made within fourteen days of the hearing on appeal, and an
14 appropriate order entered, as prescribed by sections 229.12
15 and 229.13 or sections 125.82 and 125.83. If the judge orders
16 the appellant hospitalized or committed for a complete
17 psychiatric or substance abuse evaluation, jurisdiction of the
18 matter shall revert to the judicial hospitalization referee.

19 Sec. 9. Section 229.22, subsection 2, paragraph a, Code
20 2001, is amended to read as follows:

21 a. By the close of business on the next working day, file
22 with the clerk a written report stating the substance of the
23 information on the basis of which the person's continued
24 detention was ordered, ~~and.~~

25 Sec. 10. Section 229.22, subsection 2, paragraph b, Code
26 2001, is amended by striking the paragraph and inserting in
27 lieu thereof the following:

28 b. Review the validity of the detention in person or by
29 telephone by the end of the next working day, or within
30 twenty-four hours, whichever is sooner. The review shall
31 include an examination of the medical records of the person
32 made available to the magistrate in person or by facsimile.

33 Sec. 11. Section 229.22, subsection 2, is amended by
34 adding the following new paragraph:

35 NEW PARAGRAPH. c. Ensure that the person is provided

1 legal counsel at the earliest practicable time in the manner
2 prescribed in section 229.8. The magistrate shall arrange for
3 counsel to be present and counsel shall be afforded an
4 opportunity, if possible, to visit the person before the order
5 is issued.

6 Sec. 12. Section 229.22, subsection 3, Code 2001, is
7 amended to read as follows:

8 3. ~~Upon arrival at the hospital, the magistrate shall at~~
9 ~~once review the matter. Unless convinced upon initial inquiry~~
10 ~~that there are no grounds for further detention of the person,~~
11 ~~the magistrate shall in the manner prescribed by section~~
12 ~~229.8, subsection 1 insure that the person has or is provided~~
13 ~~legal counsel at the earliest practicable time, and shall~~
14 ~~arrange for the counsel to be present, if practicable, before~~
15 ~~proceeding further under this section. If, after the review~~
16 in person or by telephone, the magistrate finds upon review of
17 based on the report prepared by the chief medical officer
18 under subsection 2 ~~of this section,~~ and of on such other
19 information or evidence as the magistrate deems pertinent,
20 that there is probable cause to believe that the person is
21 seriously mentally impaired and because of that impairment is
22 likely to physically injure the person's self or others if not
23 detained, the magistrate shall enter a written order for the
24 person to be detained in custody and, if the facility where
25 the person is at that time is not an appropriate hospital,
26 transported to an appropriate hospital. The magistrate's
27 order shall state the circumstances under which the person was
28 taken into custody or otherwise brought to a hospital and the
29 grounds supporting the finding of probable cause to believe
30 that the person is seriously mentally impaired and likely to
31 physically injure the person's self or others if not
32 immediately detained. The order shall be filed with the clerk
33 of the district court in the county where it is anticipated
34 that an application will be filed under section 229.6, and a
35 certified copy of the order shall be delivered to the chief

1 medical officer of the hospital where the person is detained,
2 at the earliest practicable time.

3 Sec. 13. Section 232.35, subsection 1, Code 2001, is
4 amended to read as follows:

5 1. A formal judicial proceeding to determine whether a
6 child has committed a delinquent act shall be initiated by the
7 filing by the county attorney of a petition alleging that a
8 child has committed a delinquent act. After a petition has
9 been filed, service of a summons requiring the child to appear
10 before the court or service of a notice shall be as provided
11 in section 232.37.

12 Sec. 14. Section 232.37, subsection 4, Code 2001, is
13 amended to read as follows:

14 4. Service of summons or notice shall be made personally
15 by the sheriff ~~by the-delivery-of~~ delivering a copy of the
16 summons or notice to the person being served. If the court
17 determines that personal service of a summons or notice is
18 impracticable, the court may order service by certified mail
19 addressed to the last known address. Service of summons or
20 notice shall be made not less than five days before the time
21 fixed for hearing. Service of summons, notice, subpoenas or
22 other process, after an initial valid summons or notice, shall
23 be made in accordance with the rules of the court governing
24 such service in civil actions.

25 Sec. 15. Section 232.183, subsection 7, Code Supplement
26 2001, is amended by striking the subsection.

27 Sec. 16. Section 236.3, unnumbered paragraph 2, Code
28 Supplement 2001, is amended to read as follows:

29 The filing fee and court costs for an order for protection
30 and in a contempt action under this chapter shall be waived
31 for the plaintiff. The clerk of court, the sheriff of any
32 county in this state, and other law enforcement and
33 corrections officers shall perform their duties relating to
34 service of process without charge to the petitioner. When an
35 order for protection is entered by the court, the court may

1 direct the defendant to pay to the clerk of court the
2 plaintiff's filing fees and reasonable costs of service of
3 process if the court determines the defendant has the ability
4 to pay the plaintiff's fees and costs.

5 Sec. 17. Section 237.20, unnumbered paragraph 1, Code
6 2001, is amended to read as follows:

7 A local board shall, except in delinquency cases, do the
8 following:

9 Sec. 18. Section 255.1, unnumbered paragraph 1, Code
10 Supplement 2001, is amended to read as follows:

11 Any adult resident of the state may file a complaint in the
12 office of the ~~clerk-of-any-juvenile-court,~~ county general
13 assistance director charging that any legal resident of Iowa
14 residing in the county where the complaint is filed is
15 pregnant or is suffering from some malady or deformity that
16 can probably be improved or cured or advantageously treated by
17 medical or surgical treatment or hospital care, and that
18 neither such person nor persons legally chargeable with the
19 person's support are able to pay therefor.

20 Sec. 19. Section 255.4, Code 2001, is amended to read as
21 follows:

22 255.4 EXAMINATION BY PHYSICIAN.

23 Upon the filing of such complaint, the ~~clerk-shall-number~~
24 ~~and-index-the-same-and~~ county general assistance director
25 shall appoint a competent physician and surgeon, living in the
26 vicinity of the patient, who shall personally examine the
27 patient with respect to said pregnancy, malady, or deformity.
28 The ~~clerk~~ director may, after the expiration of five years
29 from the filing of a complaint, destroy ~~it~~ the complaint and
30 all papers or records in connection ~~therewith~~ with the
31 complaint.

32 Sec. 20. Section 255.5, Code 2001, is amended to read as
33 follows:

34 255.5 REPORT BY PHYSICIAN.

35 Such physician shall make a report in duplicate on blanks

1 furnished as hereinafter provided in this chapter, answering
2 the questions contained therein in the blanks and setting
3 forth the information required thereby, giving such history of
4 the case as will be likely to aid the medical or surgical
5 treatment or hospital care of such patient, describing the
6 pregnancy, deformity, or malady in detail, and stating whether
7 or not in the physician's opinion the same can probably be
8 improved or cured or advantageously treated, which report
9 shall be filed in the office of the ~~clerk-within-such-time-as~~
10 ~~the-clerk-may-fix~~ county general assistance director.

11 Sec. 21. Section 255.6, Code 2001, is amended to read as
12 follows:

13 255.6 INVESTIGATION AND REPORT.

14 When a complaint is filed, ~~the-clerk-of-juvenile-court in~~
15 the office of the county general assistance director, the
16 director shall furnish the county attorney and board of
17 supervisors with a copy and the board shall, by the general
18 assistance director or other agent it selects, make a thorough
19 investigation of facts as to the legal residence of the
20 patient, and the ability of the patient or others chargeable
21 with the patient's support to pay the expense of treatment and
22 care; and shall file a report of the investigation in with the
23 ~~office-of-the-clerk~~ board of supervisors, at or before the
24 time of hearing.

25 Sec. 22. Section 255.8, Code 2001, is amended to read as
26 follows:

27 255.8 HEARING----ORDER----EMERGENCY-CASES----CANCELLATION
28 OF-COMMITMENTS DETERMINATION BY BOARD OF SUPERVISORS.

29 ~~The-county-attorney-and-the-general-assistance-director, or~~
30 ~~other-agent-of-the-board-of-supervisors-of-the-county, shall~~
31 ~~appear-at-the-hearing.--The-complainant, the-county-attorney,~~
32 ~~the-general-assistance-director-or-other-agent-of-the-board-of~~
33 ~~supervisors, and-the-patient, or-any-person-representing-the~~
34 ~~patient, may-introduce-evidence-and-be-heard.~~ If the court
35 board of supervisors finds that the patient is a legal

1 resident of Iowa and is pregnant or is suffering from a malady
2 or deformity which can probably be improved or cured or
3 advantageously treated by medical or surgical treatment or
4 hospital care, and that neither the patient nor any person
5 legally chargeable with the patient's support is able to pay
6 the expenses, then the ~~clerk-of-court~~ county general
7 assistance director, except in obstetrical cases and
8 orthopedic cases, shall immediately ascertain from the
9 admitting physician at the university hospital whether the
10 person can be received as a patient within a period of thirty
11 days, and if the patient can be received, the ~~court-or-in-the~~
12 ~~event-of-no-actual-contest,-the-clerk-of-the-court,~~ board
13 ~~shall enter-an-order-directing~~ direct that the patient be sent
14 to the university hospital for proper medical and surgical
15 treatment and hospital care. If the ~~court-ascertain~~ board
16 ascertains, except in obstetrical cases and orthopedic cases,
17 that a person of the age or sex of the patient, or afflicted
18 by the complaint, disease, or deformity with which the person
19 is afflicted, cannot be received as a patient at the
20 university hospital within the period of thirty days, ~~then-the~~
21 ~~court-or-the-clerk-shall-enter-an-order-directing~~ the board of
22 supervisors of shall direct the county to provide adequate
23 treatment at county expense for the patient at home or in a
24 hospital. Obstetrical cases and orthopedic cases may be
25 committed to the university hospital without regard to the
26 limiting period of thirty days.

27 In any case of emergency the ~~court-or-the-clerk~~ board of
28 supervisors without previous inquiry may at its discretion
29 order the patient to be immediately taken to and accepted by
30 the university hospital for the necessary care as provided in
31 section 255.11, but if such a patient cannot be immediately
32 accepted at the university hospital as ascertained by
33 telephone if necessary, ~~the-court-or-the-clerk-may-enter-an~~
34 ~~order-as-in-certain-cases-above-set-forth-directing~~ the board
35 of supervisors shall direct the county to provide adequate

1 treatment at county expense for the said patient at home or in
2 a hospital.

3 Sec. 23. Section 255.13, Code 2001, is amended to read as
4 follows:

5 255.13 ATTENDANT -- PHYSICIAN -- COMPENSATION.

6 If the physician appointed to examine the patient shall
7 certify that an attendant to accompany the patient to the said
8 hospital is necessary, and the university hospital attendant
9 and ambulance service is not available, ~~then-the-court-or~~
10 ~~judge-or-clerk-of-the-court~~ the county assistance director may
11 appoint an attendant who shall receive not exceeding two
12 dollars per day for the time thus necessarily employed and
13 actual necessary traveling expenses by the most feasible route
14 to said the hospital whether by ambulance, train or
15 automobile; but if such appointee is a relative of the patient
16 or a member of the patient's immediate family, or receives a
17 salary or other compensation from the public for the
18 appointee's services, no such per diem compensation shall be
19 paid. The physician appointed ~~by-the-court-or-clerk~~ to make
20 the examination and report shall receive ~~therefor~~ three
21 dollars for each examination and report so made and the
22 physician's actual necessary expenses incurred in making such
23 examination, but if said the physician receives a salary or
24 other compensation from the public for the physician's full-
25 time services, ~~then~~ no such examination fee shall be paid.
26 The actual, necessary expenses of transporting and caring for
27 the patient shall be paid as hereinafter provided in this
28 chapter.

29 Sec. 24. Section 255.14, Code 2001, is amended to read as
30 follows:

31 255.14 PAYMENT OF EXPENSES ---~~HOW-PAID~~.

32 An itemized, verified statement of all charges provided for
33 in sections 255.8 and 255.13, in cases where the patient is
34 admitted or accepted for treatment at the university hospital
35 shall be filed with the superintendent of the university

1 hospital, and upon the superintendent's recommendation when
 2 approved by the ~~judge-or-clerk-of-the-court-under-whose-order~~
 3 ~~the-same-were-incurred~~ board of supervisors, they shall be
 4 charged on the regular bill for the maintenance,
 5 transportation and treatment of the patient, and be audited
 6 and paid in the manner as hereinafter provided in this
 7 chapter.

8 Sec. 25. Section 321.20B, subsection 4, paragraph b,
 9 subparagraph (1), unnumbered paragraph 1, Code Supplement
 10 2001, is amended to read as follows:

11 An owner or driver who produces to the ~~clerk-of-court~~
 12 county attorney, within thirty days of the issuance of the
 13 citation under paragraph "a", or prior to the date of the
 14 individual's court appearance as indicated on the citation,
 15 whichever is earlier, proof that financial liability coverage
 16 was in effect for the motor vehicle at the time the person was
 17 stopped and cited, or, if the driver is not the owner of the
 18 motor vehicle, proof that liability coverage was in effect for
 19 the driver with respect to the motor vehicle being driven at
 20 the time the driver was stopped and cited, in the same manner
 21 as if the motor vehicle were owned by the driver, shall be
 22 given a receipt indicating that such proof was provided and be
 23 subject to one of the following:

24 Sec. 26. Section 321.20B, subsection 4, paragraph b,
 25 subparagraph (1), subparagraph subdivision (b), Code
 26 Supplement 2001, is amended to read as follows:

27 (b) If the person was cited pursuant to paragraph "a",
 28 subparagraph (4), the owner or driver, after the owner
 29 provides proof of financial liability coverage to the ~~clerk-of~~
 30 ~~court~~ county attorney, may claim the motor vehicle after such
 31 person pays any applicable fine and the costs of towing and
 32 storage for the motor vehicle, and the owner or driver
 33 provides a copy of the receipt and the owner pays to the
 34 county treasurer of the county in which the motor vehicle is
 35 registered a fifteen dollar administrative fee, and the county

1 treasurer shall issue new license plates and registration to
2 the person.

3 Sec. 27. Section 321.20B, subsection 4, paragraph c, Code
4 Supplement 2001, is amended to read as follows:

5 c. An owner or driver cited for a violation of subsection
6 1, who produces to the ~~clerk-of-court~~ county attorney within
7 thirty days of the issuance of the citation proof that
8 financial liability coverage was in effect for the motor
9 vehicle at the time the person was stopped and cited, shall
10 not be convicted of such violation and the citation issued
11 shall be dismissed.

12 Sec. 28. Section 321.20B, subsection 5, paragraph b, Code
13 Supplement 2001, is amended to read as follows:

14 b. Issue a citation. An owner or driver who produces to
15 the ~~clerk-of-court~~ county attorney within thirty days of the
16 issuance of the citation, or prior to the date of the
17 individual's court appearance as indicated on the citation,
18 whichever is earlier, proof that the financial liability
19 coverage was in effect for the motor vehicle at the time the
20 person was stopped and cited, or if the driver is not the
21 owner of the motor vehicle, proof that liability coverage was
22 in effect for the driver with respect to the motor vehicle
23 being driven at the time the driver was stopped and cited in
24 the same manner as if the motor vehicle were owned by the
25 driver, shall be given a receipt indicating that proof was
26 provided, and the citation issued shall be dismissed.

27 Sec. 29. Section 321.484, unnumbered paragraph 2, Code
28 2001, is amended to read as follows:

29 The owner of a vehicle shall not be held responsible for a
30 violation of a provision regulating the stopping, standing, or
31 parking of a vehicle, whether the provision is contained in
32 this chapter, or chapter 321L, or an ordinance or other
33 regulation or rule, if the owner establishes that at the time
34 of the violation the vehicle was in the custody of an
35 identified person other than the owner pursuant to a lease as

1 defined in chapter 321F or pursuant to a rental agreement as
2 defined in section 516D.3. The furnishing to the ~~clerk-of-the~~
3 ~~district-court~~ county attorney where the charge is pending of
4 a copy of the lease prescribed by section 321F.6 or rental
5 agreement that was in effect for the vehicle at the time of
6 the alleged violation shall be prima facie evidence that the
7 vehicle was in the custody of an identified person other than
8 the owner within the meaning of this paragraph, and the charge
9 against the owner shall be dismissed. The ~~clerk-of-the~~
10 ~~district-court~~ county attorney then shall cause a uniform
11 citation and complaint to be issued against the lessee or
12 renter of the vehicle, and the citation shall be served upon
13 the defendant by ordinary mail directed to the defendant at
14 the address shown in the lease or rental agreement.

15 Sec. 30. Section 331.653, Code Supplement 2001, is amended
16 by adding the following new subsection:

17 NEW SUBSECTION. 24A. Carry out duties related to service
18 of a summons, notice, or subpoena pursuant to sections 232.35,
19 232.37, and 232.88.

20 Sec. 31. Section 331.653, Code Supplement 2001, is amended
21 by adding the following new subsection:

22 NEW SUBSECTION. 33A. Receive and dispose of property or
23 money found on a deceased person pursuant to section 331.804.

24 Sec. 32. Section 331.804, subsection 2, Code 2001, is
25 amended to read as follows:

26 2. If no one is entitled by law to the property or money
27 found on a deceased person, the property shall be deposited
28 with the ~~clerk-of-the-district-court-who~~ county sheriff who
29 shall dispose of it as provided by law.

30 Sec. 33. Section 598.21, Code Supplement 2001, is amended
31 by adding the following new subsection:

32 NEW SUBSECTION. 10A. If the court modifies an order, and
33 the original decree was entered in another county in Iowa, the
34 clerk of court shall send a copy of the modification by
35 regular mail to the clerk where the original decree was

1 entered. The costs of mailing the modification shall be taxed
2 as court costs.

3 Sec. 34. Section 602.1215, subsection 1, Code 2001, is
4 amended to read as follows:

5 ~~1. The district judges of each judicial election district~~
6 ~~shall by majority vote appoint persons to serve as clerks of~~
7 ~~the district court, one for each county within the judicial~~
8 ~~election district. A person does not qualify for appointment~~
9 ~~to the office of clerk of the district court unless the person~~
10 ~~is at the time of application a resident of the state. The~~
11 chief judge of the district court shall appoint the clerks of
12 district court, and may remove a clerk of the district court
13 for cause. Within three months of appointment the a clerk of
14 the district court must establish residence and physically
15 reside in the county state. ~~A clerk of the district court may~~
16 ~~be removed from office for cause by a majority vote of the~~
17 ~~district judges of the judicial election district. Before~~
18 ~~removal, the clerk of the district court shall be notified of~~
19 ~~the cause for removal.~~

20 Sec. 35. Section 602.1217, subsection 1, Code 2001, is
21 amended to read as follows:

22 1. ~~The district judges within a judicial district, by~~
23 majority vote, chief judge of the judicial district shall
24 appoint a chief juvenile court officer and may remove the
25 officer for cause.

26 Sec. 36. Section 602.1501, subsection 4, Code 2001, is
27 amended to read as follows:

28 4. District associate judges shall receive the salary set
29 by the general assembly. ~~However, an alternate district~~
30 ~~associate judge whose appointment is authorized under section~~
31 ~~602.6303 shall receive a salary for each day of actual duty~~
32 ~~equal to a district associate judge's daily salary.~~

33 Sec. 37. Section 602.1604, Code 2001, is amended to read
34 as follows:

35 602.1604 JUDGES SHALL NOT PRACTICE LAW.

1 While holding office, a supreme court justice, court of
 2 appeals judge, district judge, or district associate judge
 3 shall not practice as an attorney or counselor or give advice
 4 in relation to any action pending or about to be brought in
 5 any of the courts of the state. ~~A person whose appointment as~~
 6 ~~an alternate district associate judge is authorized under~~
 7 ~~section 602.6303 may practice law except when actually serving~~
 8 ~~as a district associate judge.~~

9 Sec. 38. Section 602.1611, subsection 2, Code 2001, is
 10 amended by striking the subsection.

11 Sec. 39. Section 602.6111, subsection 1, Code 2001, is
 12 amended to read as follows:

13 1. Each petition or complaint, answer, appearance, first
 14 motion, or any document filed with the clerk of the district
 15 court which brings new parties into an action shall bear a
 16 personal identification number. The personal identification
 17 number shall be the employer identification number of the
 18 party or if the social security number of each separate party
 19 does not have an employer identification number, the personal
 20 identification number shall be a nine-digit number assigned by
 21 the clerk. The clerk shall also assign a personal
 22 identification number to attorneys making such filings on
 23 behalf of a client in court. In addition, each party that has
 24 a social security number shall provide the clerk with the
 25 number and the party's date of birth. The social security
 26 number shall be provided on a confidential form and shall be
 27 kept confidential in accordance with rules prescribed by the
 28 supreme court. If an individual party's driver's license
 29 lists a distinguishing number other than the party's social
 30 security number, the document filed with the clerk of the
 31 district court shall also contain the distinguishing number
 32 from the party's driver's license.

33 Sec. 40. Section 602.6301, Code 2001, is amended to read
 34 as follows:

35 602.6301 NUMBER AND APPORTIONMENT OF DISTRICT ASSOCIATE

1 JUDGES.

2 There shall be one district associate judge in counties
3 having a population of more than thirty-five thousand and less
4 than eighty thousand; two in counties having a population of
5 eighty thousand or more and less than one hundred twenty-five
6 thousand; three in counties having a population of one hundred
7 twenty-five thousand or more and less than two hundred
8 thousand; four in counties having a population of two hundred
9 thousand or more and less than two hundred thirty-five
10 thousand; five in counties having a population of two hundred
11 thirty-five thousand or more and less than two hundred seventy
12 thousand; six in counties having a population of two hundred
13 seventy thousand or more and less than three hundred five
14 thousand; and seven in counties having a population of three
15 hundred five thousand or more. However, a county shall not
16 lose a district associate judgeship solely because of a
17 reduction in the county's population. If the formula provided
18 in this section results in the allocation of an additional
19 district associate judgeship to a county, implementation of
20 the allocation shall be subject to prior approval of the
21 supreme court and availability of funds to the judicial
22 branch. A district associate judge appointed pursuant to
23 section 602.6302 ~~or-602-6303~~ shall not be counted for purposes
24 of this section.

25 Sec. 41. Section 602.6304, subsection 1, Code 2001, is
26 amended to read as follows:

27 1. The district associate judges authorized by sections
28 602.6301~~7~~ and 602.6302~~7~~~~-and-602-6303~~ shall be appointed by the
29 district judges of the judicial election district from persons
30 nominated by the county magistrate appointing commission. In
31 the case of a district associate judge to be appointed to more
32 than one county, the appointment shall be from persons
33 nominated by the county magistrate appointing commissions
34 acting jointly and in the case of a district associate judge
35 to be appointed to more than one judicial election district of

1 the same judicial district, the appointment shall be by a
2 majority of the district judges in each judicial election
3 district.

4 Sec. 42. Section 602.6304, subsection 5, Code 2001, is
5 amended to read as follows:

6 5. A district associate judge who seeks to resign from the
7 office of district associate judge shall notify in writing the
8 chief judge of the judicial district as to the district
9 associate judge's intention to resign and the effective date
10 of the resignation. The chief judge of the judicial district,
11 upon receipt of the notice, shall notify the county magistrate
12 appointing commission and the state court administrator of the
13 actual or impending vacancy in the office of district
14 associate judge due to resignation, unless the chief justice
15 has ordered the chief judge to delay sending the notice of a
16 vacancy in the office of district associate judge. The chief
17 justice may order the delay for up to one hundred eighty days
18 for budgetary reasons.

19 Sec. 43. Section 602.6403, subsection 9, Code 2001, is
20 amended to read as follows:

21 9. A magistrate who seeks to resign from the office of
22 magistrate shall notify in writing the chief judge of the
23 judicial district as to the magistrate's intention to resign
24 and the effective date of the resignation. The chief judge of
25 the judicial district, upon receipt of the notice, shall
26 notify the county magistrate appointing commission and the
27 state court administrator of the vacancy in the office of
28 magistrate due to resignation, unless the chief justice has
29 ordered the chief judge to delay sending the notice of a
30 vacancy in the office of magistrate. The chief justice may
31 order the delay for up to one hundred eighty days for
32 budgetary reasons.

33 Sec. 44. Section 602.6405, subsection 1, Code 2001, is
34 amended to read as follows:

35 1. Magistrates have jurisdiction of simple misdemeanors,

1 including traffic and ordinance violations, and preliminary
2 hearings, search warrant proceedings, county and municipal
3 infractions, and small claims. Magistrates have jurisdiction
4 to determine the disposition of livestock or another animal,
5 as provided in sections 717.5 and 717B.4, if the magistrate
6 determines the value of the livestock or animal is less than
7 ten thousand dollars. Magistrates have jurisdiction to
8 exercise the powers specified in sections 556F.2 and 556F.12,
9 and to hear complaints or preliminary informations, issue
10 warrants, order arrests, make commitments, and take bail.
11 Magistrates have jurisdiction over violations of section
12 123.49, subsection 2, paragraph "h". Magistrates ~~who are~~
13 ~~admitted to the practice of law in this state~~ have
14 jurisdiction over all proceedings for the involuntary
15 commitment, treatment, or hospitalization of individuals under
16 chapters 125 and 229, ~~except as otherwise provided under~~
17 ~~section 229.6A; nonlawyer magistrates have jurisdiction and~~
18 ~~over emergency detention and hospitalization proceedings under~~
19 ~~sections 125.91 and 229.22~~ proceedings under chapter 236.
20 Magistrates have jurisdiction to conduct hearings authorized
21 under section 809.4.

22 Sec. 45. Section 602.8102, subsection 11, Code Supplement
23 2001, is amended to read as follows:

24 11. Refund amounts less than ~~one dollar~~ three dollars only
25 upon written application.

26 Sec. 46. Section 602.8106, subsection 1, paragraphs b, c,
27 d, and e, Code 2001, are amended to read as follows:

28 b. For filing and docketing of a complaint or information
29 for a simple misdemeanor and a complaint or information for a
30 nonscheduled simple misdemeanor under chapter 321, ~~twenty-five~~
31 twenty dollars.

32 c. For filing and docketing a complaint or information or
33 uniform citation and complaint for parking violations under
34 sections 321.236, 321.239, 321.358, 321.360, and 321.361, ~~one~~
35 ~~dollar~~ eight dollars, effective January 1, ~~1991~~ 2003. The

1 court costs in cases of parking meter and overtime parking
2 violations which are denied, and charged and collected
3 pursuant to section 321.236, subsection 1, or pursuant to a
4 uniform citation and complaint, are eight dollars per
5 information or complaint or per uniform citation and complaint
6 effective January 1, 1991.

7 d. The court costs in scheduled violation cases where a
8 court appearance is required, ~~are twenty-five~~ twenty dollars.

9 e. For court costs in scheduled violation cases where a
10 court appearance is not required, ~~fifteen~~ twenty dollars.

11 Sec. 47. Section 602.8108, subsection 5, Code Supplement
12 2001, is amended to read as follows:

13 5. A court technology and modernization fund is
14 established as a separate fund in the state treasury. The
15 state court administrator shall allocate one million dollars
16 of the moneys received under subsection 2 to be deposited in
17 the fund, which shall be administered by the supreme court and
18 shall be used ~~as follows:~~

19 ~~a.---Eighty-percent-shall-be-used~~ to enhance the ability of
20 the judicial branch to process cases more quickly and
21 efficiently, to electronically transmit information to state
22 government, local governments, law enforcement agencies, and
23 the public, and to improve public access to the court system.
24 ~~Moneys-in-this-paragraph-shall-not-be-used-for-the-Iowa-court~~
25 ~~information-system.~~

26 ~~b.---Twenty-percent-shall-be-used-in-equal-amounts-to~~
27 ~~facilitate-alternative-dispute-resolution-and-methods-to~~
28 ~~resolve-domestic-abuse-cases,--which-may-include-personnel-for~~
29 ~~hearings-under-section-236.4.~~

30 Sec. 48. Section 624.20, Code 2001, is amended to read as
31 follows:

32 624.20 SATISFACTION OF JUDGMENT.

33 Where a judgment is set aside or satisfied by execution or
34 otherwise, the clerk shall at once enter a memorandum thereof
35 on the column left for that purpose in the judgment docket.

1 However, the clerk may enter satisfaction of judgment if the
2 amount of the judgment that is unsatisfied is one-dollar three
3 dollars or less.

4 Sec. 49. Section 631.5, subsection 6, Code 2001, is
5 amended to read as follows:

6 6. DEFAULT. If a defendant fails to appear and the clerk
7 in accordance with subsection 4 determines that proper notice
8 has been given, judgment shall be rendered against the
9 defendant by the clerk if the relief is readily ascertainable.
10 If the relief is not readily ascertainable the claim shall be
11 assigned to a judicial magistrate for determination ~~and the~~
12 ~~clerk shall immediately notify the plaintiff or the~~
13 ~~plaintiff's attorney and the judicial magistrate of such~~
14 ~~assignment by ordinary mail.~~

15 Sec. 50. Section 631.6, subsection 1, paragraph c, Code
16 2001, is amended to read as follows:

17 c. Postage charged for the mailing of original notice
18 shall be ~~the actual costs of the postage~~ seven dollars.

19 Sec. 51. Section 633.20B, subsection 3, Code 2001, is
20 amended to read as follows:

21 3. Within thirty days after a county magistrate appointing
22 commission receives notification of an actual or impending
23 vacancy in the office of full-time associate probate judge,
24 other than a vacancy referred to in subsection 2, the
25 commission shall certify to the chief judge of the judicial
26 district the names of three applicants who are nominated by
27 the commission for the vacancy. The commission shall
28 publicize notice of the vacancy in at least two publications
29 in the official county newspaper. The commission shall accept
30 applications for consideration for nomination as full-time
31 associate probate judge for a minimum of fifteen days prior to
32 certifying nominations. The commission shall consider the
33 applications and shall, by majority vote, certify to the chief
34 judge of the judicial district the names of three applicants
35 who are nominated by the commission for the vacancy. If there

1 are three or fewer applicants, the commission shall certify
 2 all applicants who meet the statutory qualifications.
 3 Nominees shall be chosen solely on the basis of the
 4 qualifications of the applicants, and political affiliation
 5 shall not be considered. As used in this subsection, a
 6 vacancy is created by the death, retirement, resignation, or
 7 removal of a full-time associate probate judge, or by an
 8 increase in the number of positions authorized. The chief
 9 justice may delay the commission from considering applications
 10 for a vacancy in the office of full-time associate probate
 11 judge for up to one hundred eighty days for budgetary reasons.

12 Sec. 52. Section 633.47, Code 2001, is amended to read as
 13 follows:

14 633.47 PROOF OF SERVICE AND TAXATION OF COSTS.

15 Proof of service of any notice, required by this Code or by
 16 order of court, including those by publication, shall be filed
 17 with the clerk. The costs of serving any notice given by the
 18 fiduciary shall ~~be taxed by the clerk as part of the costs of~~
 19 ~~administration in said~~ be paid directly by the estate.

20 Sec. 53. Section 633.301, Code 2001, is amended to read as
 21 follows:

22 633.301 COPY OF WILL FOR EXECUTOR.

23 When a will has been admitted to probate and certified
 24 pursuant to section 633.300, the clerk shall cause an
 25 ~~authenticated~~ a certified copy thereof to be placed in the
 26 hands of the executor to whom letters are issued. The clerk
 27 shall retain the will in a separate file provided for that
 28 purpose until the time for contest has expired, and promptly
 29 thereafter shall place it with the files of the estate.

30 Sec. 54. Section 633.479, unnumbered paragraph 2, Code
 31 2001, is amended to read as follows:

32 An order approving the final report and discharging the
 33 personal representative shall not be required if all
 34 distributees otherwise entitled to notice are adults, under no
 35 legal disability, have signed waivers of notice as provided in

1 section 633.478, have signed statements of consent agreeing
2 that the prayer of the final report shall constitute an order
3 approving the final report and discharging the personal
4 representative, and if the statements of consent are dated not
5 more than thirty days prior to the date of the final report,
6 and if compliance with sections 422.27 and 450.58 have been
7 fulfilled and receipts and certificates are on file. In those
8 instances final order shall not be required and the prayer of
9 the final report shall be considered as granted and shall have
10 the same force and effect as an order of discharge of the
11 personal representative and an order approving the final
12 report. ~~The clerk shall comply with section 633.480 with~~
13 ~~respect to issuing a change of title.~~

14 Sec. 55. Section 633.480, Code Supplement 2001, is amended
15 to read as follows:

16 633.480 CERTIFICATE TO COUNTY RECORDER FOR TAX PURPOSES
17 WITH ADMINISTRATION.

18 After discharge as provided in section 633.479, ~~the clerk~~
19 ~~shall certify under chapter 558 relative to each parcel of~~
20 ~~real estate~~ the personal representative shall deliver to the
21 county recorder of the county in which the real estate is
22 situated a certificate pertaining to each parcel of real
23 estate described in the final report of the personal
24 representative which has not been sold by the personal
25 representative, ~~and deliver the certificate to the county~~
26 ~~recorder of the county in which the real estate is situated.~~
27 The certificate shall include the name and complete mailing
28 address, as shown on the final report, of the individual or
29 entity in whose name each parcel of real estate is to be
30 taxed. The county recorder shall deliver the certificate to
31 the county auditor as provided in section 558.58.

32 Sec. 56. Section 633.481, Code 2001, is amended to read as
33 follows:

34 633.481 CERTIFICATE TO COUNTY RECORDER FOR TAX PURPOSES
35 WITHOUT ADMINISTRATION.

1 When an inventory or report is filed under section 450.22,
 2 without administration of the estate of the decedent, the
 3 clerk shall ~~issue~~ notify the heir to prepare and deliver to
 4 the county recorder of the county in which the real estate is
 5 situated a certificate pertaining to each parcel of real
 6 estate described in the inventory or report. Any fees for
 7 certificates or recording fees required by this section or
 8 section 633.480 shall be assessed as costs of administration.
 9 The fee for recording and indexing the instrument shall be as
 10 provided in section 331.604. The county recorder shall
 11 deliver the certificates to the county auditor as provided in
 12 section 558.58.

13 Sec. 57. Section 635.7, Code 2001, is amended to read as
 14 follows:

15 635.7 REPORT AND INVENTORY -- EXCESS VALUE AND
 16 TERMINATION.

17 The executor or administrator is required to file the
 18 report and inventory for which provision is made in section
 19 633.361. Nothing in sections 635.1 to 635.3 shall exempt the
 20 executor or administrator from complying with the requirements
 21 of section 422.27, 450.22, or 450.58, or the clerk from
 22 ~~complying with the requirements of section 633.481.~~ If the
 23 inventory and report shows assets subject to the jurisdiction
 24 of this state which exceed the total gross value of the amount
 25 permitted the small estate under the applicable provision of
 26 section 635.1, the clerk shall terminate the letters issued
 27 under section 635.1 without prejudice to the rights of persons
 28 who delivered property as permitted under section 635.3. The
 29 executor or administrator shall then be required to petition
 30 for administration of the estate as provided in chapter 633.

31 Sec. 58. Section 668.13, subsection 3, Code Supplement
 32 2001, is amended to read as follows:

33 3. Interest shall be calculated as of the date of judgment
 34 at a rate equal to the one year treasury constant maturity
 35 ~~index~~ published by the federal reserve in the H15 report

1 settled immediately prior to the date of the judgment plus two
2 percent. The state court administrator shall distribute
3 notice monthly of that rate and any changes to that rate to
4 all district courts.

5 Sec. 59. Section 811.4, Code 2001, is amended to read as
6 follows:

7 811.4 UNDERTAKING OF BAIL AS LIENS ON REAL ESTATE.

8 Undertakings of bail, immediately after such undertakings
9 are filed with the clerk of the district court, shall be
10 docketed as liens on real estate, entered upon the lien index
11 as required for judgments in civil cases, and from the time of
12 such entries, shall be liens upon real estate of the persons
13 executing the same. This section does not apply to unsecured
14 appearance bonds. However, for good cause shown, the court
15 may order an unsecured appearance bond to be entered upon the
16 lien index. Attested copies of such undertakings may be filed
17 in the office of the clerk of the district court of the county
18 in which the real estate is situated, in the same manner and
19 with like effect as attested copies of civil judgments, and
20 shall be immediately docketed and indexed in the same manner.

21 Sec. 60. Section 902.4, Code Supplement 2001, is amended
22 to read as follows:

23 902.4 RECONSIDERATION OF FELON'S SENTENCE.

24 For a period of one year from the date when a person
25 convicted of a felony, other than a class "A" felony or a
26 felony for which a minimum sentence of confinement is imposed,
27 begins to serve a sentence of confinement, the court, on its
28 own motion or on the recommendation of the director of the
29 Iowa department of corrections, may order the person to be
30 returned to the court, at which time the court may review its
31 previous action and reaffirm it or substitute for it any
32 sentence permitted by law. Copies of the order to return the
33 person to the court shall be provided to the attorney for the
34 state, the defendant's attorney, and the defendant. Upon a
35 request of the attorney for the state, the defendant's

1 attorney, or the defendant if the defendant has no attorney,
 2 the court may, but is not required to, conduct a hearing on
 3 the issue of reconsideration of sentence. The court shall not
 4 disclose its decision to reconsider or not to reconsider the
 5 sentence of confinement until the date reconsideration is
 6 ordered or the date the one-year period expires, whichever
 7 occurs first. The district court retains jurisdiction for the
 8 limited purposes of conducting such review and entering an
 9 appropriate order notwithstanding the timely filing of a
 10 notice of appeal. The court's final order in the proceeding
 11 shall be delivered to the defendant personally or by certified
 12 regular mail. The court's decision to take the action or not
 13 to take the action is not subject to appeal. However, for the
 14 purposes of appeal, a judgment of conviction of a felony is a
 15 final judgment when pronounced.

16 Sec. 61. Section 903.2, Code 2001, is amended to read as
 17 follows:

18 903.2 RECONSIDERATION OF MISDEMEANANT'S SENTENCE.

19 For a period of thirty days from the date when a person
 20 convicted of a misdemeanor begins to serve a sentence of
 21 confinement, the court may order the person to be returned to
 22 the court, at which time the court may review its previous
 23 action and reaffirm it or substitute for it any sentence
 24 permitted by law. The sentencing court retains jurisdiction
 25 for the limited purposes of conducting such review and
 26 entering an appropriate order notwithstanding the timely
 27 filing of a notice of appeal or an application for
 28 discretionary review. The court's final order in the
 29 proceeding shall be delivered to the defendant personally or
 30 by certified regular mail. Such action is discretionary with
 31 the court and its decision to take the action or not to take
 32 the action is not subject to appeal. The other provisions of
 33 this section notwithstanding, for the purposes of appeal a
 34 judgment of conviction is a final judgment when pronounced.

35 Sec. 62. Section 907.4, Code 2001, is amended to read as

1 follows:

2 907.4 DEFERRED JUDGMENT DOCKET.

3 A deferment of judgment under section 907.3 shall be
4 reported promptly by the clerk of the district court, or the
5 clerk's designee, to the state court administrator for entry
6 in the deferred judgment docket. The docket shall contain a
7 permanent record of the deferred judgment including the name
8 and date of birth of the defendant, the district court docket
9 number, the nature of the offense, and the date of the
10 deferred judgment. Before granting deferred judgment in any
11 case, the court shall request of the state court administrator
12 a search of the deferred judgment docket and shall consider
13 any prior record of a deferred judgment against the defendant.
14 The permanent record provided for in this section is a
15 confidential record exempted from public access under section
16 22.7 and shall be available only to justices of the supreme
17 court, judges of the court of appeals, district judges,
18 district associate judges, judicial magistrates, clerks of the
19 district court, and county attorneys, and the department of
20 corrections requesting information pursuant to this section,
21 or the designee of a justice, judge, magistrate, clerk, or
22 county attorney, or department.

23 Sec. 63. Sections 602.6303 and 633.15, Code 2001, are
24 repealed.

25 EXPLANATION

26 This bill relates to procedures and duties of the judicial
27 branch.

28 The amendment to Code section 46.12 permits the chief
29 justice of the supreme court to delay, by up to 180 days, the
30 nomination process of a judge for appointment to the Iowa
31 supreme court, court of appeals, or district court for
32 budgetary reasons. Current law requires that nominees to the
33 supreme court, court of appeals, or district court be
34 certified to the governor for appointment within 60 days of
35 the nominating commission receiving notice of a vacancy.

1 The amendment to Code section 46.14 also prohibits a member
2 of a judicial nominating commission from nominating a family
3 member, law partner, or current or former business partner,
4 for a judgeship.

5 The amendments to Code sections 602.6304, 602.6403, and
6 633.20B also permit the chief justice of the supreme court for
7 budgetary reasons to delay, by up to 180 days, the appointment
8 process to fill a vacancy for a district associate judge,
9 magistrate, or probate judge. Current law requires that for
10 nominations to district associate or probate court, the
11 nominees for the vacancy must be certified to the chief judge
12 of the judicial district within 30 days of the magistrate
13 appointing commission receiving notification of the vacancy;
14 the chief judge then has 15 days to appoint the judge.
15 Current law requires that for a magistrate vacancy, the
16 magistrate appointing commission must appoint a magistrate
17 within 30 days of receiving notification of a vacancy.

18 The amendments to Code sections 229.6A and 602.6405 expand
19 the jurisdiction of magistrates, including magistrates who
20 have not been admitted to the practice of law in the state.
21 The bill permits a magistrate who has not been admitted to the
22 practice of law to have jurisdiction in all mental health or
23 substance abuse commitment or treatment proceedings in Code
24 chapter 125 or 229. The bill permits all magistrates to have
25 jurisdiction over voluntary or involuntary hospitalization of
26 juveniles. The bill also provides that all magistrates have
27 jurisdiction over emergency proceedings in domestic abuse
28 cases under Code chapter 236. A magistrate does not have
29 jurisdiction in domestic abuse-related cases in Code chapter
30 236 under current law.

31 The amendments to Code sections 125.91 and 229.22 concern
32 the involuntary hospitalization of persons with a chemical
33 dependency and a mental illness. The bill provides that a
34 judge may appear at an emergency involuntary hospitalization
35 hearing by telephone and the court may rely upon a facsimile

1 copy of a person's medical records in making its determination
2 to commit a person involuntarily in an emergency situation.
3 The bill also provides that a district judge hearing an appeal
4 from a magistrate or judicial hospitalization referee shall
5 issue a ruling within 14 days of the involuntary
6 hospitalization appeal hearing.

7 The amendments to Code sections 232.35, 232.37, and
8 331.653(24A) require the county sheriff to serve a summons,
9 notice, or subpoena in a juvenile delinquency proceeding. The
10 amendment to Code section 232.37 also requires the sheriff to
11 serve a summons, subpoenas, or other legal process in child in
12 need of assistance proceedings under Code section 232.88.

13 The amendment to Code sections 232.183 and 237.20 eliminate
14 the participation of the foster care review board in voluntary
15 foster care placements and from reviewing delinquency cases
16 involving foster care.

17 The amendment to Code section 236.3 requires that in a
18 contempt action for violation of a no contact order, the
19 filing fee and court costs for the victim shall be waived by
20 the court.

21 The amendments to Code chapter 255 relate to petitioning
22 for medical treatment of indigent persons. The bill provides
23 that the county general assistance director and not the clerk
24 of court shall be the location to file a complaint to appoint
25 a physician to examine an indigent person. The bill
26 principally substitutes the county general assistance director
27 for the clerk of court in administering a complaint for
28 indigent care and removes the clerk from the process other
29 than to schedule hearings and notify parties. The bill also
30 principally substitutes the board of supervisors for the court
31 in reviewing the case and issuing findings.

32 The amendments to Code section 321.20B relate to the
33 criminal offense of driving a motor vehicle without liability
34 insurance. The bill provides that an owner or driver charged
35 with a violation of Code section 321.20B must present proof of

1 liability coverage to the county attorney in order to have the
2 charge dismissed. Current law provides that the owner or
3 driver present proof of coverage to the clerk of court to
4 obtain a dismissal.

5 The amendment to Code section 321.484 relates to parking
6 violations. The bill provides that an owner of a vehicle
7 which has been issued a ticket may have the ticket dismissed
8 if the owner can furnish proof to the county attorney that
9 another person had custody of the vehicle when the ticket was
10 issued. The bill provides the county attorney shall issue a
11 new parking ticket to the person who was in custody of the
12 vehicle if the ticket against the owner was dismissed.
13 Current law provides that the owner of a vehicle show proof of
14 coverage to the clerk of court and the clerk issue a new
15 ticket if the owner was not in custody of the vehicle.

16 The amendments to Code section 331.653(33A) and section
17 331.804 relate to the disposition of the property of a person
18 who is deceased, if no one is entitled to the property or
19 money by law. The bill provides that the medical examiner
20 shall deposit the property with the county sheriff, who shall
21 dispose of the property as provided by law. Current law
22 provides that the property be deposited with the clerk of
23 court for lawful disposal.

24 The amendment to Code section 598.21 relates to modifying a
25 dissolution decree in a county other than the county where the
26 original decree was entered. The bill provides that upon
27 entering a modification in another county, the clerk shall
28 notify by regular mail the clerk of court in the county where
29 the original decree was entered. The costs of notifying the
30 clerk shall be assessed as court costs.

31 The amendment to Code section 602.1215 changes the method
32 in which a clerk of court is appointed and makes other related
33 changes. The bill permits the chief judge to appoint the
34 clerk of court and to remove the clerk for cause. The clerk
35 under current law is appointed by a majority vote of all the

1 district court judges in the judicial election district. The
2 bill eliminates the requirement that a clerk of court be
3 appointed in each county in the judicial district. The bill
4 eliminates the requirement that an applicant for a clerk of
5 court position be a resident of the state at the time the
6 application is submitted. The bill also eliminates the
7 requirement that the clerk of court be a resident of the
8 county where the clerk is employed. The bill does require a
9 clerk to reside in the state within three months of
10 appointment.

11 The amendment to Code section 602.1217 changes the method
12 in which a chief juvenile court officer is appointed. The
13 bill permits the chief judge to appoint the chief juvenile
14 court officer and to remove the officer for cause. The chief
15 juvenile officer under current law is appointed by a majority
16 vote of all the district court judges in the judicial
17 district.

18 The amendments to Code sections 602.1501, 602.1604,
19 602.1611, 602.6301, 602.6303, and 602.6304, eliminate the
20 position of alternate district associate judge. Current law
21 provides that if a county has only one district associate
22 judge, an alternate district associate judge may be appointed.
23 An alternate district associate judge under current law may
24 practice law except when actually serving as an alternate
25 district associate judge.

26 The amendment to Code section 602.6111 requires the clerk
27 of court to issue a personal identification number to each
28 party to a lawsuit on any first document filed with the clerk.
29 The bill also requires each party to submit the party's social
30 security number, if one has been issued, and the party's date
31 of birth. The bill provides the clerk of court shall keep the
32 party's social security number confidential.

33 The amendment to Code sections 602.8102(11) and 624.20
34 relate to entering a satisfaction of judgment by the clerk of
35 court and court refunds. The bill permits the clerk of court

1 to enter a satisfaction of judgment if the amount of the
 2 unsatisfied judgment is less than \$3. The bill also requires
 3 that if a party is due a refund from the clerk's office, the
 4 clerk need not refund the money if the amount of money due is
 5 less than \$3, unless the party requests a refund in writing.
 6 Current law provides that a satisfaction shall not be entered
 7 unless the dollar amount is less than \$1, and money need not
 8 be refunded to a party if the amount is less than \$1.

9 The amendment to Code section 602.8106(1)(b) changes the
 10 amount of filing fees assessed for nonscheduled simple
 11 misdemeanors from \$25 to \$20.

12 The amendment to Code section 602.8106(1)(c) changes the
 13 amount of fees assessed for filing and docketing a complaint
 14 for certain parking violations. The bill increases the filing
 15 fees for parking violations pursuant to Code section 321.236
 16 other than violations in subsection 1, and pursuant to Code
 17 sections 321.239, 321.358, 321.360, and 321.361, from \$1 to
 18 \$8, effective January 1, 2003.

19 The amendment to Code section 602.8106(1)(d) decreases the
 20 amount of court costs assessed in a scheduled violation case
 21 where a court appearance is required from \$25 to \$20.

22 The amendment to Code section 602.8106(1)(e) increases the
 23 amount of court costs assessed in a scheduled violation case
 24 where a court appearance is not required from \$15 to \$20.

25 The amendment to Code section 602.8108 eliminates the
 26 requirement that 20 percent of the court technology and
 27 modernization fund be used for alternative dispute resolution
 28 and methods to resolve domestic abuse. The amendment also
 29 permits that the fund be used for Iowa court information
 30 system.

31 The amendment to Code section 631.5 eliminates the
 32 requirement that the clerk of court notify the parties of a
 33 default judgment entered in small claims court if the amount
 34 of the judgment is not readily ascertainable by the clerk.

35 The amendment to Code section 631.6 permits the clerk of

1 court to charge a flat fee of \$7 for postage in a small claims
2 action rather than the actual cost of the postage.

3 The amendment to Code section 633.47 requires that the
4 costs of serving any notice given by the fiduciary shall be
5 paid directly by the estate rather than taxed as court costs.

6 The amendment to Code section 633.301 requires the clerk of
7 court to deliver a certified copy of a will to an executor
8 upon the filing of the original will with the clerk of court.
9 Current law requires the will be authenticated.

10 The amendments to Code sections 633.479, 633.480, 633.481,
11 and 635.7 eliminate the clerk of court's responsibility to
12 prepare a court officer's deed for the purpose of transferring
13 real property in an estate that has been opened with or
14 without administration. The bill provides that the heirs or
15 personal representative shall be responsible for preparing the
16 documents for change of title and delivering the documents to
17 the county recorder.

18 The amendment to Code section 668.13 provides that interest
19 on a judgment be calculated upon the one year treasury
20 constant maturity published by the federal reserve, plus 2
21 percent.

22 The amendment to Code section 811.4 only permits a judgment
23 from an unsecured appearance bond to be entered upon the lien
24 index as a lien on real estate, if good cause is shown.

25 The amendments to Code sections 902.4 and 903.2 permit the
26 clerk of court to deliver by regular mail the court's final
27 order from a reconsideration of sentence hearing. Current law
28 requires the final order to be mailed by certified mail.

29 The amendment to Code section 907.4 permits the department
30 of corrections to have access to deferred judgment records.
31 Current law only permits the courts and the county attorney
32 access to the records.

33 The repeal of Code section 633.15 eliminates the
34 requirement that probate court always be open for business.

35

To: Members of the General Assembly

From: Iowa Judicial Branch

Re: TLSB 5347DP -- Summary

Sections 1, 42, 43, and 51. Vacancies in magistrate and judicial office. The amendment would allow the chief justice to delay the notification that triggers the magistrate or judicial nominating process when there is an actual or impending vacancy in the office of judge or magistrate. Pursuant to the amendment, the chief justice would be able to order that the process be delayed for up to 180 days for budgetary reasons. This would help the Judicial Branch reduce its operating expenses during tough budget years.

Section 2. Judicial nominating commissioners and conflict of interest. Presently, some nominating commissions operate without regard to conflicts of interest when voting on applicants for judgeships. Although some commissions may address this issue in their own rules, there is no statutory prohibition against commission members voting when a conflict of interest exists. This amendment would address the problem. It would amend chapter 46 to prohibit a commissioner from voting for the nomination of a family member, law partner, or current or former business partner. It would also prohibit a commission member from being eligible for appointment as a judge.

Sections 3, 4, 5,6,9,10,11 and 12. The current law requires a judicial officer to immediately proceed to a facility where a person has been detained for chronic substance abuse or serious mental impairment. The judicial officer may delay going to the facility if the facility administrator calls between the hours of midnight and seven a.m., but must go to the facility within 24 hours. Requiring that the judicial officer proceed immediately to the facility during working hours disrupts the regular trial court schedule, especially now that the judicial branch has stopped using hospitalization referees in most counties due to budget cuts. In addition, requiring a judge to go to a facility is unnecessary because judges and magistrates rely on to the expert opinion of the chief medical officer of a facility when deciding whether or not continue to detain a person under emergency hospitalization procedures. The amendment would allow magistrates and judges to review the medical officer's report and give directions via fax or telephone. The change would simplify the process and facilitate scheduling of district court judges, who are hearing more of these cases.

Section 5. Appeals of civil commitment orders. This amendment would require that a district court judge's review of an appeal of a hospitalization order issue a finding within two weeks of the hearing on appeal. Presently, there is no deadline for this action.

Section 7. Magistrate jurisdiction. Presently, civil commitment proceedings involving juveniles must be heard by a juvenile judge. This results in delays in areas of the state in which a juvenile judge is not readily available. Most counties, on the other hand, have a resident magistrate. This section expands the jurisdiction of magistrates to include civil commitment proceedings involving juveniles.

Section 8. Appeal of commitment. Places a 14-day deadline on a judge's hearing and findings on appeal of a hospitalization referee's order.

Sections 13, 14, and 30. Service of summons in juvenile matters. There is some disagreement in some counties about the sheriff's duty to serve summons and notices in juvenile cases. This would make it clear that service in these cases is the responsibility of the sheriff.

Sections 15 and 17. Eliminate the participation of foster care review board in delinquency proceedings. Delinquency proceedings involve many layers of review. According to most chief juvenile court officers, the foster case review boards do not review delinquency proceedings although they have authority to do so. But in a few districts, the boards are involved in delinquency matters, which adds yet another layer of review, and often the reviews are after the court has disposed of a case. All the chief juvenile court officers believe the review is unnecessary.

Section 19. Waiving fees in domestic abuse contempt matters. This would amend section 236.3 to allow the court to waive the filing fees and court costs associated with contempt actions arising out of no contact orders. Currently, it's clear that the filing fee and costs for a petition for protection can be waived, but there's some confusion about the waiving of court costs and fees in contempt actions.

Sections 18 through 24. County funded medical care for indigents. These amendments would remove the courts from the procedure for approving and overseeing medical care to indigents at county expense and treat the process as an administrative matter for the counties. Apparently, the court procedure is rarely used. This change would bring the Code in line with current local practice.

Sections 25 through 28. Dismissing charges regarding proof of financial liability. These amendments would shift the duty of verifying proof of insurance at the time of a stop and dismissing a charge upon receipt of proof, from the clerk to the county attorney. The charging function, which includes a decision whether to dismiss a criminal violation, rests with the prosecutor. It would be more appropriate for the prosecutor to review the proof of insurance and decide whether to dismiss or pursue the charge.

Section 29. Dismissing parking charges for leased vehicles. This amendment would relieve the clerks from the duty of reviewing a vehicle lease or rental agreement to determine if the appropriate party to be charged for unlawful parking. Current law requires the clerk to determine if an owner or renter is responsible for a parking violation. If the owner was initially charged (as is most often the case), the clerk dismisses the charge. A decision whether or not to file a criminal charge is traditionally, and appropriately, the function of law enforcement and the prosecutor.

Sections 31 and 32. Disposing of property of a deceased person. The county medical examiner is required to deposit property belonging to a deceased with the clerk of court. This does not apply to items that are connected with, or evidence of, a crime. Typically, the items

such as clothing and other personal effects have little or no value, and the clerks are not equipped to properly dispose of them. The amendment would transfer the responsibility of receiving the property of a dead person from the clerk to the sheriff.

Section 33. Notice of modification of order. This would a clerk to provide notice to the originating county that an initial dissolution decree has been modified. This change would help with the enforcement of orders and the tracking of orders and liens.

Section 34. Clerks of court: appointment and residency. This section would eliminate the requirement of one clerk of court official in each county; provide that the clerks of court shall be appointed by the chief judge of the judicial district; and eliminate the requirement that the clerk be a resident of the county, but require that the clerk be a resident of Iowa. The Judicial Branch believes that one clerk of court can effectively supervise and manage several small offices. Any savings realized would be used to add line staff to understaffed offices. In addition, shifting the hiring process to the district court administrator and chief judge would improve the management of the clerks' offices by enhancing accountability.

Section 35. Appointment of chief juvenile court officer. This section would provide that the chief judge of a district, not the district court judges, is responsible for hiring the chief juvenile court officer. This change would enhance accountability.

Section 36, 37, 38, 40, and 41. Alternate district associate judges. Some judicial districts have been using alternate district associate judges (part-time judges) to cover for weekend duty, vacation and sick leave. This section would eliminate the authority to hire alternate district associate judges and require the Judicial Branch to rely on full-time judges for cover.

Section 39. Personal identification numbers. For many years, the judicial branch has assigned personal identification numbers to parties to facilitate the use of an automated docket. This amendment would require that parties (who are not corporations or other organizations) to provide their date of birth as a means of additional personal identification. This change would help law enforcement, abstractors, and others to distinguish individuals who have the same names (e.g., John Smith). Social security numbers cannot be used. Date of birth is a reliable identifier.

Section 44. Jurisdiction of magistrates. This section would expand the jurisdiction of magistrates, which would enhance case scheduling flexibility. The section would give magistrates jurisdiction to hear cases under chapter 236 and hear petitions for no contact orders. In addition, the amendment would expand the jurisdiction of non-lawyer magistrates so that they can preside in all cases under chapters 125(substance abuse) and 229(hospitalization). Currently, non-lawyer magistrates can hear only emergency cases under chapters 125 and 229.

Section 46 and 48. Satisfaction of judgment. Sometimes, small amounts of judgments linger unsatisfied. This usually happens because people who have citations misread the handwritten amount on the citation and do not send in the right amount of money. Enforcement of such nominal amounts is not cost effective. Several years ago, the legislature established a procedure that allows clerks to "write off" amounts of \$1 or less. This procedure has been very helpful to

the clerks of court. This amendment would increase the minimum amount of a judgment that may remain unpaid for purposes of satisfaction of judgments from \$1 to \$3.

Section 46. Simple misdemeanor filing fees. Presently, the Code contains four different amounts filing fees for simple misdemeanors: \$1 for parking violations; \$8 for parking violations that proceed before the court; \$15 for scheduled violation with no court appearance required; \$25 other simple misdemeanors and for scheduled violations when a court appearance is required. Limiting the different amounts for fees would facilitate the processing of simple misdemeanor cases, reduce the chance of errors, and reduce costs related to data entry and financial reporting. This section would establish two levels of filing fees for simple misdemeanors: \$8 for parking violations and \$20 for all other simple misdemeanors. The fiscal impact is not significant.

Section 47. Court technology fund. This amendment would enable the court to devote the entire court technology fund on technology programs and improvements. Currently, the fund must be allocated: 80% technology, 10% alternative dispute resolution programs, and 10% domestic abuse programs. The Court would like to focus more resources on technology efforts such as electronic public access and electronic document management systems, which would improve public access to the court system.

Section 49. Notice of default. Section 631.5(5) requires the clerk to send notice of hearing in a small claims case. Section 631.5(6) requires the clerk to send notice of hearing when there is a default and the amount of damages is not readily ascertainable. The notice of hearing sent under subsection 5 is sufficient for the purpose of subsection 6. The amendment would eliminate the redundant notices.

Section 50. Taxing postage costs. This section would create a \$7 fixed fee in lieu of charging for actual costs, for small claims when a plaintiff requests service by mail. This would save time by standardizing the process and eliminating the requirement to tax postage as costs. It would also be easier for litigants. The typical cost under the present procedure is between \$6 and \$7.

Section 52. Costs of publication. This would eliminate the step of taxing the costs of publication and service by requiring that the fees be paid directly by the estate. Under the current law the estate ultimately pays the cost of the publication. The process of taxing the costs is duplicitous, time consuming, and unnecessary.

Section 53. Technical. This is a non-substantive, technical amendment correcting terminology.

Sections 54, 55, 56, and 57. Court officers' deeds. This change relieves the clerk of responsibility of preparing change of title documents, a task that is done by many fiduciaries or their attorneys. The fiduciary or the fiduciary's attorney could easily assume preparation and filing of the document.

Section 58. Rate of interest on judgments. Last year the legislature amended section 668.13 after the Treasury Department stopped issuing 52-week treasury bills. The amendment, however, used some terminology that has created confusion about the legislature's intent. This is section attempts to clear up any confusion about the appropriate interest rate.

Section 59. Unsecured appearance bonds. This amendment would allow judges the option of using unsecured appearance bonds on a case-by- case basis. Currently, unsecured appearance bonds are used little, if at all, because they are useless, but according to the law they must be entered on the lien index. This amendment would give the judge the option of using an unsecured appearance bond.

Section 60 and 61. Notice of reconsideration of sentence. This section would allow the clerk to send a court order on reconsideration of sentence by regular mail, which would be sufficient. This change would reduce processing costs and streamline the procedure.

Section 62. Deferred judgment docket. The state court administrator's office no longer conducts searches of the deferred judgment docket. The clerks of court have been doing this for several years, and soon there will be direct online access to authorized users. Corrections officials need this information for their work. The amendment would add them to the list of authorized users.

5-2/2/02 Referred to . . .

FILED FEB 25 2002

SENATE FILE 2283
BY COMMITTEE ON JUDICIARY

(SUCCESSOR TO SSB 3126)

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

A BILL FOR

1 An Act concerning procedures, duties, and fees related to the
2 judicial branch, and providing for a study.

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

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SF 2283

1 Section 1. Section 46.12, unnumbered paragraph 1, Code
2 2001, is amended to read as follows:

3 When a vacancy occurs or will occur within one hundred
4 twenty days in the supreme court, the court of appeals, or
5 district court, the state commissioner of elections shall
6 forthwith so notify the chairperson of the proper judicial
7 nominating commission, unless the chief justice has ordered
8 the state commissioner of elections to delay sending the
9 notification. The chief justice may order the delay for up to
10 one hundred eighty days for budgetary reasons. The
11 chairperson shall call a meeting of the commission within ten
12 days after such notice; if the chairperson fails to do so, the
13 chief justice shall call such meeting.

14 Sec. 2. Section 46.14, Code 2001, is amended to read as
15 follows:

16 46.14 NOMINATION.

17 1. Each judicial nominating commission shall carefully
18 consider the individuals available for judge, and within sixty
19 days after receiving notice of a vacancy shall certify to the
20 governor and the chief justice the proper number of nominees,
21 in alphabetical order. Such nominees shall be chosen by the
22 affirmative vote of a majority of the full statutory number of
23 commissioners upon the basis of their qualifications and
24 without regard to political affiliation. Nominees shall be
25 members of the bar of Iowa, shall be residents of the state or
26 district of the court to which they are nominated, and shall
27 be of such age that they will be able to serve an initial and
28 one regular term of office to which they are nominated before
29 reaching the age of seventy-two years. Nominees for district
30 judge shall file a certified application form, to be provided
31 by the supreme court, with the chairperson of the district
32 judicial nominating commission. ~~No person shall be eligible~~
33 ~~for nomination by a commission as judge during the term for~~
34 ~~which the person was elected or appointed to that commission.~~
35 Absence of a commissioner or vacancy upon the commission shall

1 not invalidate a nomination. The chairperson of the
2 commission shall promptly certify the names of the nominees,
3 in alphabetical order, to the governor and the chief justice.

4 2. A commissioner shall not be eligible for nomination by
5 the commission during the term for which the commissioner was
6 elected or appointed to that commission. A commissioner shall
7 not be eligible to vote for the nomination of a family member,
8 law partner, or current or former business partner. For
9 purposes of this subsection, "family member" means a spouse,
10 son, daughter, brother, sister, uncle, aunt, first cousin,
11 nephew, niece, father-in-law, mother-in-law, son-in-law,
12 daughter-in-law, brother-in-law, sister-in-law, father,
13 mother, stepfather, stepmother, stepson, stepdaughter,
14 stepbrother, stepsister, half brother, or half sister.

15 Sec. 3. Section 125.91, subsection 2, unnumbered paragraph
16 1, Code 2001, is amended to read as follows:

17 A peace officer who has reasonable grounds to believe that
18 the circumstances described in subsection 1 are applicable,
19 may, without a warrant, take or cause that person to be taken
20 to the nearest available facility referred to in section
21 125.81, subsection 2 or 3. Such an intoxicated or
22 incapacitated person may also be delivered to a facility by
23 someone other than a peace officer upon a showing of
24 reasonable grounds. Upon delivery of the person to a facility
25 under this section, the chief medical officer may order
26 treatment of the person, but only to the extent necessary to
27 preserve the person's life or to appropriately control the
28 person's behavior if the behavior is likely to result in
29 physical injury to the person or others if allowed to
30 continue. The peace officer or other person who delivered the
31 person to the facility shall describe the circumstances of the
32 matter to the administrator. If the administrator in
33 consultation with the chief medical officer has reasonable
34 grounds to believe that the circumstances in subsection 1 are
35 applicable, the administrator shall at once communicate with

1 the nearest available magistrate as defined in section 801.4,
2 subsection 10. The magistrate ~~shall immediately proceed to~~
3 ~~the facility where the person is detained, except that if the~~
4 ~~administrator's communication with the magistrate occurs~~
5 ~~between the hours of midnight and seven a.m. and the~~
6 ~~magistrate deems it appropriate under the circumstances~~
7 ~~described by the administrator, the magistrate may delay going~~
8 ~~to the facility, and in that case,~~ shall give the
9 administrator verbal instructions either directing that the
10 person be released forthwith, or authorizing the person's
11 continued detention at the facility. In the latter case, the
12 magistrate shall:

13 Sec. 4. Section 125.91, subsection 2, paragraphs a and b,
14 Code 2001, are amended by striking the paragraphs and
15 inserting in lieu thereof the following:

16 a. By the close of business on the next working day, file
17 with the clerk a written report stating the substance of the
18 communication with the administrator on the basis of which the
19 person's continued detention was ordered.

20 b. Review the validity of the detention in person or by
21 telephone by the end of the next working day, or within
22 twenty-four hours, whichever is sooner. The review shall
23 include an examination of the medical records of the person
24 made available to the magistrate in person or by facsimile.

25 Sec. 5. Section 125.91, subsection 2, is amended by adding
26 the following new paragraph:

27 NEW PARAGRAPH. c. Ensure that the person is provided
28 legal counsel at the earliest practicable time in the manner
29 prescribed in section 125.78. The magistrate shall arrange
30 for counsel to be present and counsel shall be afforded an
31 opportunity, if possible, to visit the person before the order
32 is issued.

33 Sec. 6. Section 125.91, subsection 3, Code 2001, is
34 amended to read as follows:

35 3. ~~Upon arrival at the facility, the magistrate shall at~~

~~1 once-review-the-validity-of-the-detention.---Unless-convinced
2 upon-initial-inquiry-that-there-are-no-grounds-for-further
3 detention-of-the-person, the-magistrate-shall-ensure-that-the
4 person-has-or-is-provided-legal-counsel-at-the-earliest
5 practical-time-in-the-manner-prescribed-by-section-125.78,
6 subsection-1, and-shall-arrange-for-the-counsel-to-be-present,
7 if-practical, before-proceeding-further-under-this-subsection.
8 The-magistrate-shall-immediately-notify-counsel-of-the
9 respondent's-emergency-detention.---Counsel-shall-be-afforded
10 an-opportunity-to-visit-the-respondent-and-to-make-appropriate
11 preparations-before-or-after-the-magistrate's-order-is-issued.
12 If, after review in person or by telephone, the magistrate
13 finds, upon-review-of based on the information presented by
14 the administrator under subsection 2 and of on other
15 information or evidence the magistrate deems relevant, that
16 there is probable cause to believe that the circumstances
17 described in subsection 1 are applicable, the magistrate shall
18 enter a written order detaining the person at the facility,
19 or, if the facility where the person is at the time is not an
20 appropriate facility, detaining and transporting the person to
21 an appropriate facility. The magistrate's order shall state
22 the circumstances under which the person was detained or
23 otherwise delivered to a facility, and the grounds supporting
24 the finding of probable cause to believe that person is a
25 chronic substance abuser likely to physically injure the
26 person or others if not detained. The order shall be filed
27 with the clerk in the county where it is anticipated that an
28 application will be filed under section 125.75, and a
29 certified copy of the order shall be delivered to the
30 administrator of the facility where the person is detained, at
31 the earliest practical time.~~

32 Sec. 7. Section 229.6A, subsection 1, Code Supplement
33 2001, is amended to read as follows:

34 1. Notwithstanding section 229.11, the juvenile court has
35 ~~exclusive~~ original jurisdiction in proceedings concerning a

1 minor for whom an application for involuntary admission is
2 filed under section 229.6 or for whom an application for
3 voluntary admission is made under section 229.2, subsection 1,
4 to which the minor objects. In proceedings under this chapter
5 concerning a minor, ~~notwithstanding section 229.11,~~ the term
6 "court", "judge", or "clerk" means the juvenile court, judge,
7 or clerk, except that the term "court" or "judge" may also
8 mean "magistrate".

9 Sec. 8. Section 229.21, subsections 3, 4, and 5, Code
10 Supplement 2001, are amended to read as follows:

11 3. a. Any respondent with respect to whom the district
12 associate judge, magistrate, or judicial hospitalization
13 referee has found the contention that the respondent is
14 seriously mentally impaired or a chronic substance abuser
15 sustained by clear and convincing evidence presented at a
16 hearing held under section 229.12 or section 125.82, may
17 appeal from the district associate judge's, magistrate's, or
18 referee's finding to a judge of the district court by giving
19 the clerk notice in writing, within ten days after the
20 ~~magistrate's or referee's~~ finding is made, that an appeal is
21 taken. The appeal may be signed by the respondent or by the
22 respondent's next friend, guardian, or attorney.

23 b. An order of a district associate judge, magistrate, or
24 judicial hospitalization referee with a finding that the
25 respondent is seriously mentally impaired or a chronic
26 substance abuser shall include the following notice, located
27 conspicuously on the face of the order:

28 "NOTE: The respondent may appeal from this order to a
29 judge of the district court by giving written notice of the
30 appeal to the clerk of the district court within ten days
31 after the date of this order. The appeal may be signed by the
32 respondent or by the respondent's next friend, guardian, or
33 attorney. For a more complete description of the respondent's
34 appeal rights, consult section 229.21 of the Code of Iowa or
35 an attorney."

1 c. If a hearing held under section 229.12 was tried by a
2 district associate judge, the appeal shall be decided by a
3 district judge. If the hearing was tried by a judicial
4 magistrate or a judicial hospitalization referee, the appeal
5 shall be decided by a district judge or a district associate
6 judge. When appealed, the matter shall stand for trial de
7 novo. Upon appeal, the court shall schedule a hospitalization
8 or commitment hearing before a district judge or district
9 associate judge at the earliest practicable time.

10 d. Any respondent with respect to whom the district
11 associate judge, magistrate, or judicial hospitalization
12 referee has held a placement hearing and has entered a
13 placement order may appeal the order to a judge of the
14 district court. The appeal shall be taken and decided in the
15 same manner as described in paragraph "c". The request for
16 appeal must be given to the clerk in writing within ten days
17 of the entry of the ~~magistrate's-or-referee's~~ order. The
18 request for appeal shall be signed by the respondent, or the
19 respondent's next friend, guardian, or attorney.

20 4. If the appellant is in custody under the jurisdiction
21 of the district court at the time of service of the notice of
22 appeal, the appellant shall be discharged from custody unless
23 an order that the appellant be taken into immediate custody
24 has previously been issued under section 229.11 or section
25 125.81, in which case the appellant shall be detained as
26 provided in that section until the hospitalization or
27 commitment hearing before the district judge or district
28 associate judge. If the appellant is in the custody of a
29 hospital or facility at the time of service of the notice of
30 appeal, the appellant shall be discharged from custody pending
31 disposition of the appeal unless the chief medical officer,
32 not later than the end of the next secular day on which the
33 office of the clerk is open and which follows service of the
34 notice of appeal, files with the clerk a certification that in
35 the chief medical officer's opinion the appellant is seriously

1 mentally ill or a substance abuser. In that case, the
2 appellant shall remain in custody of the hospital or facility
3 until the hospitalization or commitment hearing before the
4 district court.

5 5. The hospitalization or commitment hearing before the
6 district judge or district associate judge shall be held, and
7 the judge's finding shall be made within fourteen days of the
8 hearing on appeal, and an appropriate order shall be entered,
9 as prescribed by sections 229.12 and 229.13 or sections 125.82
10 and 125.83. If the judge orders the appellant hospitalized or
11 committed for a complete psychiatric or substance abuse
12 evaluation, jurisdiction of the matter shall revert to the
13 judicial hospitalization referee.

14 Sec. 9. Section 229.22, subsection 2, paragraph a, Code
15 2001, is amended to read as follows:

16 a. By the close of business on the next working day, file
17 with the clerk a written report stating the substance of the
18 information on the basis of which the person's continued
19 detention was ordered, ~~and~~.

20 Sec. 10. Section 229.22, subsection 2, paragraph b, Code
21 2001, is amended by striking the paragraph and inserting in
22 lieu thereof the following:

23 b. Review the validity of the detention in person or by
24 telephone by the end of the next working day, or within
25 twenty-four hours, whichever is sooner. The review shall
26 include an examination of the medical records of the person
27 made available to the magistrate in person or by facsimile.

28 Sec. 11. Section 229.22, subsection 2, is amended by
29 adding the following new paragraph:

30 NEW PARAGRAPH. c. Ensure that the person is provided
31 legal counsel at the earliest practicable time in the manner
32 prescribed in section 229.8. The magistrate shall arrange for
33 counsel to be present and counsel shall be afforded an
34 opportunity, if possible, to visit the person before the order
35 is issued.

1 Sec. 12. Section 229.22, subsection 3, Code 2001, is
2 amended to read as follows:

3 ~~3. Upon arrival at the hospital, the magistrate shall at~~
4 ~~once review the matter. Unless convinced upon initial inquiry~~
5 ~~that there are no grounds for further detention of the person,~~
6 ~~the magistrate shall in the manner prescribed by section~~
7 ~~229.6, subsection 1 insure that the person has or is provided~~
8 ~~legal counsel at the earliest practicable time, and shall~~
9 ~~arrange for the counsel to be present, if practicable, before~~
10 ~~proceeding further under this section. If, after the review~~
11 in person or by telephone, the magistrate finds upon review of
12 based on the report prepared by the chief medical officer
13 under subsection 2 ~~of this section,~~ and ~~of~~ on such other
14 information or evidence as the magistrate deems pertinent,
15 that there is probable cause to believe that the person is
16 seriously mentally impaired and because of that impairment is
17 likely to physically injure the person's self or others if not
18 detained, the magistrate shall enter a written order for the
19 person to be detained in custody and, if the facility where
20 the person is at that time is not an appropriate hospital,
21 transported to an appropriate hospital. The magistrate's
22 order shall state the circumstances under which the person was
23 taken into custody or otherwise brought to a hospital and the
24 grounds supporting the finding of probable cause to believe
25 that the person is seriously mentally impaired and likely to
26 physically injure the person's self or others if not
27 immediately detained. The order shall be filed with the clerk
28 of the district court in the county where it is anticipated
29 that an application will be filed under section 229.6, and a
30 certified copy of the order shall be delivered to the chief
31 medical officer of the hospital where the person is detained,
32 at the earliest practicable time.

33 Sec. 13. Section 232.35, subsection 1, Code 2001, is
34 amended to read as follows:

35 1. A formal judicial proceeding to determine whether a

1 child has committed a delinquent act shall be initiated by the
2 filing by the county attorney of a petition alleging that a
3 child has committed a delinquent act. After a petition has
4 been filed, service of a summons requiring the child to appear
5 before the court or service of a notice shall be as provided
6 in section 232.37.

7 Sec. 14. Section 232.37, subsection 4, Code 2001, is
8 amended to read as follows:

9 4. Service of summons or notice shall be made personally
10 by the sheriff by the-delivery-of delivering a copy of the
11 summons or notice to the person being served. If the court
12 determines that personal service of a summons or notice is
13 impracticable, the court may order service by certified mail
14 addressed to the last known address. Service of summons or
15 notice shall be made not less than five days before the time
16 fixed for hearing. Service of summons, notice, subpoenas or
17 other process, after an initial valid summons or notice, shall
18 be made in accordance with the rules of the court governing
19 such service in civil actions.

20 Sec. 15. Section 232.183, subsection 7, Code Supplement
21 2001, is amended by striking the subsection.

22 Sec. 16. Section 236.3, unnumbered paragraph 2, Code
23 Supplement 2001, is amended to read as follows:

24 The filing fee and court costs for an order for protection
25 and in a contempt action under this chapter shall be waived
26 for the plaintiff. The clerk of court, the sheriff of any
27 county in this state, and other law enforcement and
28 corrections officers shall perform their duties relating to
29 service of process without charge to the petitioner. When an
30 order for protection is entered by the court, the court may
31 direct the defendant to pay to the clerk of court the
32 plaintiff's filing fees and reasonable costs of service of
33 process if the court determines the defendant has the ability
34 to pay the plaintiff's fees and costs.

35 Sec. 17. Section 237.20, unnumbered paragraph 1, Code

1 2001, is amended to read as follows:

2 A local board shall, except in delinquency cases, do the
3 following:

4 Sec. 18. Section 255.1, unnumbered paragraph 1, Code
5 Supplement 2001, is amended to read as follows:

6 Any adult resident of the state may file a complaint in the
7 office of the ~~clerk-of-any-juvenile-court~~, county general
8 assistance director charging that any legal resident of Iowa
9 residing in the county where the complaint is filed is
10 pregnant or is suffering from some malady or deformity that
11 can probably be improved or cured or advantageously treated by
12 medical or surgical treatment or hospital care, and that
13 neither such person nor persons legally chargeable with the
14 person's support are able to pay therefor.

15 Sec. 19. Section 255.4, Code 2001, is amended to read as
16 follows:

17 255.4 EXAMINATION BY PHYSICIAN.

18 Upon the filing of such complaint, the ~~clerk-shall-number~~
19 ~~and-index-the-same-and~~ county general assistance director
20 shall appoint a competent physician and surgeon, living in the
21 vicinity of the patient, who shall personally examine the
22 patient with respect to said pregnancy, malady, or deformity.
23 The ~~clerk~~ director may, after the expiration of five years
24 from the filing of a complaint, destroy ~~it~~ the complaint and
25 all papers or records in connection ~~therewith~~ with the
26 complaint.

27 Sec. 20. Section 255.5, Code 2001, is amended to read as
28 follows:

29 255.5 REPORT BY PHYSICIAN.

30 Such physician shall make a report in duplicate on blanks
31 furnished as ~~hereinafter~~ provided in this chapter, answering
32 the questions contained ~~therein~~ in the blanks and setting
33 forth the information required ~~thereby~~, giving such history of
34 the case as will be likely to aid the medical or surgical
35 treatment or hospital care of such patient, describing the

1 pregnancy, deformity, or malady in detail, and stating whether
2 or not in the physician's opinion the same can probably be
3 improved or cured or advantageously treated, which report
4 shall be filed in the office of the ~~clerk-within-such-time-as~~
5 ~~the-clerk-may-fix~~ county general assistance director.

6 Sec. 21. Section 255.6, Code 2001, is amended to read as
7 follows:

8 255.6 INVESTIGATION AND REPORT.

9 When a complaint is filed, ~~the-clerk-of-juvenile-court~~ in
10 the office of the county general assistance director, the
11 director shall furnish the county attorney and board of
12 supervisors with a copy and the board shall, by the general
13 assistance director or other agent it selects, make a thorough
14 investigation of facts as to the legal residence of the
15 patient, and the ability of the patient or others chargeable
16 with the patient's support to pay the expense of treatment and
17 care; and shall file a report of the investigation in with the
18 ~~office-of-the-clerk~~ board of supervisors, at or before the
19 time of hearing.

20 Sec. 22. Section 255.8, Code 2001, is amended to read as
21 follows:

22 255.8 HEARING----ORDER----EMERGENCY-CASES----CANCELLATION
23 OF COMMITMENTS DETERMINATION BY BOARD OF SUPERVISORS.

24 ~~The-county-attorney-and-the-general-assistance-director, or~~
25 ~~other-agent-of-the-board-of-supervisors-of-the-county, shall~~
26 ~~appear-at-the-hearing. The complainant, the county attorney,~~
27 ~~the-general-assistance-director-or-other-agent-of-the-board-of~~
28 ~~supervisors, and the patient, or any person representing the~~
29 ~~patient, may introduce evidence and be heard.~~ If the court
30 board of supervisors finds that the patient is a legal
31 resident of Iowa and is pregnant or is suffering from a malady
32 or deformity which can probably be improved or cured or
33 advantageously treated by medical or surgical treatment or
34 hospital care, and that neither the patient nor any person
35 legally chargeable with the patient's support is able to pay

1 the expenses, then the ~~clerk-of-court~~ county general
2 assistance director, except in obstetrical cases and
3 orthopedic cases, shall immediately ascertain from the
4 admitting physician at the university hospital whether the
5 person can be received as a patient within a period of thirty
6 days, and if the patient can be received, the ~~court, or in the~~
7 ~~event of no actual contest, the clerk of the court,~~ board
8 shall ~~enter an order directing~~ direct that the patient be sent
9 to the university hospital for proper medical and surgical
10 treatment and hospital care. If the ~~court ascertain~~ board
11 ascertains, except in obstetrical cases and orthopedic cases,
12 that a person of the age or sex of the patient, or afflicted
13 by the complaint, disease, or deformity with which the person
14 is afflicted, cannot be received as a patient at the
15 university hospital within the period of thirty days, ~~then the~~
16 ~~court or the clerk shall enter an order directing~~ the board of
17 supervisors ~~of~~ shall direct the county to provide adequate
18 treatment at county expense for the patient at home or in a
19 hospital. Obstetrical cases and orthopedic cases may be
20 committed to the university hospital without regard to the
21 limiting period of thirty days.

22 In any case of emergency the ~~court or the clerk~~ board of
23 supervisors without previous inquiry may at its discretion
24 order the patient to be immediately taken to and accepted by
25 the university hospital for the necessary care as provided in
26 section 255.11, but if such a patient cannot be immediately
27 accepted at the university hospital as ascertained by
28 telephone if necessary, ~~the court or the clerk may enter an~~
29 ~~order as in certain cases above set forth directing~~ the board
30 of supervisors shall direct the county to provide adequate
31 treatment at county expense for the ~~said~~ patient at home or in
32 a hospital.

33 Sec. 23. Section 255.13, Code 2001, is amended to read as
34 follows:

35 255.13 ATTENDANT -- PHYSICIAN -- COMPENSATION.

1 If the physician appointed to examine the patient shall
2 certify that an attendant to accompany the patient to the said
3 hospital is necessary, and the university hospital attendant
4 and ambulance service is not available, ~~then-the-court-or~~
5 ~~judge-or-clerk-of-the-court~~ the county assistance director may
6 appoint an attendant who shall receive not exceeding two
7 dollars per day for the time thus necessarily employed and
8 actual necessary traveling expenses by the most feasible route
9 to ~~said~~ the hospital whether by ambulance, train or
10 automobile; but if such appointee is a relative of the patient
11 or a member of the patient's immediate family, or receives a
12 salary or other compensation from the public for the
13 appointee's services, no such per diem compensation shall be
14 paid. The physician appointed ~~by-the-court-or-clerk~~ to make
15 the examination and report shall receive ~~therefor~~ three
16 dollars for each examination and report so made and the
17 physician's actual necessary expenses incurred in making such
18 examination, but if ~~said~~ the physician receives a salary or
19 other compensation from the public for the physician's full-
20 time services, ~~then~~ no such examination fee shall be paid.
21 The actual, necessary expenses of transporting and caring for
22 the patient shall be paid as ~~hereinafter~~ provided in this
23 chapter.

24 Sec. 24. Section 255.14, Code 2001, is amended to read as
25 follows:

26 255.14 PAYMENT OF EXPENSES ---HOW-PAID.

27 An itemized, verified statement of all charges provided for
28 in sections 255.8 and 255.13, in cases where the patient is
29 admitted or accepted for treatment at the university hospital
30 shall be filed with the superintendent of the university
31 hospital, and upon the superintendent's recommendation when
32 approved by the ~~judge-or-clerk-of-the-court-under-whose-order~~
33 ~~the-same-were-incurred~~ board of supervisors, they shall be
34 charged on the regular bill for the maintenance,
35 transportation and treatment of the patient, and be audited

1 and paid in the manner as hereinafter provided in this
2 chapter.

3 Sec. 25. Section 321.20B, subsection 4, paragraph b,
4 subparagraph (1), unnumbered paragraph 1, Code Supplement
5 2001, is amended to read as follows:

6 An owner or driver who produces to the ~~clerk-of-court~~
7 county attorney, within thirty days of the issuance of the
8 citation under paragraph "a", or prior to the date of the
9 individual's court appearance as indicated on the citation,
10 whichever is earlier, proof that financial liability coverage
11 was in effect for the motor vehicle at the time the person was
12 stopped and cited, or, if the driver is not the owner of the
13 motor vehicle, proof that liability coverage was in effect for
14 the driver with respect to the motor vehicle being driven at
15 the time the driver was stopped and cited, in the same manner
16 as if the motor vehicle were owned by the driver, shall be
17 given a receipt indicating that such proof was provided and be
18 subject to one of the following:

19 Sec. 26. Section 321.20B, subsection 4, paragraph b,
20 subparagraph (1), subparagraph subdivision (b), Code
21 Supplement 2001, is amended to read as follows:

22 (b) If the person was cited pursuant to paragraph "a",
23 subparagraph (4), the owner or driver, after the owner
24 provides proof of financial liability coverage to the ~~clerk-of-~~
25 ~~court~~ county attorney, may claim the motor vehicle after such
26 person pays any applicable fine and the costs of towing and
27 storage for the motor vehicle, and the owner or driver
28 provides a copy of the receipt and the owner pays to the
29 county treasurer of the county in which the motor vehicle is
30 registered a fifteen dollar administrative fee, and the county
31 treasurer shall issue new license plates and registration to
32 the person.

33 Sec. 27. Section 321.20B, subsection 4, paragraph c, Code
34 Supplement 2001, is amended to read as follows:

35 c. An owner or driver cited for a violation of subsection

1 1, who produces to the ~~clerk-of-court~~ county attorney within
2 thirty days of the issuance of the citation proof that
3 financial liability coverage was in effect for the motor
4 vehicle at the time the person was stopped and cited, shall
5 not be convicted of such violation and the citation issued
6 shall be dismissed.

7 Sec. 28. Section 321.20B, subsection 5, paragraph b, Code
8 Supplement 2001, is amended to read as follows:

9 b. Issue a citation. An owner or driver who produces to
10 the ~~clerk-of-court~~ county attorney within thirty days of the
11 issuance of the citation, or prior to the date of the
12 individual's court appearance as indicated on the citation,
13 whichever is earlier, proof that the financial liability
14 coverage was in effect for the motor vehicle at the time the
15 person was stopped and cited, or if the driver is not the
16 owner of the motor vehicle, proof that liability coverage was
17 in effect for the driver with respect to the motor vehicle
18 being driven at the time the driver was stopped and cited in
19 the same manner as if the motor vehicle were owned by the
20 driver, shall be given a receipt indicating that proof was
21 provided, and the citation issued shall be dismissed.

22 Sec. 29. Section 321.484, unnumbered paragraph 2, Code
23 2001, is amended to read as follows:

24 The owner of a vehicle shall not be held responsible for a
25 violation of a provision regulating the stopping, standing, or
26 parking of a vehicle, whether the provision is contained in
27 this chapter, or chapter 321L, or an ordinance or other
28 regulation or rule, if the owner establishes that at the time
29 of the violation the vehicle was in the custody of an
30 identified person other than the owner pursuant to a lease as
31 defined in chapter 321F or pursuant to a rental agreement as
32 defined in section 516D.3. The furnishing to the ~~clerk-of-the~~
33 district-court county attorney where the charge is pending of
34 a copy of the lease prescribed by section 321F.6 or rental
35 agreement that was in effect for the vehicle at the time of

1 the alleged violation shall be prima facie evidence that the
2 vehicle was in the custody of an identified person other than
3 the owner within the meaning of this paragraph, and the charge
4 against the owner shall be dismissed. The ~~clerk-of-the~~
5 ~~district-court~~ county attorney then shall cause a uniform
6 citation and complaint to be issued against the lessee or
7 renter of the vehicle, and the citation shall be served upon
8 the defendant by ordinary mail directed to the defendant at
9 the address shown in the lease or rental agreement.

10 Sec. 30. Section 331.653, Code Supplement 2001, is amended
11 by adding the following new subsection:

12 NEW SUBSECTION. 24A. Carry out duties related to service
13 of a summons, notice, or subpoena pursuant to sections 232.35,
14 232.37, and 232.88.

15 Sec. 31. Section 331.653, Code Supplement 2001, is amended
16 by adding the following new subsection:

17 NEW SUBSECTION. 33A. Receive and dispose of property or
18 money found on a deceased person pursuant to section 331.804.

19 Sec. 32. Section 331.804, subsection 2, Code 2001, is
20 amended to read as follows:

21 2. If no one is entitled by law to the property or money
22 found on a deceased person, the property shall be deposited
23 with the ~~clerk-of-the-district-court-who~~ county sheriff who
24 shall dispose of it as provided by law.

25 Sec. 33. Section 598.21, Code Supplement 2001, is amended
26 by adding the following new subsection:

27 NEW SUBSECTION. 10A. If the court modifies an order, and
28 the original decree was entered in another county in Iowa, the
29 clerk of court shall send a copy of the modification by
30 regular mail to the clerk where the original decree was
31 entered. The costs of mailing the modification shall be taxed
32 as court costs.

33 Sec. 34. Section 602.1217, subsection 1, Code 2001, is
34 amended to read as follows:

35 1. The ~~district-judges-within-a-judicial-district,~~ by

1 majority-vote, chief judge of the judicial district shall
2 appoint a chief juvenile court officer and may remove the
3 officer for cause.

4 Sec. 35. Section 602.1501, subsection 4, Code 2001, is
5 amended to read as follows:

6 4. District associate judges shall receive the salary set
7 by the general assembly. ~~However, an alternate district~~
8 ~~associate judge whose appointment is authorized under section~~
9 ~~602.6303 shall receive a salary for each day of actual duty~~
10 ~~equal to a district associate judge's daily salary.~~

11 Sec. 36. Section 602.1604, Code 2001, is amended to read
12 as follows:

13 602.1604 JUDGES SHALL NOT PRACTICE LAW.

14 While holding office, a supreme court justice, court of
15 appeals judge, district judge, or district associate judge
16 shall not practice as an attorney or counselor or give advice
17 in relation to any action pending or about to be brought in
18 any of the courts of the state. ~~A person whose appointment as~~
19 ~~an alternate district associate judge is authorized under~~
20 ~~section 602.6303 may practice law except when actually serving~~
21 ~~as a district associate judge.~~

22 Sec. 37. Section 602.1611, subsection 2, Code 2001, is
23 amended by striking the subsection.

24 Sec. 38. Section 602.6111, subsection 1, Code 2001, is
25 amended to read as follows:

26 1. Each petition or complaint, answer, appearance, first
27 motion, or any document filed with the clerk of the district
28 court which brings new parties into an action shall bear a
29 personal identification number. The personal identification
30 number shall be the employer identification number of the
31 party or if the social-security-number-of-each-separate party
32 does not have an employer identification number, the personal
33 identification number shall be a nine-digit number assigned by
34 the clerk. The clerk shall also assign a personal
35 identification number to attorneys making such filings on

1 behalf of a client in court. In addition, each party that has
2 a social security number shall provide the clerk with the
3 number and the party's date of birth. The social security
4 number shall be provided on a confidential form and shall be
5 kept confidential in accordance with rules prescribed by the
6 supreme court. If-an-individual-party's-driver's-license
7 lists-a-distinguishing-number-other-than-the-party's-social
8 security-number,-the-document-filed-with-the-clerk-of-the
9 district-court-shall-also-contain-the-distinguishing-number
10 from-the-party's-driver's-license.

11 Sec. 39. Section 602.6301, Code 2001, is amended to read
12 as follows:

13 602.6301 NUMBER AND APPORTIONMENT OF DISTRICT ASSOCIATE
14 JUDGES.

15 There shall be one district associate judge in counties
16 having a population of more than thirty-five thousand and less
17 than eighty thousand; two in counties having a population of
18 eighty thousand or more and less than one hundred twenty-five
19 thousand; three in counties having a population of one hundred
20 twenty-five thousand or more and less than two hundred
21 thousand; four in counties having a population of two hundred
22 thousand or more and less than two hundred thirty-five
23 thousand; five in counties having a population of two hundred
24 thirty-five thousand or more and less than two hundred seventy
25 thousand; six in counties having a population of two hundred
26 seventy thousand or more and less than three hundred five
27 thousand; and seven in counties having a population of three
28 hundred five thousand or more. However, a county shall not
29 lose a district associate judgeship solely because of a
30 reduction in the county's population. If the formula provided
31 in this section results in the allocation of an additional
32 district associate judgeship to a county, implementation of
33 the allocation shall be subject to prior approval of the
34 supreme court and availability of funds to the judicial
35 branch. A district associate judge appointed pursuant to

1 section 602.6302 ~~or-602-6303~~ shall not be counted for purposes
2 of this section.

3 Sec. 40. Section 602.6304, subsection 1, Code 2001, is
4 amended to read as follows:

5 1. The district associate judges authorized by sections
6 602.6301~~7~~ and 602.6302~~7~~ ~~and-602-6303~~ shall be appointed by the
7 district judges of the judicial election district from persons
8 nominated by the county magistrate appointing commission. In
9 the case of a district associate judge to be appointed to more
10 than one county, the appointment shall be from persons
11 nominated by the county magistrate appointing commissions
12 acting jointly and in the case of a district associate judge
13 to be appointed to more than one judicial election district of
14 the same judicial district, the appointment shall be by a
15 majority of the district judges in each judicial election
16 district.

17 Sec. 41. Section 602.6304, subsection 5, Code 2001, is
18 amended to read as follows:

19 5. A district associate judge who seeks to resign from the
20 office of district associate judge shall notify in writing the
21 chief judge of the judicial district as to the district
22 associate judge's intention to resign and the effective date
23 of the resignation. The chief judge of the judicial district,
24 upon receipt of the notice, shall notify the county magistrate
25 appointing commission and the state court administrator of the
26 actual or impending vacancy in the office of district
27 associate judge due to resignation, unless the chief justice
28 has ordered the chief judge to delay sending the notice of a
29 vacancy in the office of district associate judge. The chief
30 justice may order the delay for up to one hundred eighty days
31 for budgetary reasons.

32 Sec. 42. Section 602.6403, subsection 9, Code 2001, is
33 amended to read as follows:

34 9. A magistrate who seeks to resign from the office of
35 magistrate shall notify in writing the chief judge of the

1 judicial district as to the magistrate's intention to resign
2 and the effective date of the resignation. The chief judge of
3 the judicial district, upon receipt of the notice, shall
4 notify the county magistrate appointing commission and the
5 state court administrator of the vacancy in the office of
6 magistrate due to resignation, unless the chief justice has
7 ordered the chief judge to delay sending the notice of a
8 vacancy in the office of magistrate. The chief justice may
9 order the delay for up to one hundred eighty days for
10 budgetary reasons.

11 Sec. 43. Section 602.6405, subsection 1, Code 2001, is
12 amended to read as follows:

13 1. Magistrates have jurisdiction of simple misdemeanors,
14 including traffic and ordinance violations, and preliminary
15 hearings, search warrant proceedings, county and municipal
16 infractions, and small claims. Magistrates have jurisdiction
17 to determine the disposition of livestock or another animal,
18 as provided in sections 717.5 and 717B.4, if the magistrate
19 determines the value of the livestock or animal is less than
20 ten thousand dollars. Magistrates have jurisdiction to
21 exercise the powers specified in sections 556F.2 and 556F.12,
22 and to hear complaints or preliminary informations, issue
23 warrants, order arrests, make commitments, and take bail.
24 Magistrates have jurisdiction over violations of section
25 123.49, subsection 2, paragraph "h". Magistrates ~~who are~~
26 ~~admitted to the practice of law in this state~~ have
27 jurisdiction over all proceedings for the involuntary
28 commitment, treatment, or hospitalization of individuals under
29 chapters 125 and 229, ~~except as otherwise provided under~~
30 ~~section 229.6A, nonlawyer magistrates have jurisdiction and~~
31 ~~over emergency detention and hospitalization proceedings under~~
32 ~~sections 125.91 and 229.22~~ proceedings under chapter 236.
33 Magistrates have jurisdiction to conduct hearings authorized
34 under section 809.4.

35 Sec. 44. Section 602.8102, subsection 11, Code Supplement

1 2001, is amended to read as follows:

2 11. Refund amounts less than ~~one-dollar~~ three dollars only
3 upon written application.

4 Sec. 45. Section 602.8106, subsection 1, paragraphs b, c,
5 d, and e, Code 2001, are amended to read as follows:

6 b. For filing and docketing of a complaint or information
7 for a simple misdemeanor and a complaint or information for a
8 nonscheduled simple misdemeanor under chapter 321, ~~twenty-five~~
9 twenty dollars.

10 c. For filing and docketing a complaint or information or
11 uniform citation and complaint for parking violations under
12 sections 321.236, 321.239, 321.358, 321.360, and 321.361, ~~one~~
13 dollar eight dollars, effective January 1, ~~1991~~ 2003. The
14 court costs in cases of parking meter and overtime parking
15 violations which are denied, and charged and collected
16 pursuant to section 321.236, subsection 1, or pursuant to a
17 uniform citation and complaint, are eight dollars per
18 information or complaint or per uniform citation and complaint
19 effective January 1, 1991.

20 d. The court costs in scheduled violation cases where a
21 court appearance is required, ~~are-twenty-five~~ twenty dollars.

22 e. For court costs in scheduled violation cases where a
23 court appearance is not required, ~~fifteen~~ twenty dollars.

24 Sec. 46. Section 602.8108, subsection 5, Code Supplement
25 2001, is amended to read as follows:

26 5. A court technology and modernization fund is
27 established as a separate fund in the state treasury. The
28 state court administrator shall allocate one million dollars
29 of the moneys received under subsection 2 to be deposited in
30 the fund, which shall be administered by the supreme court and
31 shall be used ~~as-follows~~:

32 ~~a--Eighty-percent-shall-be-used~~ to enhance the ability of
33 the judicial branch to process cases more quickly and
34 efficiently, to electronically transmit information to state
35 government, local governments, law enforcement agencies, and

1 the public, and to improve public access to the court system.
2 ~~Moneys in this paragraph shall not be used for the Iowa court~~
3 ~~information system.~~

4 ~~b. Twenty percent shall be used in equal amounts to~~
5 ~~facilitate alternative dispute resolution and methods to~~
6 ~~resolve domestic abuse cases, which may include personnel for~~
7 ~~hearings under section 236.4.~~

8 Sec. 47. Section 624.20, Code 2001, is amended to read as
9 follows:

10 624.20 SATISFACTION OF JUDGMENT.

11 Where a judgment is set aside or satisfied by execution or
12 otherwise, the clerk shall at once enter a memorandum thereof
13 on the column left for that purpose in the judgment docket.
14 However, the clerk may enter satisfaction of judgment if the
15 amount of the judgment that is unsatisfied is ~~one dollar~~ three
16 dollars or less.

17 Sec. 48. Section 631.5, subsection 6, Code 2001, is
18 amended to read as follows:

19 6. DEFAULT. If a defendant fails to appear and the clerk
20 in accordance with subsection 4 determines that proper notice
21 has been given, judgment shall be rendered against the
22 defendant by the clerk if the relief is readily ascertainable.
23 If the relief is not readily ascertainable the claim shall be
24 assigned to a judicial magistrate for determination ~~and the~~
25 ~~clerk shall immediately notify the plaintiff or the~~
26 ~~plaintiff's attorney and the judicial magistrate of such~~
27 ~~assignment by ordinary mail.~~

28 Sec. 49. Section 631.6, subsection 1, paragraph c, Code
29 2001, is amended to read as follows:

30 c. Postage charged for the mailing of original notice
31 shall be ~~the actual costs of the postage~~ seven dollars.

32 Sec. 50. Section 633.20B, subsection 3, Code 2001, is
33 amended to read as follows:

34 3. Within thirty days after a county magistrate appointing
35 commission receives notification of an actual or impending

1 vacancy in the office of full-time associate probate judge,
2 other than a vacancy referred to in subsection 2, the
3 commission shall certify to the chief judge of the judicial
4 district the names of three applicants who are nominated by
5 the commission for the vacancy. The commission shall
6 publicize notice of the vacancy in at least two publications
7 in the official county newspaper. The commission shall accept
8 applications for consideration for nomination as full-time
9 associate probate judge for a minimum of fifteen days prior to
10 certifying nominations. The commission shall consider the
11 applications and shall, by majority vote, certify to the chief
12 judge of the judicial district the names of three applicants
13 who are nominated by the commission for the vacancy. If there
14 are three or fewer applicants, the commission shall certify
15 all applicants who meet the statutory qualifications.
16 Nominees shall be chosen solely on the basis of the
17 qualifications of the applicants, and political affiliation
18 shall not be considered. As used in this subsection, a
19 vacancy is created by the death, retirement, resignation, or
20 removal of a full-time associate probate judge, or by an
21 increase in the number of positions authorized. The chief
22 justice may delay the commission from considering applications
23 for a vacancy in the office of full-time associate probate
24 judge for up to one hundred eighty days for budgetary reasons.

25 Sec. 51. Section 633.47, Code 2001, is amended to read as
26 follows:

27 633.47 PROOF OF SERVICE AND TAXATION OF COSTS.

28 Proof of service of any notice, required by this Code or by
29 order of court, including those by publication, shall be filed
30 with the clerk. The costs of serving any notice given by the
31 fiduciary shall ~~be taxed by the clerk as part of the costs of~~
32 ~~administration in said~~ be paid directly by the estate.

33 Sec. 52. Section 633.301, Code 2001, is amended to read as
34 follows:

35 633.301 COPY OF WILL FOR EXECUTOR.

1 When a will has been admitted to probate and certified
2 pursuant to section 633.300, the clerk shall cause an
3 ~~authenticated~~ a certified copy thereof to be placed in the
4 hands of the executor to whom letters are issued. The clerk
5 shall retain the will in a separate file provided for that
6 purpose until the time for contest has expired, and promptly
7 thereafter shall place it with the files of the estate.

8 Sec. 53. Section 633.479, unnumbered paragraph 2, Code
9 2001, is amended to read as follows:

10 An order approving the final report and discharging the
11 personal representative shall not be required if all
12 distributees otherwise entitled to notice are adults, under no
13 legal disability, have signed waivers of notice as provided in
14 section 633.478, have signed statements of consent agreeing
15 that the prayer of the final report shall constitute an order
16 approving the final report and discharging the personal
17 representative, and if the statements of consent are dated not
18 more than thirty days prior to the date of the final report,
19 and if compliance with sections 422.27 and 450.58 have been
20 fulfilled and receipts and certificates are on file. In those
21 instances final order shall not be required and the prayer of
22 the final report shall be considered as granted and shall have
23 the same force and effect as an order of discharge of the
24 personal representative and an order approving the final
25 report. ~~The clerk shall comply with section 633.480 with~~
26 ~~respect to issuing a change of title.~~

27 Sec. 54. Section 633.480, Code Supplement 2001, is amended
28 to read as follows:

29 633.480 CERTIFICATE TO COUNTY RECORDER FOR TAX PURPOSES
30 WITH ADMINISTRATION.

31 After discharge as provided in section 633.479, ~~the clerk~~
32 ~~shall certify under chapter 558 relative to each parcel of~~
33 real estate the personal representative shall deliver to the
34 county recorder of the county in which the real estate is
35 situated a certificate pertaining to each parcel of real

1 estate described in the final report of the personal
2 representative which has not been sold by the personal
3 representative, ~~and deliver the certificate to the county~~
4 ~~recorder of the county in which the real estate is situated.~~

5 The certificate shall include the name and complete mailing
6 address, as shown on the final report, of the individual or
7 entity in whose name each parcel of real estate is to be
8 taxed. The county recorder shall deliver the certificate to
9 the county auditor as provided in section 558.58.

10 Sec. 55. Section 633.481, Code 2001, is amended to read as
11 follows:

12 633.481 CERTIFICATE TO COUNTY RECORDER FOR TAX PURPOSES
13 WITHOUT ADMINISTRATION.

14 When an inventory or report is filed under section 450.22,
15 without administration of the estate of the decedent, the
16 clerk shall issue notify the heir to prepare and deliver to
17 the county recorder of the county in which the real estate is
18 situated a certificate pertaining to each parcel of real
19 estate described in the inventory or report. Any fees for
20 certificates or recording fees required by this section or
21 section 633.480 shall be assessed as costs of administration.
22 The fee for recording and indexing the instrument shall be as
23 provided in section 331.604. The county recorder shall
24 deliver the certificates to the county auditor as provided in
25 section 558.58.

26 Sec. 56. Section 635.7, Code 2001, is amended to read as
27 follows:

28 635.7 REPORT AND INVENTORY -- EXCESS VALUE AND
29 TERMINATION.

30 The executor or administrator is required to file the
31 report and inventory for which provision is made in section
32 633.361. Nothing in sections 635.1 to 635.3 shall exempt the
33 executor or administrator from complying with the requirements
34 of section 422.27, 450.22, or 450.58, ~~or the clerk from~~
35 ~~complying with the requirements of section~~ 633.481. If the

1 inventory and report shows assets subject to the jurisdiction
2 of this state which exceed the total gross value of the amount
3 permitted the small estate under the applicable provision of
4 section 635.1, the clerk shall terminate the letters issued
5 under section 635.1 without prejudice to the rights of persons
6 who delivered property as permitted under section 635.3. The
7 executor or administrator shall then be required to petition
8 for administration of the estate as provided in chapter 633.

9 Sec. 57. Section 668.13, subsection 3, Code Supplement
10 2001, is amended to read as follows:

11 3. Interest shall be calculated as of the date of judgment
12 at a rate equal to the one year treasury constant maturity
13 index published by the federal reserve in the H15 report
14 settled immediately prior to the date of the judgment plus two
15 percent. The state court administrator shall distribute
16 notice monthly of that rate and any changes to that rate to
17 all district courts.

18 Sec. 58. Section 811.4, Code 2001, is amended to read as
19 follows:

20 811.4 UNDERTAKING OF BAIL AS LIENS ON REAL ESTATE.

21 Undertakings of bail, immediately after such undertakings
22 are filed with the clerk of the district court, shall be
23 docketed as liens on real estate, entered upon the lien index
24 as required for judgments in civil cases, and from the time of
25 such entries, shall be liens upon real estate of the persons
26 executing the same. This section does not apply to unsecured
27 appearance bonds. However, for good cause shown, the court
28 may order an unsecured appearance bond to be entered upon the
29 lien index. Attested copies of such undertakings may be filed
30 in the office of the clerk of the district court of the county
31 in which the real estate is situated, in the same manner and
32 with like effect as attested copies of civil judgments, and
33 shall be immediately docketed and indexed in the same manner.

34 Sec. 59. Section 902.4, Code Supplement 2001, is amended
35 to read as follows:

1 902.4 RECONSIDERATION OF FELON'S SENTENCE.

2 For a period of one year from the date when a person
3 convicted of a felony, other than a class "A" felony or a
4 felony for which a minimum sentence of confinement is imposed,
5 begins to serve a sentence of confinement, the court, on its
6 own motion or on the recommendation of the director of the
7 Iowa department of corrections, may order the person to be
8 returned to the court, at which time the court may review its
9 previous action and reaffirm it or substitute for it any
10 sentence permitted by law. Copies of the order to return the
11 person to the court shall be provided to the attorney for the
12 state, the defendant's attorney, and the defendant. Upon a
13 request of the attorney for the state, the defendant's
14 attorney, or the defendant if the defendant has no attorney,
15 the court may, but is not required to, conduct a hearing on
16 the issue of reconsideration of sentence. The court shall not
17 disclose its decision to reconsider or not to reconsider the
18 sentence of confinement until the date reconsideration is
19 ordered or the date the one-year period expires, whichever
20 occurs first. The district court retains jurisdiction for the
21 limited purposes of conducting such review and entering an
22 appropriate order notwithstanding the timely filing of a
23 notice of appeal. The court's final order in the proceeding
24 shall be delivered to the defendant personally or by certified
25 regular mail. The court's decision to take the action or not
26 to take the action is not subject to appeal. However, for the
27 purposes of appeal, a judgment of conviction of a felony is a
28 final judgment when pronounced.

29 Sec. 60. Section 903.2, Code 2001, is amended to read as
30 follows:

31 903.2 RECONSIDERATION OF MISDEMEANANT'S SENTENCE.

32 For a period of thirty days from the date when a person
33 convicted of a misdemeanor begins to serve a sentence of
34 confinement, the court may order the person to be returned to
35 the court, at which time the court may review its previous

1 action and reaffirm it or substitute for it any sentence
2 permitted by law. The sentencing court retains jurisdiction
3 for the limited purposes of conducting such review and
4 entering an appropriate order notwithstanding the timely
5 filing of a notice of appeal or an application for
6 discretionary review. The court's final order in the
7 proceeding shall be delivered to the defendant personally or
8 by certified regular mail. Such action is discretionary with
9 the court and its decision to take the action or not to take
10 the action is not subject to appeal. The other provisions of
11 this section notwithstanding, for the purposes of appeal a
12 judgment of conviction is a final judgment when pronounced.

13 Sec. 61. Section 907.4, Code 2001, is amended to read as
14 follows:

15 907.4 DEFERRED JUDGMENT DOCKET.

16 A deferment of judgment under section 907.3 shall be
17 reported promptly by the clerk of the district court, or the
18 clerk's designee, to the state court administrator for entry
19 in the deferred judgment docket. The docket shall contain a
20 permanent record of the deferred judgment including the name
21 and date of birth of the defendant, the district court docket
22 number, the nature of the offense, and the date of the
23 deferred judgment. Before granting deferred judgment in any
24 case, the court shall request of the state court administrator
25 a search of the deferred judgment docket and shall consider
26 any prior record of a deferred judgment against the defendant.
27 The permanent record provided for in this section is a
28 confidential record exempted from public access under section
29 22.7 and shall be available only to justices of the supreme
30 court, judges of the court of appeals, district judges,
31 district associate judges, judicial magistrates, clerks of the
32 district court, and county attorneys, and the department of
33 corrections requesting information pursuant to this section,
34 or the designee of a justice, judge, magistrate, clerk, or
35 county attorney, or department.

1 nominations to district associate or probate court, the
2 nominees for the vacancy must be certified to the chief judge
3 of the judicial district within 30 days of the magistrate
4 appointing commission receiving notification of the vacancy;
5 the chief judge then has 15 days to appoint the judge.
6 Current law requires that for a magistrate vacancy, the
7 magistrate appointing commission must appoint a magistrate
8 within 30 days of receiving notification of a vacancy.

9 The amendments to Code sections 229.6A and 602.6405 expand
10 the jurisdiction of magistrates, including magistrates who
11 have not been admitted to the practice of law in the state.
12 The bill permits a magistrate who has not been admitted to the
13 practice of law to have jurisdiction in all mental health or
14 substance abuse commitment or treatment proceedings in Code
15 chapter 125 or 229. The bill permits all magistrates to have
16 jurisdiction over voluntary or involuntary hospitalization of
17 juveniles. The bill also provides that all magistrates have
18 jurisdiction over emergency proceedings in domestic abuse
19 cases under Code chapter 236. A magistrate does not have
20 jurisdiction in domestic abuse-related cases in Code chapter
21 236 under current law.

22 The amendments to Code sections 125.91 and 229.22 concern
23 the involuntary hospitalization of persons with a chemical
24 dependency and a mental illness. The bill provides that a
25 judge may appear at an emergency involuntary hospitalization
26 hearing by telephone and the court may rely upon a facsimile
27 copy of a person's medical records in making its determination
28 to commit a person involuntarily in an emergency situation.
29 The bill also provides that a district judge hearing an appeal
30 from a magistrate or judicial hospitalization referee shall
31 issue a ruling within 14 days of the involuntary
32 hospitalization appeal hearing.

33 The amendments to Code sections 232.35, 232.37, and
34 331.653(24A) require the county sheriff to serve a summons,
35 notice, or subpoena in a juvenile delinquency proceeding. The

1 amendment to Code section 232.37 also requires the sheriff to
2 serve a summons, subpoenas, or other legal process in child in
3 need of assistance proceedings under Code section 232.88.

4 The amendments to Code sections 232.183 and 237.20
5 eliminate the participation of the foster care review board in
6 voluntary foster care placements and from reviewing
7 delinquency cases involving foster care.

8 The amendment to Code section 236.3 requires that in a
9 contempt action for violation of a no contact order, the
10 filing fee and court costs for the victim shall be waived by
11 the court.

12 The amendments to Code chapter 255 relate to petitioning
13 for medical treatment of indigent persons. The bill provides
14 that the county general assistance director and not the clerk
15 of court shall be the location to file a complaint to appoint
16 a physician to examine an indigent person. The bill
17 principally substitutes the county general assistance director
18 for the clerk of court in administering a complaint for
19 indigent care and removes the clerk from the process other
20 than to schedule hearings and notify parties. The bill also
21 principally substitutes the board of supervisors for the court
22 in reviewing the case and issuing findings.

23 The amendments to Code section 321.20B relate to the
24 criminal offense of driving a motor vehicle without liability
25 insurance. The bill provides that an owner or driver charged
26 with a violation of Code section 321.20B must present proof of
27 liability coverage to the county attorney in order to have the
28 charge dismissed. Current law provides that the owner or
29 driver present proof of coverage to the clerk of court to
30 obtain a dismissal.

31 The amendment to Code section 321.484 relates to parking
32 violations. The bill provides that an owner of a vehicle
33 which has been issued a ticket may have the ticket dismissed
34 if the owner can furnish proof to the county attorney that
35 another person had custody of the vehicle when the ticket was

1 issued. The bill provides the county attorney shall issue a
2 new parking ticket to the person who was in custody of the
3 vehicle if the ticket against the owner was dismissed.
4 Current law provides that the owner of a vehicle show proof of
5 coverage to the clerk of court and the clerk issue a new
6 ticket if the owner was not in custody of the vehicle.

7 The amendments to Code section 331.653(33A) and section
8 331.804 relate to the disposition of the property of a person
9 who is deceased, if no one is entitled to the property or
10 money by law. The bill provides that the medical examiner
11 shall deposit the property with the county sheriff, who shall
12 dispose of the property as provided by law. Current law
13 provides that the property be deposited with the clerk of
14 court for lawful disposal.

15 The amendment to Code section 598.21 relates to modifying a
16 dissolution decree in a county other than the county where the
17 original decree was entered. The bill provides that upon
18 entering a modification in another county, the clerk shall
19 notify by regular mail the clerk of court in the county where
20 the original decree was entered. The costs of notifying the
21 clerk shall be assessed as court costs.

22 The amendment to Code section 602.1217 changes the method
23 in which a chief juvenile court officer is appointed. The
24 bill permits the chief judge to appoint the chief juvenile
25 court officer and to remove the officer for cause. The chief
26 juvenile officer under current law is appointed by a majority
27 vote of all the district court judges in the judicial
28 district.

29 The amendments to Code sections 602.1501, 602.1604,
30 602.1611, 602.6301, 602.6303, and 602.6304, eliminate the
31 position of alternate district associate judge. Current law
32 provides that if a county has only one district associate
33 judge, an alternate district associate judge may be appointed.
34 An alternate district associate judge under current law may
35 practice law except when actually serving as an alternate

1 district associate judge.

2 The amendment to Code section 602.6111 requires the clerk
3 of court to issue a personal identification number to each
4 party to a lawsuit on any first document filed with the clerk.
5 The bill also requires each party to submit the party's social
6 security number, if one has been issued, and the party's date
7 of birth. The bill provides the clerk of court shall keep the
8 party's social security number confidential.

9 The amendment to Code sections 602.8102(11) and 624.20
10 relate to entering a satisfaction of judgment by the clerk of
11 court and court refunds. The bill permits the clerk of court
12 to enter a satisfaction of judgment if the amount of the
13 unsatisfied judgment is less than \$3. The bill also requires
14 that if a party is due a refund from the clerk's office, the
15 clerk need not refund the money if the amount of money due is
16 less than \$3, unless the party requests a refund in writing.
17 Current law provides that a satisfaction shall not be entered
18 unless the dollar amount is less than \$1, and money need not
19 be refunded to a party if the amount is less than \$1.

20 The amendment to Code section 602.8106(1)(b) changes the
21 amount of filing fees assessed for nonscheduled simple
22 misdemeanors from \$25 to \$20.

23 The amendment to Code section 602.8106(1)(c) changes the
24 amount of fees assessed for filing and docketing a complaint
25 for certain parking violations. The bill increases the filing
26 fees for parking violations pursuant to Code section 321.236
27 other than violations in subsection 1, and pursuant to Code
28 sections 321.239, 321.358, 321.360, and 321.361, from \$1 to
29 \$8, effective January 1, 2003.

30 The amendment to Code section 602.8106(1)(d) decreases the
31 amount of court costs assessed in a scheduled violation case
32 where a court appearance is required from \$25 to \$20.

33 The amendment to Code section 602.8106(1)(e) increases the
34 amount of court costs assessed in a scheduled violation case
35 where a court appearance is not required from \$15 to \$20.

1 The amendment to Code section 602.8108 eliminates the
2 requirement that 20 percent of the court technology and
3 modernization fund be used for alternative dispute resolution
4 and methods to resolve domestic abuse. The amendment also
5 permits that the fund be used for the Iowa court information
6 system.

7 The amendment to Code section 631.5 eliminates the
8 requirement that the clerk of court notify the parties of a
9 default judgment entered in small claims court if the amount
10 of the judgment is not readily ascertainable by the clerk.

11 The amendment to Code section 631.6 permits the clerk of
12 court to charge a flat fee of \$7 for postage in a small claims
13 action rather than the actual cost of the postage.

14 The amendment to Code section 633.47 requires that the
15 costs of serving any notice given by the fiduciary shall be
16 paid directly by the estate rather than taxed as court costs.

17 The amendment to Code section 633.301 requires the clerk of
18 court to deliver a certified copy of a will to an executor
19 upon the filing of the original will with the clerk of court.
20 Current law requires the will be authenticated.

21 The amendments to Code sections 633.479, 633.480, 633.481,
22 and 635.7 eliminate the clerk of court's responsibility to
23 prepare a court officer's deed for the purpose of transferring
24 real property in an estate that has been opened with or
25 without administration. The bill provides that the heirs or
26 personal representative shall be responsible for preparing the
27 documents for change of title and delivering the documents to
28 the county recorder.

29 The amendment to Code section 668.13 provides that interest
30 on a judgment be calculated upon the one year treasury
31 constant maturity published by the federal reserve, plus 2
32 percent.

33 The amendment to Code section 811.4 only permits a judgment
34 from an unsecured appearance bond to be entered upon the lien
35 index as a lien on real estate, if good cause is shown.

1 The amendments to Code sections 902.4 and 903.2 permit the
2 clerk of court to deliver by regular mail the court's final
3 order from a reconsideration of sentence hearing. Current law
4 requires the final order to be mailed by certified mail.

5 The amendment to Code section 907.4 permits the department
6 of corrections to have access to deferred judgment records.
7 Current law only permits the courts and the county attorney
8 access to the records.

9 The repeal of Code section 633.15 eliminates the
10 requirement that probate court always be open for business.

11 The bill requests the legislative council establish a study
12 committee regarding issues related to the clerk of the
13 district court.

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SENATE FILE 2283**S-5180**

1 Amend Senate File 2283 as follows:

2 1. Page 17, by inserting after line 23 the
3 following:

4 "Sec. _____. Section 602.6105, Code 2001, is amended
5 by adding the following new subsection:

6 NEW SUBSECTION. 2A. The court shall maintain a
7 magistrate court in a city that is not the county seat
8 if a magistrate court existed in that city as of July
9 1, 2001, and if the city requests a magistrate. Any
10 additional costs to the judicial branch for
11 maintaining a magistrate in a city other than the
12 county seat shall be paid by the city requesting the
13 magistrate."

14 2. Page 19, by inserting after line 31, the
15 following:

16 "Sec. _____. Section 602.6401, subsection 2, Code
17 2001, is amended by adding the following new
18 paragraph:

19 NEW PARAGRAPH. f. The existence of a city in the
20 county other than the county seat that maintained a
21 magistrate court as of July 1, 2001."

22 3. By renumbering as necessary.

By KITTY REHBERG

S-5180 FILED MARCH 18, 2002

Legislative Fiscal Bureau

Fiscal Note

SF 2283 - Judicial Administration (LSB 5347 SV)
Analyst: Jennifer Dean (Phone: (515) 281-7846) (jennifer.dean@legis.state.ia.us)
Fiscal Note Version - New

Description

Senate File 2283 concerns procedures, duties, and fees related to the Judicial Branch. The Bill also provides for a legislative study of the Clerk of Court offices. The Bill includes:

1. The Chief Justice being able to order a delay of 180 days in the filling of magistrate or judge vacancies for budgetary reasons.
2. Eliminates the requirement for a Clerk of Court official in each county.
3. Eliminates part-time District Associate Judges who presently cover weekend duty, vacation, or sick leave. Full-time judges would make up the difference.
4. Increases the minimum amount of judgment that may be written off by the Judicial Branch for purposes of satisfying a judgment from \$1 or less to \$3 or less.
5. Establishes two levels of filing fees for simple misdemeanors: \$8 for parking violations and \$20 for all other simple misdemeanors.
6. Amends the Court Technology and Modernization Fund changing the allocation from 80% technology, 10% alternative dispute resolution programs, and 10% domestic abuse programs to allowing the Court to determine amounts and where they are expended.
7. Establishes the mailing fee at \$7, which is approximately the current cost.

Assumptions

1. The chart below shows the average judicial salaries and benefits for FY 2002 for various Judicial Branch positions. Payouts such as vacation balances would reduce savings to the extent these types of payments are made regarding vacant positions.

Average Iowa Judicial Salaries and Benefits

Chief Justice of the Supreme Court	\$	133,767
Supreme Court Justice		131,702
Chief Judge of the Court of Appeals		131,779
Associate Judge of the Court of Appeals		127,375
Chief Judge of a Judicial District		126,324
District Judge		121,532
District Associate Judge		107,590
Associate Juvenile Judge		107,590
Associate Probate Judge		107,590
Judicial Magistrates		33,309
Senior Judges		6,680

2. The average cost for a Clerk of Court is \$47,400. If the Judicial Branch would eliminate Clerk of Court positions in various counties, there would be salary savings, however, the amount cannot be determined.
3. The cost for one District Associate Judge including salary and benefits would be \$107,590. Eliminating weekends, vacation, and sick leave coverage by these positions would be a salary savings to the Court but would be offset by requiring regular judges to cover vacation, weekend, and sick leave. The Judicial Branch eliminated funding for Alternate District Associate Judges during the 4.3% across-the-board reduction in the

Second Extraordinary Special Session. The Judicial Branch spent \$56,000 in FY 2001 and \$17,000 in FY 2002 on these positions.

4. The cost to increase the minimum amount of a judgment that may be written off remains unpaid (from \$1 to \$3) cannot be determined.
5. The Bill would increase certain parking violations from \$1 to \$8 and scheduled violations where a court appearance is not required from \$15 to \$20. The Bill would decrease nonscheduled simple misdemeanors where a court appearance is required from \$25 to \$20. The approximate revenue increase to the General Fund in FY 2003 would be \$2.1 million and for FY 2004 would be \$2.2 million.
6. The FY 2003 budgeted receipts for the Court Technology and Modernization Fund are as follows:

ICIS – Court Technology (80%)	\$ 800,000
Mediation (10%)	100,000
Domestic Abuse (10%)	100,000
Total	<u>\$1,000,000</u>

7. The disbursements based on FY 2003 budgeted receipts for the Court Technology and Modernization Fund are as follows:

Salaries/Expenses – P.C. Specialists	\$ 550,000
Electronic Legal Research	71,000
Domestic Abuse	83,000
Alternate Dispute Resolution	82,000
Total	<u>\$ 786,000</u>
Balance Forward	<u>\$ 214,000</u>

Senate File 2283 would eliminate the requirement of 80%, 10%, and 10% that is reflected under the receipts section above.

8. Increasing the mailing fee to \$7 would reflect current practice, and therefore, would be revenue neutral.

Fiscal Impact

The Fiscal Impact of SF 2283 would be as follows:

	<u>FY 2003</u>	<u>FY 2004</u>
Holding Open – Judge/Magistrate Positions	Unknown	Unknown
Holding Clerk of Court Positions	Unknown	Unknown
Judgment Write Off	Unknown	Unknown
Parking Violation/Misdemeanors	\$2.1 million	\$0.2 million

Senate File 2283 would result in increased revenues to the General Fund from parking violations and other misdemeanor fines of \$2.1 million in FY 2003 and \$2.2 million in FY 2004.

Source

Judicial Branch

/s/ Dennis C Prouty

March 13, 2002

The fiscal note and correctional impact statement for this bill was prepared pursuant to Joint Rule 17 and pursuant to Section 2.56, Code of Iowa. Data used in developing this fiscal note and correctional impact statement are available from the Legislative Fiscal Bureau to members of the Legislature upon request.
