

MAGISTRATES AND PEACE OFFICERS

H. F. 250

AN ACT to amend, revise, and codify sections ninety hundred fifty-one (9051) to ninety hundred fifty-four (9054), inclusive, and sections ninety hundred fifty-eight (9058) to ninety hundred sixty-two (9062), inclusive, of the compiled code of Iowa, relating to magistrates and peace officers.

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

That sections ninety hundred fifty-one (9051) to ninety hundred fifty-four (9054), inclusive, and sections ninety hundred fifty-eight (9058) to ninety hundred sixty-two (9062), inclusive, of the compiled Code of Iowa, are amended, revised, and codified to read as follows:

Section 1. Magistrates defined. The term "magistrate" includes:

1. All judges of the supreme, district, superior or municipal courts, throughout the state.
2. All justices of the peace, mayors, and judges of the police court, within their respective counties.

Sec. 2. Power of magistrates. Magistrates have power to hear ^{and} complaints, or preliminary informations, issue warrants, order arrests, require security to keep the peace, make commitments, and take bail, as provided by law.

Sec. 3. Peace officer defined. The following are "peace officers":

1. Sheriffs and their deputies.
2. Constables.
3. Marshals and policemen of cities and towns.
4. All special agents of the department of justice.
5. Such persons as may be otherwise so designated by law.

Sec. 4. Officers of justice defined. Magistrates and peace officers are sometimes designated as "officers of justice".

Sec. 5. Agents of the department of justice - tenure - salary. The attorney general may appoint such number of persons as special agents of the department of justice, as, in his judgment, is necessary to effect the capture, detention, arrest, and prosecution of persons violating the laws of the state. Such agents shall act under the direction, and at the pleasure of, the attorney general, and at such salary as he may fix, but the expenditure for salaries and expenses shall not exceed the appropriation therefor.

Sec. 6. Expenses. All special agents of the department of justice shall be paid their actual and necessary expenses incurred in the discharge of their duties.

Sec. 7. Bonds. All persons appointed to the position of special agents of the department of justice shall give bond in the sum of five thousand dollars (\$5,000.00), which bond shall be approved by the appointing officer.

Sec. 8. Powers. All special agents of the department of justice shall have, throughout the state, the same power to make arrests and file informations, and otherwise enforce the law, as possessed by county attorneys and peace officers.

within their respective counties. They shall have the right to demand and receive, in the discharge of their duties, the assistance of any county attorney or peace officer within their respective counties.

Sec. 9. Power of governor and attorney general. The governor and attorney general shall each have the power to call to their aid in the enforcement of the law any peace officer, and when such officers are so called upon it shall be their duty faithfully to render such assistance as may be required, in any part of the state, and such peace officers while so acting shall have the same powers throughout the state as possessed by the sheriff of the county in which such peace officer is acting.

Sec. 10. Appropriation - department of justice. There is hereby appropriated, annually, until July 1st, 1925, out of any unappropriated funds in the state treasury, for the purpose of paying the salary and expenses of agents of the department of justice, the sum of thirty-seven thousand five hundred dollars (\$37,500.00).

Approved February 26, 1924.

CHAPTER 160

APPEALS IN CRIMINAL CASES

H. F. 253

AN ACT to amend, revise, and codify section ninety-five hundred sixty-two (9562) of the compiled code of Iowa, relating to appeals in criminal cases.

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

That section ninety-five hundred sixty-two (9562) of the compiled Code of Iowa is amended, revised and codified to read as follows:

Section 1. Duty of clerk when appeal is taken. When an appeal is taken, the clerk of the court in which the judgment was rendered shall:

1. Forthwith prepare and transmit to the attorney general a certified copy of the notice of appeal, together with the date of the service and filing thereof.
2. Promptly prepare and transmit to the clerk of the supreme court a transcript of all record entries in the cause, together with copies of all papers in the case on file in his office, except those returned by the examining magistrate on the preliminary examination, all duly certified under the seal of his court.

Sec. 2. Duties of county attorney. The county attorney shall:

1. When an appeal is taken by the state, at least forty (40) days prior to the term at which the cause is to be heard, prepare and deliver to the attorney general a typewritten manuscript for the abstract of record in the cause.
2. When an appeal is taken by the defendant, prepare and transmit to the attorney general a typewritten manuscript covering all matters which may be required to be embraced in any amended abstract which should be filed by the state in order to properly present said appeal.

Such manuscripts shall be prepared in ample time so that the same may be printed and filed within the time and in the manner prescribed by law and the rules of the supreme court.

Approved February 21, 1924.