

## CHAPTER 219

## MUNICIPAL COURT

H. F. 194

AN ACT to amend sections ten thousand six hundred fifty-six (10656), ten thousand six hundred fifty-seven (10657), ten thousand six hundred sixty-nine (10669), thirteen thousand six hundred forty-five (13645), and ten thousand six hundred seventy (10670), and chapter four hundred seventy-five (475) of the code, 1924, relating to the municipal court; to fix and determine the jurisdiction of said court in civil and criminal cases; to make chapter six hundred thirty-four (634) of the code applicable in certain cases to municipal courts; and to provide for payment of witness fees.

*Be it enacted by the General Assembly of the State of Iowa:*

1 SECTION 1. Section ten thousand six hundred fifty-six (10656) of  
2 the code, 1924, is amended to read as follows:

3 10656. **Criminal matters.** In all criminal matters the court shall  
4 exercise the jurisdiction conferred on the district court for the trial  
5 of misdemeanors, on justice of peace courts, mayors' courts, and police  
6 courts, except that the mayor's court of any incorporated city or town  
7 within such municipal court district other than the city within which  
8 said court is established shall have exclusive jurisdiction of prosecu-  
9 tions for the violations of the ordinances of such town.

1 SEC. 2. Section ten thousand six hundred fifty-seven (10657) of  
2 the code, 1924, is amended to read as follows:

3 10657. **Territorial jurisdiction and powers.** The jurisdiction of the  
4 municipal court shall be coextensive with the territorial limits of  
5 the county. However, in counties having two jurisdictions of the  
6 district court, the jurisdiction of the municipal court is restricted to  
7 the territory of the district court where the municipal court is sit-  
8 uated. The powers exercised by the district court and the judges  
9 thereof relating to county attorney informations and the prosecution  
10 of misdemeanor offenses is conferred upon and may be exercised by  
11 the municipal court and the judges thereof. In all matters of which  
12 the municipal court has jurisdiction, the court and the judges shall  
13 have the same powers in reference to injunctions, writs, orders, and  
14 other proceedings in and out of court as are possessed by the district  
15 court and the judges thereof.

1 SEC. 3. Section ten thousand six hundred sixty-nine (10669) of  
2 the code, 1924, is amended to read as follows:

3 10669. **Criminal actions—how tried.** All criminal actions for the  
4 violation of city ordinances shall be tried summarily and without a  
5 jury. All other criminal actions shall, except as otherwise provided  
6 in this chapter, be triable in the same manner as criminal actions in  
7 justice of the peace or other courts having jurisdiction thereof. Pris-  
8 oners may be committed to either the city or county jail. The judges  
9 shall have the same powers of parole and suspension of sentences as  
10 are possessed by the judges of the district court.

11 Misdemeanor cases in which the punishment exceeds a fine of one

12 hundred dollars or exceeds imprisonment for thirty days shall be  
13 tried in the same manner as like cases in the district court.

1 SEC. 4. Chapter four hundred seventy-five (475) of the code, 1924,  
2 is amended by adding thereto, following section ten thousand six hun-  
3 dred sixty-nine (10669), the following:

4 10669-b1. **Information by county attorney.** The provisions of  
5 chapter six hundred thirty-four (634) of the code shall be applicable  
6 to the trial in the municipal court of cases within its jurisdiction.

1 SEC. 5. Section ten thousand six hundred seventy (10670) of the  
2 code, 1924, is amended to read as follows:

3 10670. **Witness fees.** In class "A" cases and in misdemeanor cases  
4 specifically mentioned in section 10669, witnesses shall receive the  
5 same fees as witnesses in the district court. In all other cases witness  
6 fees shall be the same as in justice of the peace courts. In class "C"  
7 and "D" cases, no witness fees shall be paid to any regular police  
8 officer of said city, any clerk of said court or his deputy, or any  
9 bailiff thereof or his deputy, except when such officers are called as  
10 witnesses when not on duty.

1 SEC. 6. Chapter four hundred seventy-five (475) of the code, 1924,  
2 is amended by adding thereto, following section ten thousand six  
3 hundred seventy (10670), the following:

4 10670-b1. **Payment of witness fees.** The city treasury shall be  
5 reimbursed from the county treasury for witness fees and mileage  
6 paid in class "C" cases. Once each month the city treasurer shall  
7 certify to the county auditor an itemized statement of such fees,  
8 showing in each case the names of the defendants, date of judgment,  
9 book and page of the court record, names of witnesses and amount  
10 paid to each, whereupon, the county auditor shall issue a warrant  
11 therefor payable to the city treasurer without audit, as provided in  
12 section fifty-one hundred forty-three (5143) of the code.

1 SEC. 7. Section thirteen thousand six hundred forty-five (13645)  
2 of the code, 1924, is hereby amended by striking the period (.) in  
3 line six (6) thereof and inserting in lieu thereof the following:

4 " , providing, however, that in judicial districts within which a  
5 municipal court exists, the county attorney may at any time, whether  
6 or not the grand jury is in session, file an information in the district  
7 court charging a person with a misdemeanor."

1 SEC. 8. **Publication clause.** This act is deemed of immediate im-  
2 portance and shall take effect from and after its publication in two  
3 (2) newspapers of this state as provided by law.

Approved April 12, A. D. 1927.

I hereby certify that the foregoing act was published in the Des Moines Plain Talk  
April 14, 1927, and the Greeley Home Press April 21, 1927.

W. C. RAMSAY, *Secretary of State.*