

4 complete in every particular as required by the forms specified in sec-
 5 tion one hundred forty-four point twelve (144.12) of the Code, the
 6 clerk shall require the person making the same to supply the omitted
 7 information.

Approved February 26, 1973.

CHAPTER 282

UNIFIED TRIAL COURT

H. F. 585

AN ACT to amend the unified trial court Act by making certain corrections and changes in the procedure to be followed in cases involving small claims, nonindictable misdemeanors, and traffic violations; relating to the jurisdiction and office of judicial magistrate and district associate judge; and making necessary corrective amendments to various provisions of law to accord with the structure and intent of the unified trial court Act.

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

DIVISION I

1 SECTION 1. Acts of the General Assembly, Second Session of the
 2 Sixty-fourth General Assembly, chapter one thousand one hundred
 3 twenty-four (1124), section two hundred eighty-three (283), subsection
 4 one (1), is amended by striking the subsection and inserting in
 5 lieu thereof the following:
 6 1. The provisions of sections three (3) through five (5), twelve
 7 (12) through twenty (20), and twenty-eight (28) through thirty
 8 (30), inclusive, of this Act shall take effect on July 1, 1972.

1 SEC. 2. Section six hundred two point eighteen (602.18), subsections
 2 two (2), three (3), and seven (7), Code 1973, are amended to
 3 read as follows:
 4 2. The number of judgeships to which each of the judicial districts
 5 shall be entitled shall be determined from time to time according to
 6 the following formula, giving equal weight to cases filed and population:
 7 In districts containing a city of fifty thousand or more population,
 8 there shall be one judgeship per five hundred fifty combined civil
 9 and criminal filings ~~excluding small claims and misdemeanors~~ and
 10 forty thousand population, or major fraction of either; in all other
 11 districts there shall be one judgeship per four hundred fifty combined
 12 civil and criminal filings and forty thousand population, or major
 13 fraction of either; provided, the seat of government shall be entitled
 14 to one additional judgeship. *The filings included in the determinations*
 15 *to be made under this subsection shall not include small claims,*
 16 *nonindictable misdemeanors filed after June 30, 1973, and indictable*
 17 *misdemeanors assigned to district associate judges and judicial magistrates*
 18 *after June 30, 1973 as shown on their administrative reports,*
 19 *but they shall include appeals from decisions of judicial magistrates,*
 20 *district associate judges, and district judges sitting as judicial magistrates.*
 21 The figures on filings shall be the average for the latest available
 22 previous three-year period and when current census figures on

23 population are not available, figures shall be taken from the state de-
24 partment of health computations.

25 3. A vacancy, for purposes of this section, is defined as the death,
26 *resignation*, retirement, removal, or failure of retention in office at
27 the judicial election, of a judge or increase in judgeships under this
28 section.

29 7. Vacancies shall not be filled in any district which may become
30 entitled to fewer judgeships under *said subsection two (2) of this sec-*
31 *tion*; but no incumbent judge shall ever be removed from office by rea-
32 son thereof.

1 SEC. 3. Section six hundred two point thirty-six (602.36), Code
2 1973, is amended to read as follows:

3 **602.36 Courts abolished, transition.** All mayor's courts, justice of
4 the peace courts, police courts, superior courts, and municipal courts
5 and offices connected therewith, are abolished as of July 1, 1973.
6 Promptly after July 1, 1973, the officials of these courts shall ~~file~~
7 ~~deposit~~ all ~~documents~~ ~~funds~~, ~~dockets~~ and ~~books~~ ~~records~~ pertaining to
8 their offices with the clerk of the district court of their counties.
9 ~~District judges~~ *The chief judge or his designee shall assign enter an*
10 *order enrolled in the office of the clerk assigning to judicial magis-*
11 *trates, district associate judges, and district judges the pending cases*
12 *within judicial magistrates' jurisdiction their respective jurisdictions,*
13 *and such cases shall then be pending before those judicial magistrates,*
14 *district associate judges, and district judges. All other pending cases*
15 *shall be pending in the district court of the county, and the* ~~The~~ *clerk*
16 *of that court shall within thirty days give written notice of that fact*
17 *such assignment by ordinary mail to the parties or their attorneys of*
18 *record at their last known addresses. Criminal warrants issued by*
19 *courts abolished by this section which are unserved or unreturned on*
20 *July 1, 1973, shall be valid and returnable to the judicial magistrate,*
21 *district associate judge, or district judge to whom the case has been*
22 *assigned.* All municipal court judges, clerks of the municipal court
23 and their deputies, bailiffs of municipal court and their deputies,
24 police court judges, justices of the peace and constables holding office
25 on July 1, 1972, or elected or appointed thereafter, shall continue in
26 office through June 30, 1973.

1 SEC. 4. Section six hundred two point forty-two (602.42), subsec-
2 tion one (1), Code 1973, is amended to read as follows:

3 1. A district court judge designated by the chief judge of the district
4 *to serve until a successor is designated.*

1 SEC. 5. Section six hundred two point forty-two (602.42), Code
2 1973, is amended by adding the following new unnumbered paragraph:

3 **NEW PARAGRAPH.** The clerk of the district court shall maintain a
4 permanent record of the name, address, and term of office for each
5 commissioner designated, appointed, or elected.

1 SEC. 6. Section six hundred two point forty-three (602.43), Code
2 1973, is amended to read as follows:

3 **602.43 Appointing commissioners.** The board of supervisors of
4 each county shall appoint three electors to the county judicial magis-
5 trate appointing commission for the county for six-year terms begin-
6 ning January 1, 1973. *The county auditor shall certify the name,*

7 address and expiration date of term for all regular and special ap-
8 pointees of the board of supervisors to the clerk of the court.

1 SEC. 7. Section six hundred two point forty-six (602.46), Code
2 1973, is amended to read as follows:

3 **602.46 Conduct of elections.** When an election of judicial magis-
4 trate appointing commissioners in a county is to be held, the clerk of
5 the district court for the county shall cause ballots to be mailed to the
6 members of the bar eligible in accordance with section 602.45, sub-
7 stantially as follows:

8 County Judicial Magistrate Appointing Commission

9 **BALLOT**

10 To be cast by the resident members of the bar of County.

11 Vote for (state number) for County judicial magistrate
12 appointing commissioner(s) for term commencing

13

14 **John Doe**

15

16 To be counted, this ballot must be completed and mailed or delivered
17 to Clerk of the District Court,, not later than December 31,
18 19..... (or the appropriate date under section 602.49 of the Code in
19 case of an election to fill a vacancy).
20

1 SEC. 8. Section six hundred two point fifty (602.50), Code 1973,
2 is amended to read as follows:

3 **602.50 Appointment and termination of judicial magistrates.** Dur-
4 ing April, 1973, and in April of the year in which magistrates' terms
5 expire, the judicial magistrate appointing commission shall, by major-
6 ity vote, appoint Iowa judicial magistrates in such number as provided
7 in section ~~602.57~~ six hundred two point fifty-nine (602.59) of the Code.
8 In April of each year in which magistrates' terms expire, the commis-
9 sion shall appoint the number of magistrates allotted to the county by
10 the supreme court administrator as provided in section six hundred
11 two point fifty-seven (602.57) of the Code and the magistrates allowed
12 by section six hundred two point fifty-eight (602.58) of the Code. The
13 commission shall appoint no more magistrates than allotted to the
14 county by the supreme court administrator except as provided in
15 sections 602.57 and 602.58. Within thirty days following receipt of
16 notification of a vacancy in the office of judicial magistrate appointed
17 under this section, the commission shall appoint a person to the office
18 vacated to serve the remainder of the unexpired term. For purposes
19 of this section, vacancy means death, resignation, retirement, removal,
20 or increase in the number of positions authorized. The judicial magis-
21 trates appointed initially shall take office July 1, 1973, and their term
22 of office shall expire June 30, 1974. Thereafter, judicial magistrates
23 shall take office on July 1, 1974, and every two years thereafter, pro-
24 vided however, full-time judicial magistrates appointed pursuant to
25 section six hundred two point fifty-one (602.51) of the Code for the
26 term commencing July 1, 1974, shall hold office for a term of four
27 years and shall be subject to appointment every four years thereafter.
28 The commission shall promptly certify the names and addresses of the
29 magistrates appointed to the clerk of the district court and the chief

30 judge of the judicial district. The clerk shall certify to the supreme
 31 court administrator and to the state comptroller the names and
 32 addresses of magistrates so appointed. The certification of the clerk
 33 to the comptroller shall be authority for the comptroller to pay the
 34 salaries in accordance with section 602.54. Judicial magistrates shall
 35 be officers of the state.

36 Before assuming office, a judicial magistrate shall subscribe and file
 37 in the office of the clerk of the district court of the county of his resi-
 38 dence his oath of office to uphold and support the Constitutions of
 39 the United States of America and state of Iowa, the laws enacted
 40 pursuant thereto, and the law and ordinances of the political sub-
 41 divisions of the state of Iowa. Before July 1, 1973, and annually
 42 thereafter, the supreme court administrator shall cause a school of
 43 instruction to be conducted for ~~district~~ *judicial magistrates, which*
 44 *shall include a comprehensive examination over the material pre-*
 45 *sentated, and which each district judicial magistrate appointed as pro-*
 46 *vided in this chapter prior to the time he takes office shall attend*
 47 *unless excused by the chief justice for good cause. A judicial magis-*
 48 *trate appointed under this section to fill a vacancy shall attend the first*
 49 *school of instruction held following his appointment unless excused by*
 50 *the chief justice for good cause.*

1 SEC. 9. Section six hundred two point fifty-three (602.53), Code
 2 1973, is amended by striking unnumbered paragraph two (2).

1 SEC. 10. Section six hundred two point fifty-seven (602.57), un-
 2 numbered paragraph one (1), Code 1973, is amended by striking the
 3 unnumbered paragraph and inserting in lieu thereof the following:

4 Except as provided in section six hundred two point fifty-eight
 5 (602.58) of the Code, there shall be a total of one hundred ninety-one
 6 Iowa judicial magistrates to be appointed pursuant to section six
 7 hundred two point fifty (602.50) of the Code. During January of 1974
 8 and every two years thereafter, the supreme court administrator shall
 9 apportion the number of judicial magistrates to be so appointed among
 10 the counties in accordance with the following criteria:

1 SEC. 11. Section six hundred two point fifty-nine (602.59), Code
 2 1973, is amended by striking the section and inserting in lieu thereof
 3 the following:

4 **602.59 Initial allotment.** The allotment of the judicial magistrates
 5 appointed pursuant to section six hundred two point fifty (602.50) of
 6 the Code in 1973 shall be as follows:

7 1. One magistrate for each of the following counties: Adams,
 8 Allamakee, Audubon, Calhoun, Cherokee, Davis, Decatur, Emmet,
 9 Franklin, Fremont, Greene, Guthrie, Hancock, Howard, Humboldt,
 10 Ida, Jasper, Jefferson, Keokuk, Louisa, Lucas, Lyon, Madison, Mar-
 11 shall, Mitchell, Monroe, Montgomery, O'Brien, Osceola, Palo Alto,
 12 Pocahontas, Ringgold, Shelby, Taylor, Union, Van Buren, Wayne,
 13 Winnebago, and Worth.

14 2. Two magistrates for each of the following counties: Adair,
 15 Appanoose, Boone, Buchanan, Buena Vista, Butler, Carroll, Cass,
 16 Chickasaw, Clarke, Clay, Clayton, Crawford, Dallas, Delaware, Des
 17 Moines, Dubuque, Fayette, Grundy, Hamilton, Hardin, Henry, Iowa,
 18 Jackson, Jones, Kossuth, Mahaska, Marion, Mills, Monona, Muscatine,

19 Page, Poweshiek, Sac, Sioux, Tama, Wapello, Washington, Webster,
20 Winneshiek, and Wright.

21 3. Three magistrates for each of the following counties: Benton,
22 Black Hawk, Bremer, Cerro Gordo, Clinton, Dickinson, Floyd, Har-
23 rison, Johnson, Lee, Plymouth, Story, and Warren.

24 4. Four magistrates for Cedar county and Linn county.

25 5. Five magistrates for Scott county.

26 6. Six magistrates for each of the following counties: Polk, Potta-
27 wattamie, and Woodbury.

1 SEC. 12. Section six hundred five point fifteen (605.15), Code 1973,
2 is amended to read as follows:

3 **605.15 Practice prohibited.** During the time that he a *supreme*
4 *court justice, district judge, district associate judge, or judicial magis-*
5 *trate appointed pursuant to section six hundred two point fifty-one*
6 *(602.51) of the Code* is holding such office he shall not practice as an
7 attorney or counselor or give advice in relation to any action pending
8 or about to be brought in any of the courts of the state. ~~Judicial magis-~~
9 ~~trates who are members of the bar of Iowa may practice as attorneys~~
10 ~~and counselors, except they may not practice as attorneys and coun-~~
11 ~~sors, or give advice, in relation to any matter within the purview of~~
12 ~~the jurisdiction of judicial magistrates.~~

DIVISION II

1 SEC. 13. Section sixty-four point one (64.1), subsection four (4),
2 Code 1973, is amended to read as follows:

3 4. Judges of the supreme and district courts, *and* district associate
4 judges, ~~and judicial magistrates.~~

1 SEC. 14. Section sixty-four point twenty-three (64.23), subsection
2 one (1), Code 1973, is amended to read as follows:

3 1. For all state officers, elective or appointive, except those of the
4 secretary of state *and judicial magistrate*, with the secretary of state.
5 *Bonds and official oaths of judicial magistrates shall be filed in the*
6 *office of the district court clerk.*

1 SEC. 15. Section sixty-four point twenty-four (64.24), unnum-
2 bered paragraph one (1), Code 1973, is amended to read as follows:

3 The secretary of state, each county auditor, *district court clerk*, and
4 each auditor or clerk of a city or town, shall keep a book, to be known
5 as the "Record of Official Bonds", and all official bonds shall be
6 recorded therein in full as follows:

1 SEC. 16. Section sixty-four point twenty-four (64.24), Code 1973,
2 is amended by adding the following new subsection:

3 **NEW SUBSECTION.** In the record kept by the district court clerk,
4 the official bonds of judicial magistrates.

1 SEC. 17. This section shall take effect July 1, 1974. Section two
2 hundred thirty-one point three (231.3), unnumbered paragraph one
3 (1), Code 1973, is amended to read as follows:

4 The chief judge of the district shall designate one or more of the
5 district judges ~~or~~, district associate judges, ~~or~~ *both judicial magis-*
6 *trates serving pursuant to section six hundred two point fifty-one*

7 (602.51) of the Code, or any thereof, to act as judge or judges of the
8 juvenile court in any county or counties.

1 SEC. 18. Section three hundred twenty-one point two hundred
2 seven (321.207), Code 1973, is amended by striking unnumbered para-
3 graph two (2).

1 SEC. 19. Section three hundred twenty-one point two hundred
2 thirty-six (321.236), subsection one (1), paragraphs a and b, Code
3 1973, are amended to read as follows:

4 a. May be charged upon a simple notice of a fine not exceeding ten
5 five dollars payable to the city or town clerk, if authorized by ordi-
6 nance.

7 b. Notwithstanding any such ordinance, may be charged and proceed
8 before a traffic violations office or a court, as the case may be, the same
9 as other traffic violations prosecuted under the provisions of sections
10 seven hundred fifty-three point thirteen (753.13) through seven hun-
11 dred fifty-three point twenty (753.20) of the Code or as any other
12 traffic violation.

1 SEC. 20. Section three hundred twenty-one point four hundred
2 eighty-five (321.485), unnumbered paragraph one (1), Code 1973, is
3 amended to read as follows:

4 ~~Whenever~~ Except as provided in sections seven hundred fifty-three
5 point thirteen (753.13) through seven hundred fifty-three point
6 twenty (753.20) of the Code, whenever a peace officer has reasonable
7 cause to believe that a person has violated any provision of this chapter
8 punishable as a misdemeanor, such officer may:

1 SEC. 21. Section three hundred twenty-one point four hundred
2 eighty-five (321.485), subsection two (2), Code 1973, is amended to
3 read as follows:

4 2. Without arresting the person, either

5 a. Prepare in triplicate a written citation to appear in court contain-
6 ing the name and address of such person, the operator or chauffeur
7 license number if any, the registration number if any of his vehicle,
8 the offense charged, and the time when and place where such person
9 shall appear in court; or

10 b. Prepare in triplicate a memorandum of the alleged traffic viola-
11 tion containing the name and address of such person, the registration
12 number if any of his vehicle, the offense alleged to have been com-
13 mitted, and such other information as may be prescribed by the
14 commissioner.

15 *The number of copies and the form of the citations and memoran-*
16 *dums authorized by this section shall be as prescribed by the commis-*
17 *sioner.*

1 SEC. 22. Section three hundred twenty-one point four hundred
2 eighty-six (321.486), unnumbered paragraph three (3), Code 1973, is
3 amended to read as follows:

4 If the officer prepares either a ~~summons~~ citation or a memorandum
5 as provided in section 321.485, the alleged offender shall be requested
6 to sign the same in triplicate, and if he does sign may be released with-
7 out arrest. In case a ~~summons~~ citation is issued, the signing shall con-
8 stitute a written promise to appear as stated in said ~~summons~~ citation.

9 ~~The duplicate summons~~ *A copy of the citation* shall be presented to the
 10 person named therein. If memorandum is prepared, the original shall
 11 be retained by the officer, ~~the duplicate a copy~~ sent to the department,
 12 and ~~the triplicate a copy~~ presented to the person named therein.

1 SEC. 23. Section three hundred twenty-one point four hundred
 2 eighty-seven (321.487), unnumbered paragraph two (2), Code 1973,
 3 is amended to read as follows:

4 An appearance in response to such ~~summons~~ *citation* may be made
 5 either in person or by counsel.

1 SEC. 24. Section three hundred twenty-one point four hundred
 2 ninety-one (321.491), unnumbered paragraph one (1), Code 1973, is
 3 amended to read as follows:

4 Every *district court judge, district associate judge, and judicial*
 5 *magistrate and clerk of a court of record* shall keep a full record of
 6 every case in which a person is charged with any violation of this
 7 chapter or of any other law regulating the operation of vehicles on
 8 highways.

1 SEC. 25. Section three hundred thirty-six point three (336.3),
 2 Code 1973, is amended to read as follows:

3 **336.3 Absence of county attorney—substitute—compensation.** In
 4 case of absence, sickness, or disability of the county attorney and his
 5 deputies, the court before whom it is his duty to appear, and in which
 6 there may be business requiring his attention, may appoint an attorney
 7 to act as county attorney, by order to be entered upon the records of
 8 the court, and he shall receive out of the compensation allowed to the
 9 county attorney, ~~(when such appearance is in proceedings before a judi-~~
 10 ~~cial magistrate, such sum as the board of supervisors shall determine~~
 11 ~~to be reasonable for the services rendered, and, when it is before a~~
 12 ~~court of record,)* if in proceedings before a district associate judge~~
 13 ~~or a district judge, such sum as the judge shall determine to be a~~
 14 ~~reasonable compensation, and, while acting under said appointment,~~
 15 ~~he shall have all the authority and be subject to all the responsibilities~~
 16 ~~herein conferred upon county attorneys.~~

1 SEC. 26. Section three hundred forty point sixteen (340.16), Code
 2 1973, is amended to read as follows:

3 **340.16 Salaries—general fund.** The salaries fixed by the foregoing
 4 sections of this chapter shall be paid out of the general fund of the
 5 county *except as otherwise provided by law.*

1 SEC. 27. Section three hundred sixty-six point one (366.1),* Code
 2 1973, is amended to read as follows:

3 **366.1 Power to pass.** Municipal corporations shall have power to
 4 make and publish, from time to time, ordinances, not inconsistent with
 5 the laws of the state, for carrying into effect or discharging the powers
 6 and duties conferred by this title, and such as shall seem necessary and
 7 proper to provide for the safety, preserve the health, promote the
 8 prosperity, improve the morals, order, comfort, and convenience of
 9 such corporations and the inhabitants thereof, and to enforce obedi-
 10 ence to such ordinances by fine not exceeding one hundred dollars, or

*See 64-1088-9, 199.

11 by imprisonment not exceeding thirty days. *An amount equal to ten*
12 *percent of all fines collected by municipal corporations shall be re-*
13 *mitted quarterly to the county treasurer of the county in which the*
14 *municipal corporation is located for deposit in the county general fund.*

1 SEC. 28. Section four hundred fifty-three point one (453.1), Code
2 1973, is amended by striking the section and inserting in lieu thereof
3 the following:

4 **453.1 Deposits in general.** All funds held in the hands of the fol-
5 lowing officers or institutions shall be deposited in banks as are first
6 approved by the appropriate governing body as indicated: For the
7 treasurer of state, by the executive council; for the county treasurer,
8 recorder, auditor, sheriff, township clerk, clerk of the district court,
9 and judicial magistrate, by the board of supervisors; for the city or
10 town treasurer, by the city or town council; for the county public
11 hospital or merged area hospital, by the board of hospital trustees;
12 for a memorial hospital, by the memorial hospital commission; for a
13 school corporation, by the board of school directors; provided, how-
14 ever, that the treasurer of state and the treasurer of each political
15 subdivision shall invest all funds not needed for current operating
16 expenses in time certificates of deposit in banks listed as approved
17 depositories pursuant to this chapter or in investments permitted by
18 section four hundred fifty-two point ten (452.10) of the Code. The
19 list of public depositories and the amounts severally deposited therein
20 shall be a matter of public record. The term "bank" means a bank or
21 a private bank, as defined in section five hundred twenty-four point
22 one hundred three (524.103) of the Code.

1 SEC. 29. Section six hundred two point one (602.1), Code 1973, is
2 amended to read as follows:

3 **602.1 Unified trial court.** There shall be a unified trial court in the
4 state of Iowa, known as "Iowa District Court". The Iowa district court
5 shall have *exclusive*, general and original jurisdiction of all actions,
6 proceedings, and remedies, civil, criminal, probate, and juvenile, ~~and~~
7 *except in cases where exclusive or concurrent jurisdiction is conferred*
8 *upon some other court, tribunal, or administrative body, and it shall*
9 have and exercise all the power usually possessed and exercised by
10 trial courts of general jurisdiction *and shall be a court of record.*

1 SEC. 30. Section six hundred two point three (602.3), Code 1973,
2 is amended by striking the section and inserting in lieu thereof the
3 following:

4 **602.3 Judicial officers.** The jurisdiction of the Iowa district court
5 shall be exercised by Iowa district judges, district associate judges and
6 judicial magistrates.

1 SEC. 31. Section six hundred two point eighteen (602.18), unnum-
2 bered paragraph ten (10), Code 1973, is amended to read as follows:

3 ~~For Judicial election districts are established for purposes of nomi-~~
4 ~~nation, appointment and election of judges and application of the~~
5 ~~provisions of subsections 2 through 8 of this section, judicial election~~
6 ~~districts are established and for the purpose of removal of judicial~~
7 ~~magistrates as provided in section six hundred two point fifty-six~~
8 ~~(602.56) of the Code. They shall include the fourth, sixth, and seventh~~

9 districts as above set forth, but the other election districts shall be as
10 follows:

1 SEC. 32. Section six hundred two point twenty-nine (602.29), Code
2 1973, is amended to read as follows:

3 602.29 **Term, retention.** District associate judges shall stand for
4 retention in office within the county of ~~his~~ *their* residence at the judi-
5 cial election in 1974 *and every four years thereafter*, under sections
6 46.17 through 46.24. The term of office of the judges who are retained
7 in office at the judicial election shall extend for four years after Janu-
8 ary 1 next following the election, and the term of office of the judges
9 who are not retained in office at such a judicial election shall extend
10 until January 1 next following such election. ~~District court associate~~
11 ~~judges shall be subject to the same removal procedures as that of~~
12 ~~judicial magistrates.~~ District associate judges shall cease to hold
13 office upon attaining age seventy-two.

1 SEC. 33. Section six hundred two point thirty (602.30), Code 1973,
2 is amended to read as follows:

3 602.30 **Vacancies.** A vacancy in the office of district associate
4 judge after June 30, 1973, shall not be filled *and all funds, dockets, and*
5 *records relating to the office so vacated shall be promptly deposited*
6 *with the clerk of court who issued the docket.*

1 SEC. 34. Section six hundred two point thirty-one (602.31), Code
2 1973, is amended to read as follows:

3 602.31 **Salary, expenses, retirement.** The annual salary of each
4 district associate judge, payable from the general fund of the state of
5 Iowa, shall be ~~the a~~ sum of ~~seventeen thousand two hundred dollars~~
6 ~~of nineteen thousand five hundred dollars.~~ District associate judges
7 shall also receive from the state their actual and necessary expenses
8 in the performance of their duties away from the city of their resi-
9 dence, in accordance with section 605.2. District associate judges who
10 are members of the judicial retirement system under chapter 605A
11 shall remain members thereof; but the state of Iowa, instead of the
12 city and county, shall deduct four percent from their salaries for the
13 judicial retirement fund and shall contribute the public's portion to
14 the judicial retirement fund.

1 SEC. 35. Section six hundred two point thirty-two (602.32), Code
2 1973, is amended by striking the section and inserting in lieu thereof
3 the following:

4 602.32 **Jurisdiction, procedure, appeals.** District associate judges
5 shall have the jurisdiction provided in section six hundred two point
6 sixty (602.60) of the Code. District associate judges shall hold
7 court as directed at any place within the judicial district that a judi-
8 cial magistrate may do so, and shall employ judicial magistrates' prac-
9 tice and procedure. In addition, district associate judges shall have
10 jurisdiction in civil actions for money judgments where the amount
11 in controversy does not exceed three thousand dollars, jurisdiction of
12 indictable misdemeanors and the jurisdiction provided for in section
13 two hundred thirty-one point three (231.3) of the Code when desig-
14 nated as a judge of the juvenile court and while exercising the addi-
15 tional jurisdiction granted herein, shall employ district judges' prac-
16 tice and procedure. When a district court judge is unable to serve

17 as a result of temporary incapacity, a district associate judge may, by
18 order of the chief judge of the district enrolled in the records of the
19 clerk of the district court, temporarily exercise any of the jurisdic-
20 tion of a district judge during the time of incapacity and as to the
21 specific matters or classes of matters specified in that order. District
22 associate judges shall have power to act at any place within their
23 respective judicial districts, and venue shall be the same as in other
24 district court proceedings.

25 Appeals from judgments or orders of district associate judges
26 while exercising the jurisdiction possessed by judicial magistrates
27 shall be governed by the laws relating to appeals and orders from
28 judicial magistrates. Appeals from judgments or orders of district
29 associate judges while exercising any other jurisdiction conferred
30 upon them shall be governed by the laws relating to appeals from
31 judgments or orders from district judges.

32 For purposes of administration district associate judges shall be
33 under the jurisdiction of the chief judge of the judicial district and
34 he shall have the power to allocate their work load as he deems neces-
35 sary. District associate judges shall be subject to the same rules and
36 laws that apply to district judges except as otherwise provided in this
37 chapter.

1 SEC. 36. Section six hundred two point thirty-three (602.33), Code
2 1973, is amended by striking the section and inserting in lieu thereof
3 the following:

4 **602.33 Reporters.** Each district associate judge and judicial mag-
5 istrate appointed pursuant to section six hundred two point fifty-one
6 (602.51) of the Code may appoint a shorthand reporter subject to the
7 approval of the chief judge of the district. All shorthand reporters
8 appointed are reporters for the judicial district and their compensa-
9 tion shall be in accordance with section six hundred five point eight
10 (605.8) of the Code.

1 SEC. 37. Section six hundred two point thirty-four (602.34),
2 Code 1973, is amended by striking the section and inserting in lieu
3 thereof the following:

4 **602.34 Clerks and bailiffs.** Clerks and bailiffs of municipal courts
5 who are in office on June 30, 1973, and municipal court deputy clerks
6 and deputy bailiffs who are in office on that date, shall on July 1, 1973,
7 become deputies of the district court clerks and sheriffs respectively,
8 in the counties of their residence. During the two years after June
9 30, 1973, said persons shall be assigned, to the maximum extent pos-
10 sible, to duties comparable to their former duties as municipal court
11 clerks, bailiffs, deputy clerks, or deputy bailiffs. The board of super-
12 visors may enlarge the district court clerks' and sheriffs' facilities
13 accordingly, and shall have authority to build, remodel, purchase, and
14 lease real and personal property and equipment for such purpose, sub-
15 ject to chapter seventy-five (75) of the Code and sections three hun-
16 dred thirty-two point seven (332.7) and three hundred thirty-two
17 point eight (332.8) of the Code, where applicable. The compensation
18 and other benefits received on January 1, 1972, by the individuals who
19 so become deputies shall not be reduced after June 30, 1973, from the
20 amount on that date, unless all the deputies of the office are similarly
21 reduced, but shall be paid by the counties of their residence; provided,

22 that if the salary of any deputy equals or exceeds the salary of the
23 district court clerk or sheriff of whom he is deputy, then the salary
24 of the particular district court clerk or sheriff shall be increased so
25 as to exceed the salary of the deputy by the sum of two hundred dol-
26 lars per year.

27 Nothing in this section shall be construed to prohibit any increase
28 in compensation and other benefits received by the individuals who so
29 become deputies over the amounts received by them on January 1,
30 1972.

31 The individuals who were municipal court clerks and bailiffs on
32 June 30, 1973, and who were municipal court deputy clerks and dep-
33 uty bailiffs on that date, may as deputies of the district court clerks
34 and sheriffs be suspended, demoted, or discharged by the district
35 court clerks and sheriffs only for neglect of duty, disobedience of or-
36 ders, misconduct, or failure to properly perform duties, by pursuing
37 the procedure provided by sections three hundred sixty-five point
38 nineteen (365.19) through three hundred sixty-five point twenty-six
39 (365.26) of the Code; and in these cases the district court clerk or
40 sheriff shall be deemed to be the person having the appointing power,
41 the county auditor shall perform the functions of the mayor or city
42 manager, the board of supervisors shall perform the functions of the
43 civil service commission, and the county attorney shall perform the
44 functions of the city attorney or solicitor. A municipal court bailiff
45 or deputy bailiff who on June 30, 1973, is a member of the retirement
46 system provided by chapter four hundred eleven (411) of the Code
47 shall continue to be such a member thereafter; and that chapter shall
48 continue to apply to them notwithstanding this chapter, with the
49 appropriate county deducting from his compensation his contribu-
50 tions to the retirement fund and the county contributing the public's
51 portion to such fund out of the court expense fund notwithstanding
52 any other provision of law.

53 Those provisions of this section which provide civil service status
54 for individuals transferred hereunder shall cease to have effect and
55 shall be inoperative as to any of such individuals who become subject
56 to civil service provisions under any other law of this state.

1 SEC. 38. Section six hundred two point thirty-six (602.36), Code
2 1973, is amended by adding the following new unnumbered para-
3 graph:

4 NEW UNNUMBERED PARAGRAPH. The district court shall succeed to,
5 and exercise full authority and jurisdiction over, the records of the
6 municipal court, and may enforce all judgments, decrees, and orders
7 thereof in the same manner and to the same extent as it may exercise
8 like jurisdiction and authority over its own records, and, for the pur-
9 pose of the issuance of process, and of any and all other acts neces-
10 sary to the due and efficient enforcement of the orders, judgments,
11 and decrees of the municipal court, the records thereof shall be deemed
12 records of the district court; except that no judgment of the municipal
13 court shall be a lien on real estate unless the person in whose favor
14 the judgment exists files a written request with the district court clerk
15 on forms prescribed by the supreme court administrator. Upon filing
16 the request, the clerk shall enter the judgment in the judgment docket
17 and lien index, and such judgment shall be a lien on real estate for a

18 period ending ten years after date of entry of the judgment in municipi-
19 pal court.

1 SEC. 39. Section six hundred two point fifty-one (602.51), Code
2 1973, is amended by striking the section and inserting in lieu thereof
3 the following:

4 **602.51 Additional judicial magistrates; apportionment and appoint-**
5 **ment.** There shall be one judicial magistrate who shall devote his
6 entire time to the duties of his position in those counties having a
7 population, according to the last federal decennial census, of more
8 than thirty-five thousand and less than eighty thousand. There shall
9 be two such magistrates in those counties having a population of more
10 than eighty thousand and less than one hundred twenty-five thou-
11 sand. There shall be three such magistrates in any county having a
12 population of more than one hundred twenty-five thousand and less
13 than two hundred thousand people. There shall be four such magis-
14 trates in counties having a population of two hundred thousand people
15 or above. In those counties in which a district court associate judge
16 resides, the district court associate judge shall be considered a judicial
17 magistrate for the purposes of this section.

18 The judicial magistrates authorized by this section shall be ap-
19 pointed by the district judges of the election district from persons
20 nominated by the county judicial magistrate appointing commission.

21 In March of the year in which the terms of magistrates appointed
22 pursuant to this section expire, and, within thirty days after notifica-
23 tion is received of a vacancy in an office authorized by this section,
24 the county judicial magistrate appointing commission for the county
25 affected shall carefully consider individuals for the available position,
26 and shall, by majority vote, certify to the chief judge of the judicial
27 district the names of three individuals for each office vacated. The
28 nominees shall be chosen solely on the basis of their qualifications
29 and not on the basis of their political affiliation.

30 Within thirty days after the chief judge has received the list of
31 nominees, the district judges in the election district shall, by majority
32 vote, appoint one of the nominees to each vacancy. For purposes of
33 this section, vacancy means death, resignation, retirement, removal,
34 or increase in the number of positions authorized.

1 SEC. 40. This section shall take effect July 1, 1974. Section six
2 hundred two point fifty-two (602.52), Code 1973, is amended by
3 striking the section and inserting in lieu thereof the following:

4 **602.52 Qualifications.** A judicial magistrate shall be an elector
5 of the county of appointment during his term of office, shall be less
6 than seventy-two years of age, and shall cease to hold office upon at-
7 taining that age. A judicial magistrate appointed pursuant to section
8 six hundred two point fifty (602.50) of the Code may be licensed to
9 practice law in Iowa, and the commission in selecting persons for
10 those positions shall first consider for appointment applicants so
11 licensed. After July 1, 1973, a judicial magistrate nominated and
12 appointed pursuant to section six hundred two point fifty-one (602.51)
13 of the Code, as amended by this Act, shall be licensed to practice law
14 in Iowa.

1 SEC. 41. This section shall take effect July 1, 1974. Section six
2 hundred two point fifty-four (602.54), Code 1973, is amended by
3 striking the section and inserting in lieu thereof the following:

4 **602.54 Salary, expenses.** Each judicial magistrate shall receive
5 a salary payable from the general fund of the state and also his actual
6 and necessary expenses in the performance of his duties while away
7 from the city or town of his residence, in accordance with section six
8 hundred five point two (605.2) of the Code. The salary of judicial
9 magistrates, except as otherwise provided herein, shall be the sum of
10 four thousand eight hundred dollars annually. The judicial magis-
11 trates serving pursuant to section six hundred two point fifty-one
12 (602.51) of the Code shall receive an annual salary of nineteen thou-
13 sand five hundred dollars. Judicial magistrates except district asso-
14 ciate judges shall be members of the Iowa public employees' retire-
15 ment system.

1 SEC. 42. Section six hundred two point fifty-five (602.55), unnum-
2 bered paragraph one (1), Code 1973, is amended by striking the para-
3 graph and inserting in lieu thereof the following:

4 Each month each judicial magistrate and district associate judge
5 shall file with the clerk of the district court of the proper county a
6 sworn, itemized statement, by case, of all funds received and dis-
7 bursed, and at least monthly shall remit to the clerk all funds re-
8 ceived by him. The clerk shall provide adequate clerical assistance
9 to judicial magistrates serving pursuant to section six hundred two
10 point fifty-one (602.51) of the Code and district associate judges to
11 carry out this section. The clerk shall remit ninety percent of all
12 fines and forfeited bail received from a magistrate or district asso-
13 ciate judge to the city or town that was the plaintiff in any action.
14 The clerk shall remit the remaining ten percent to the county trea-
15 surer for deposit in the county general fund. The clerk shall remit to
16 the treasurer of the county, for the benefit of the school fund, all
17 other fines and forfeited bail received from a magistrate. All fees
18 and costs for the filing of a complaint or information or upon forfei-
19 ture of bail received from a magistrate shall be remitted monthly by
20 the clerk as follows:

1 SEC. 43. Section six hundred two point fifty-six (602.56), Code
2 1973, is amended by striking the section and inserting in lieu thereof
3 the following:

4 **602.56 Removal of judicial magistrates.** The electors residing
5 within a county where a magistrate resides or a district judge of his
6 district may petition the judges of the district court to terminate the
7 appointment of a judicial magistrate sitting in that district. If by
8 the electorate, such petition shall be signed by at least two percent of
9 the electors voting for governor in the last general election of the
10 county of residence of the magistrate. The petition shall contain a
11 general statement of the grounds upon which termination is sought.
12 Within thirty days after the petition is filed with the clerk of the dis-
13 trict court of the county in which the judicial magistrate resides, the
14 chief judge of the judicial district shall appoint a tribunal composed
15 of three other judges of the judicial election district where the mag-
16 istrate resides who shall schedule and hold a hearing to determine
17 if good cause exists to terminate the appointment.

18 The clerk shall give notification of the time and place of hearing
 19 to the magistrate against whom the petition was brought by restricted
 20 certified mail and shall notify all other interested parties by publi-
 21 cation. Notification shall be made at least fifteen days prior to the
 22 time set for hearing. The judicial magistrate may be represented by
 23 counsel at the hearing, shall have the right to confront and cross-
 24 examine all witnesses against him, and may call witnesses and intro-
 25 duce evidence in his own behalf.

26 The tribunal may, by majority vote, dismiss the petition, declare
 27 the office vacant, or make other disposition of the case as is appro-
 28 priate. All decisions of the tribunal are final, and there shall be no
 29 appeal.

1 SEC. 44. Section six hundred two point sixty (602.60), Code 1973,
 2 is amended to read as follows:

3 **602.60 Jurisdiction, venue.** Judicial magistrates shall have juris-
 4 diction of nonindictable misdemeanors, including traffic and ordinance
 5 violations, preliminary hearings, search warrant proceedings, ~~forcible~~
 6 ~~entry and detainer actions,~~ and small claims. They shall also have
 7 *jurisdiction to exercise* the powers specified in ~~section~~ sections 748.2,
 8 *six hundred forty-four point two (644.2), and six hundred forty-four*
 9 *point twelve (644.12) of the Code.* They shall have power to act any
 10 place within the district as directed, and venue shall be the same as
 11 in other district court proceedings. ~~Judicial magistrates serving on a~~
 12 ~~full-time basis and district associate judges shall have jurisdiction of~~
 13 ~~indictable misdemeanors. While exercising that jurisdiction they shall~~
 14 ~~employ district judges' practice and procedure.~~

15 *For purposes of administration judicial magistrates shall be under*
 16 *the jurisdiction of the chief judge of the judicial district. Judicial*
 17 *magistrates shall be subject to the same rules and laws that apply to*
 18 *district judges except as otherwise provided in this chapter.*

1 SEC. 45. This section shall take effect July 1, 1974. Section six
 2 hundred two point sixty (602.60), Code 1973, is amended by striking
 3 the section and inserting in lieu thereof the following:

4 **602.60 Jurisdiction, venue.** Judicial magistrates shall have juris-
 5 diction of nonindictable misdemeanors, including traffic and ordinance
 6 violations, preliminary hearings, search warrant proceedings, and
 7 small claims. They shall also have jurisdiction to exercise the powers
 8 specified in sections seven hundred forty-eight point two (748.2),
 9 six hundred forty-four point two (644.2), and six hundred forty-four
 10 point twelve (644.12) of the Code. They shall have power to act
 11 any place within the district as directed, and venue shall be the same
 12 as in other district court proceedings. In addition, judicial magis-
 13 trates appointed pursuant to section six hundred two point fifty-one
 14 (602.51) of the Code shall have jurisdiction of indictable misdemean-
 15 ors, the jurisdiction provided for in section two hundred thirty-one
 16 point three (231.3) of the Code when designated a judge of the juve-
 17 nile court, and jurisdiction in civil actions for money judgments where
 18 the amount in controversy does not exceed three thousand dollars and
 19 while exercising that jurisdiction, judicial magistrates shall employ
 20 district judges' practice and procedure.

21 *For purposes of administration judicial magistrates shall be under*
 22 *the jurisdiction of the chief judge of the judicial district. Judicial*

23 magistrates shall be subject to the same rules and laws that apply to
24 district judges except as otherwise provided in this chapter.

1 SEC. 46. Section six hundred two point sixty-one (602.61), Code
2 1973, is amended to read as follows:

3 **602.61 Times and places of holding court.** Judicial magistrates
4 shall hold court at the times and places designated by the chief judge
5 of the district. *The times and places shall be designated so as to in-*
6 *sure accessibility of judicial magistrates at all times throughout the*
7 *district. In addition, the chief judge may allocate the work load*
8 *among the judicial magistrates as he deems necessary.* The chief
9 judge may assign a magistrate to hold court at other designated places
10 within the district outside of the county of the magistrate's residence
11 only if it is necessary for the orderly administration of justice. The
12 boards of supervisors shall provide facilities for the holding of court
13 at the county seats. If court is held in a city or town, outside the
14 county seat, such city or town shall furnish suitable facilities and
15 equipment. The schedule of places and times of availability of mag-
16 istrates and of any changes therein shall be disseminated by the chief
17 judge of the judicial district to the peace officers within the district.

1 SEC. 47. Section six hundred two point sixty-three (602.63), Code
2 1973, is amended to read as follows:

3 **602.63 Dockets, judgments, costs.** The clerk of the district court
4 of the county in which a judicial magistrate resides shall furnish the
5 judicial magistrate, district associate judge, or district judge acting
6 as judicial magistrate, a docket in which shall be entered all proceed-
7 ings except small claims. Such docket shall be indexed and shall con-
8 tain in each case the title and nature of the action; place of hearing;
9 appearances; and notations of the documents filed with the judicial
10 magistrate, of the proceedings in the case and orders made, of the
11 verdict and judgment including costs, of any satisfaction of the judg-
12 ment, of whether the judgment was certified to the clerk of the dis-
13 trict court, of whether an appeal was taken, and of the amount of
14 the appeal bond. ~~The defendant charged with a nonindictable misde-~~
15 ~~meanor who is found guilty or forfeits bail shall be assessed as costs~~
16 ~~five dollars for the filing and docketing of the complaint or information~~
17 ~~which shall be distributed pursuant to section 602.55. All other costs~~
18 ~~in criminal actions shall be assessed and distributed as in chapter 606.~~
19 *All costs in criminal cases shall be assessed and distributed as in chap-*
20 *ter six hundred six (606) of the Code, except that the cost of filing and*
21 *docketing of a complaint or information for a nonindictable misde-*
22 *meanor shall be five dollars which shall be distributed pursuant to*
23 *section six hundred two point fifty-five (602.55) of the Code. The five*
24 *dollar cost for filing and docketing a complaint or information for a*
25 *nonindictable misdemeanor shall not apply in cases of overtime park-*
26 *ing.* If the judgment and costs are not fully and immediately satisfied
27 in criminal cases, the judicial magistrate shall promptly certify a copy
28 of the judgment to the clerk of the district court indicating thereon
29 the portion unsatisfied; and the clerk shall index and file the judg-
30 ment, whereupon it shall be a judgment of the district court without
31 recording.

1 SEC. 48. Section six hundred two point sixty-four (602.64), Code
2 1973, is amended by striking the section and inserting in lieu thereof
3 the following:

4 **602.64 Administrative reports.** Each judicial magistrate, district
5 associate judge and district judge acting as a judicial magistrate
6 shall report all judicial business handled by him to the clerk and board
7 of supervisors of the appropriate county in which he held court and
8 the chief judge of his judicial district. Such reports shall be on a
9 form prescribed by the supreme court administrator and be made at
10 such times as required by him. The administrator may require the
11 clerk to forward copies of individual reports to him or require a con-
12 solidated report for the county.

1 SEC. 49. Section six hundred two point sixty-five (602.65), Code
2 1973, is amended to read as follows:

3 **602.65 Magistrates not holding office.** When a ~~district~~ *judicial*
4 magistrate ceases to hold office, his docket and all records relating to
5 his office shall be promptly deposited with the clerk of the district court
6 who issued the docket.

1 SEC. 50. Section six hundred two point seventy-one (602.71), sub-
2 section ten (10), unnumbered paragraph one (1), Code 1973, is
3 amended to read as follows:

4 In all ~~criminal actions~~ *nonindictable misdemeanors*:

1 SEC. 51. Section six hundred two point seventy-one (602.71), sub-
2 sections one (1), six (6), and nine (9), Code 1973, are amended to read
3 as follows:

4 1. No ~~judgment of conviction of a nonindictable misdemeanor or~~
5 ~~civil actions~~ *action* tried as a small ~~claims~~ *claim* shall be appealed to
6 the supreme court except by discretionary review as provided herein.
7 No ~~judgment of acquittal of a nonindictable misdemeanor~~ may be
8 reviewed.

9 6. When an application is made for discretionary review, it is the
10 duty of the applicant to serve on the attorney for the adverse party,
11 and if the state is the adverse party, upon the attorney general, a copy
12 of the application within ten days after judgment.

13 9. An application shall not be dismissed for an informality or defect
14 in taking it if corrected as directed by the supreme court. The supreme
15 court, after an examination of the entire record, may dispose of the
16 case by affirmation, reversal or modification of the lower court judg-
17 ment. It may also dismiss the application if it (a) determines that
18 there has been no substantial miscarriage of justice, and (b) ~~no viola-~~
19 ~~tion of the rights of an accused, and that (c) the arguments do not pre-~~
20 ~~sent definite grounds for a hearing. The supreme court may also order~~
21 ~~a new trial, or modify the judgment; provided, however, in criminal~~
22 ~~cases the punishment may not be increased.~~

1 SEC. 52. Section six hundred two point seventy-one (602.71), Code
2 1973, is amended by striking subsections four (4) and ten (10).

1 SEC. 53. Section six hundred five point fourteen (605.14), Code
2 1973, is amended to read as follows:

3 **605.14 Judge to be attorney—exception.** No person shall be eli-

4 gible ~~to~~ for, or hold the office of *supreme court judge, district judge*
 5 *or district associate judge of a court of record, except judicial magis-*
 6 *trates, who is not, at the time of his election, an attorney at law, duly*
 7 *admitted to practice under the laws of this state.*

1 SEC. 54. Section six hundred five point seventeen (605.17), Code
 2 1973, is amended to read as follows:

3 605.17 *When judge disqualified.* A judge or *justice magistrate* is
 4 disqualified from acting as such, except by mutual consent of parties,
 5 in any case wherein he or *any member of any corporation, partnership,*
 6 *firm or association with which he may be associated* is a party or
 7 interested, or where he is related to either party by consanguinity or
 8 affinity within the fourth degree, or where he or *any member of any*
 9 *firm, partnership or association with which he may be associated* has
 10 been attorney for either party in the action or proceeding. This sec-
 11 tion shall not prevent him from disposing of any preliminary matter
 12 not affecting the merits of the case.

1 SEC. 55. Section six hundred five A point three (605A.3), Code
 2 1973, is amended to read as follows:

3 605A.3 *Notice by judge in writing.* This chapter shall not apply
 4 to any judge of the municipal, superior, district or supreme court,
 5 including a district associate ~~judges~~ *judge*, until he gives notice in
 6 writing, while serving as a judge, to the state comptroller and trea-
 7 surer of state, of his purpose to come within its purview. Judges of
 8 the municipal and superior courts shall at the same time give a copy
 9 of such notice to the city treasurer and county auditor within the
 10 district of such court. Such notice shall be given within one year after
 11 the effective date hereof or within one year after any date on which
 12 he takes oath of office as such judge.

1 SEC. 56. Section six hundred five A point four (605A.4), unnum-
 2 bered paragraph one (1), Code 1973, is amended to read as follows:

3 Each judge coming within the purview of this chapter shall, on or
 4 before retirement, pay to the state comptroller for deposit with the
 5 ~~state treasurer~~ *treasurer of state* to the credit of a fund to be known
 6 as the "judicial retirement fund", hereinafter called the "fund", a sum
 7 equal to four percent of his basic salary for services as such judge for
 8 the total period of service as a judge of a municipal, superior, district
 9 or supreme court, including district associate judges, before the date
 10 of said notice, and after the date of the notice there shall be deducted
 11 and withheld from the basic salary of each judge coming within the
 12 purview of this chapter a sum equal to four percent of such basic
 13 salary. Provided that the maximum amount which any judge shall be
 14 required to contribute for past service shall not exceed for municipal
 15 or superior or district associate judges thirty-five hundred dollars, for
 16 district judges four thousand dollars and for supreme court judges
 17 five thousand dollars. The amounts so deducted and withheld from
 18 the basic salary of each said judge shall be paid to the state comp-
 19 troller for deposit with the treasurer of state to the credit of the
 20 judicial retirement fund, and said fund is hereby appropriated for
 21 the payment of annuities, refunds, and allowances herein provided,
 22 except that the amount of such appropriations affecting payment of
 23 annuities, refunds, and allowances to judges of the municipal and
 24 superior court shall be limited to that part of said fund accumulated

25 for their benefit as hereinafter provided. The judges of the municipal,
 26 superior, district and supreme court, including district associate
 27 judges, coming within the provisions of this chapter shall be deemed
 28 to consent and agree to the deductions from basic salary as provided
 29 herein, and payment less such deductions shall be a full and complete
 30 discharge and acquittance of all claims and demands whatsoever for
 31 all regular services rendered by such judges during the period covered
 32 by such payment, except the right to the benefits to which they shall
 33 be entitled under the provisions of this chapter. The state shall con-
 34 tribute a sum not exceeding three percent of the basic salary of all
 35 judges of the district and supreme court for the years 1949 and 1950
 36 and thereafter such sums as may be necessary over the amount con-
 37 tributed by the district and supreme court judges to finance the system,
 38 but only to the extent that the system applies to them. After July 1
 39 *June 30, 1973*, the state shall contribute such sums as may be necessary
 40 over the amount contributed by district associate judges to finance the
 41 system as to them for the portion of their tenure ~~prior to~~ *after* July 1,
 42 1973, *and thereafter such sums as may be necessary over the amount*
 43 *contributed by the district associate judges to finance the system, but*
 44 *only to the extent the system applies to them;* and the respective cities
 45 and counties within each municipal and superior court district shall
 46 contribute the additional amount necessary pursuant to the next para-
 47 graph of this section, for the portion of the tenure of such district
 48 associate judges prior to July 1, 1973.

1 SEC. 57. Section six hundred five A point four (605A.4), Code
 2 1973, is amended by striking unnumbered paragraph two (2).

1 SEC. 58. Section six hundred five A point twelve (605A.12), Code
 2 1973, is amended to read as follows:

3 **605A.12 Voluntary retirement for disability.** Any judge of the
 4 supreme, district or municipal court *including a district associate*
 5 *judge*, who shall have served as a judge of one or both of such courts
 6 for a period of six years in the aggregate and who believes he has
 7 become permanently incapacitated, physically or mentally, to perform
 8 the duties of his office may personally or by his next friend or guard-
 9 ian file with the state comptroller a written application for retire-
 10 ment. The application shall be filed in duplicate and accompanied by
 11 an affidavit as to the duration and particulars of his service and the
 12 nature of his incapacity. The state comptroller shall forthwith trans-
 13 mit one copy of the application and affidavit to the chief justice who
 14 shall request the attorney general in writing to cause an investigation
 15 to be made relative to the claimed incapacity and report back the re-
 16 sults thereof in writing. If the chief justice finds from the report of
 17 the attorney general that the applicant is permanently incapacitated,
 18 physically or mentally, to perform the duties of his office he shall by
 19 his endorsement thereon declare the applicant retired, and the office
 20 vacant, and shall file the report in the office of the state comptroller,
 21 and a copy in the office of the secretary of state. From the date of
 22 such filing the applicant shall be deemed retired from his office and
 23 entitled to the benefits of this chapter to the same extent as if he had
 24 retired under the provisions of section 605A.6.

1 SEC. 59. Section six hundred five A point fourteen (605A.14),
 2 Code 1973, is amended to read as follows:

3 **605A.14 Forfeiture of benefits—refund.** In the event a judge of
4 the supreme, district or municipal court *including a district associate*
5 *judge*, is removed for cause other than permanent disability he shall
6 forfeit the right to any retirement benefits under the system but the
7 total amount of his contribution to the fund shall be returned to him
8 or his legal representative.

1 SEC. 60. Section six hundred thirty point one (630.1), Code 1973,
2 is amended to read as follows:

3 **630.1 Debtor examined.** When execution against the property of
4 a judgment debtor, or one of several debtors in the same judgment,
5 has been issued from the district or supreme court to the sheriff of
6 the county where such debtor resides, or if he ~~de~~ *does* not reside in the
7 state, to the sheriff of the county where the judgment was rendered,
8 ~~or a transcript of a justice's judgment has been filed,~~ and execution
9 issued thereon is returned unsatisfied in whole or in part, the owner
10 of the judgment is entitled to an order for the appearance and exami-
11 nation of such debtor.

1 SEC. 61. Section six hundred thirty-one point one (631.1), Code
2 1973, is amended to read as follows:

3 **631.1 Small claims.** A small claim is a civil action for a money
4 ~~damages judgment~~ where the amount in controversy ~~in money~~ is one
5 thousand dollars or less, exclusive of ~~interests~~ *interest* and costs, and
6 actions for forcible entry and detainer *which are based on those*
7 *grounds set forth in section six hundred forty-eight point one (648.1),*
8 *subsections one (1), two (2), three (3), and five (5) of the Code.*

1 SEC. 62. Section six hundred thirty-one point two (631.2), Code
2 1973, is amended to read as follows:

3 **631.2 Trial of small claims.** Small claims shall be tried only by
4 judicial magistrates and district associate judges, except when tried
5 by regular procedure under section 631.8 when they shall be tried by
6 a district judge. Small claims shall be commenced, heard, and deter-
7 mined in accordance with this chapter. Other statutes and rules
8 relating to civil proceedings shall apply, but only insofar as not in-
9 consistent with this chapter. Small claims on file for ninety days and
10 not determined shall be dismissed by the clerk, *with costs assessed to*
11 *the plaintiff, but* without prejudice unless prior thereto a party se-
12 cures an order of continuance to a date certain after notice and hear-
13 ing, upon a ground stated in rule 215.1 of the rules of civil procedure.
14 Contested claims in an amount of a small claim may be heard *by the*
15 *court* and determined under this chapter and actions therefor may be
16 commenced hereunder; if commenced as a regular civil action or un-
17 der the statutes relating to probate proceedings, they shall be trans-
18 ferred to the small claims docket and proceed accordingly. Small
19 claims coming within this chapter but commenced as a regular action
20 shall not be dismissed but shall be transferred to the small claims
21 docket. Civil and probate actions not small claims but commenced
22 hereunder shall be dismissed without prejudice except for defendants
23 who have appeared, as to whom such actions shall be transferred to
24 the combination or probate docket, as appropriate.

1 SEC. 63. Section six hundred thirty-one point three (631.3), Code
2 1973, is amended to read as follows:

3 **631.3 Commencement of actions.** All actions shall be commenced

4 by the filing of an original notice with the clerk. The clerk shall mail
5 a copy of the original notice to each defendant at his last known
6 address, as stated in the original notice, by ~~restricted~~ certified mail,
7 *restricted delivery*, return receipt to the clerk requested. Instead of
8 the mailing, the plaintiff may, after filing the original notice with the
9 clerk, cause a copy of same to be served on all or some defendants in
10 the manner provided in the rules of civil procedure pertaining to the
11 commencement of actions. The clerk shall maintain a book known
12 as the small claims docket, which shall contain as to small claims the
13 matters contained in the combination docket as to the regular civil
14 actions.

1 SEC. 64. Section six hundred thirty-one point four (631.4), Code
2 1973, is amended to read as follows:

3 631.4 **Original notice—form.** The original notice must be mailed
4 or otherwise served not less than ten nor more than twenty days prior
5 to the ~~hearing~~ *appearance* date. The original notice and copies shall
6 be signed by the plaintiff, either in person or by attorney, and shall
7 be in substantially the following form:

8 IN THE DISTRICT COURT OF IOWA
9 IN AND FOR COUNTY

10
11 Plaintiff(s)
12
13
14 Address of each plaintiff
15
16 vs
17
18
19 Defendant(s)
20
21
22 Address of each defendant

} SMALL CLAIM NO.

23 ORIGINAL NOTICE

24 To the above named defendant(s):

25 YOU ARE HEREBY NOTIFIED that the above named plaintiff(s) de-
26 mands of you

27 (1. If demand is for money, state amount; 2. If demand is for

28
29 something else, state briefly what is demanded and its value in money; 3. If both

30
31 money and something else are demanded, state both 1 and 2 forcible entry and

32 based on
33 *detainer, state address and grounds*) (state briefly the basis for the

34 and that unless you appear and defend before the clerk of the
35 demand)

36 above named court either by written appearance or in person at
37 in, Iowa, at o'clockM. on the

38 (Place) (City or Town)
39 day of, 19....., judgment will be rendered against
40 you for the relief demanded, together with interest and court costs.

41
42 Plaintiff(s)

1 SEC. 65. Section six hundred thirty-one point five (631.5), Code
2 1973, is amended by striking the section and inserting in lieu thereof
3 the following:

4 **631.5 Duties of clerk.** The clerk shall furnish forms of original
5 notice. Before filing an original notice, the clerk shall receive a filing
6 fee of two dollars plus the amount of postage for mailing the original
7 notice to each defendant to which it is to be mailed. At the time of
8 filing, the clerk shall enter on the original notice and the copies to be
9 served, the file number, and the time and place of appearance, which
10 appearance may be in writing or in person, and which shall be not
11 less than ten nor more than twenty days after the date on which the
12 notice will be mailed or otherwise served.

13 If the defendant appears before the clerk on or before the time set
14 in the original notice, the clerk shall assign the claim to a judicial
15 magistrate having jurisdiction, for hearing at a place and time cer-
16 tain. The time of hearing shall be not less than five days nor more
17 than ten days from the date of the defendant's appearance before the
18 clerk. The clerk shall immediately notify the plaintiff or his attorney,
19 the defendant or his attorney and the judicial magistrate to which
20 the claim is assigned of the time and place of hearing by ordinary
21 mail. The clerk shall also transmit the original notice, and all other
22 papers relating to the case, to the judicial magistrate to whom the
23 case is assigned, and copies of all papers so transmitted shall be re-
24 tained in the clerk's office.

25 If the defendant fails to appear, judgment shall be rendered against
26 the defendant by the clerk if the relief is readily ascertainable. If
27 the relief is not readily ascertainable the claim shall be assigned to
28 a judicial magistrate for determination and the clerk shall immedi-
29 ately notify the plaintiff or his attorney and the judicial magistrate
30 of such assignment by ordinary mail.

1 SEC. 66. Section six hundred thirty-one point eight (631.8), sub-
2 section four (4), Code 1973, is amended to read as follows:

3 4. In small claims actions, a counterclaim, cross claim, or interven-
4 tion in a greater amount than that of a small claim shall be in the form
5 of a regular pleading. A copy shall be filed for each existing party.
6 New parties, when permitted by order, may be brought in under rule
7 34 of the rules of civil procedure and shall be given notice under the
8 rules of civil procedure pertaining to ~~announcement~~ commencement of
9 actions. The court shall either order such counterclaim, cross claim,
10 or intervention to be tried by regular procedure and the other claim
11 to be heard under this division, or order the entire action to be tried
12 by regular procedure.

1 SEC. 67. Section six hundred thirty-one point nine (631.9), Code
2 1973, is amended to read as follows:

3 **631.9 Proper notice determined.** At the time for *appearance or*
4 hearing the ~~court or~~ clerk or court shall first determine that proper
5 notice has been given a party before proceeding further as to him,
6 unless he has appeared or is an existing party, and also that the action
7 is properly brought as a small claim. *Proper notice shall consist of*
8 *either signed return receipt, returned receipt indicating refusal to*
9 *accept notice, or sheriff's return of service of an original notice, which-*
10 *ever is applicable. In the event the plaintiff appears and the defendant*

11 *fails to appear, and the court or clerk determines that proper notice*
 12 *has not been given a party, he shall reset the hearing date, and direct*
 13 *the plaintiff to serve the party as in the manner prescribed for the*
 14 *service of original notice provided in the rules of civil procedure,*
 15 *which shall be not less than ten nor more than twenty days prior to*
 16 *the hearing date.*

1 SEC. 68. Section six hundred thirty-one point ten (631.10), Code
 2 1973, is amended to read as follows:

3 **631.10 Failure to appear at hearing—effect.** Unless good cause to
 4 the contrary is shown, if the parties fail to appear at the time of
 5 hearing the claim shall be dismissed without prejudice by the court
 6 ~~or clerk~~; if the plaintiff fails to appear but the defendant appears, the
 7 claim shall be dismissed with prejudice by the court ~~or clerk~~ *with*
 8 *costs assessed to the plaintiff*; and if the plaintiff appears but the
 9 defendant fails to appear, judgment ~~shall may~~ be rendered against the
 10 defendant by the court, ~~or by the clerk if the relief to be granted is~~
 11 ~~readily ascertainable.~~ The filing by the plaintiff of a verified account,
 12 or an instrument in writing for the payment of money with an affi-
 13 davit the same is genuine, shall constitute an appearance by plaintiff
 14 for the purpose of this rule section. ~~At the request of either party,~~
 15 ~~the court shall grant such party one continuance to a day certain.~~

1 SEC. 69. Section six hundred thirty-one point eleven (631.11),
 2 Code 1973, is amended to read as follows:

3 **631.11 Hearing.** ~~The time for appearance shall be the time for~~
 4 ~~hearing, unless a continuance has been granted under section 631.10.~~
 5 The hearing shall be to the court, shall be simple and informal, and
 6 shall be conducted by the court itself, without regard to technicalities
 7 of procedure; but the decision must be based on substantial evidence.
 8 The court shall swear the parties and their witnesses, and examine
 9 them in such way as to bring out the truth. The parties may partici-
 10 pate, either personally or by attorney. The court may continue the
 11 hearing from time to time if justice requires. ~~The proceedings shall~~
 12 ~~not be reported unless a party provides a reporter at his own expense~~
 13 ~~or the parties by agreement cause the proceedings to be electronically~~
 14 ~~reported, but there shall be no delay for such purpose.~~

15 *Upon the trial, the judicial magistrate shall make minutes of the*
 16 *testimony of each witness and append the exhibits or copies thereof.*
 17 *The proceedings upon trial shall not be reported, unless the party pro-*
 18 *vides a reporter at such party's expense. By agreement the parties*
 19 *may cause the proceedings upon trial to be reported electronically.*

1 SEC. 70. Section six hundred thirty-one point twelve (631.12),
 2 subsection one (1), Code 1973, is amended to read as follows:

3 1. The judgment shall be entered in a space on the original notice
 4 first filed, and the clerk shall immediately enter the judgment in the
 5 small claims docket and district court lien book, without recording.
 6 Such relief shall be granted as is appropriate. ~~The court may enter~~
 7 ~~judgment~~ *Upon entering judgment, the court may provide* for install-
 8 ment payments to be made directly by the party obligated to the party
 9 entitled thereto; and in such event execution shall not issue as long as
 10 such payments are made but execution shall issue for the full unpaid
 11 balance of the judgment upon the filing of an affidavit of default.

12 When entered on the small claims docket and district court lien book,
 13 a small claims judgment shall constitute a lien to the same extent as
 14 regular judgments entered on the district court judgment docket and
 15 lien book; but if a small claims judgment requires installment pay-
 16 ments, it shall not be enforceable until an affidavit of default is filed,
 17 ~~whereupon it shall constitute a lien for the full unpaid balance of the~~
 18 ~~judgment.~~

1 SEC. 71. Section six hundred forty-eight point five (648.5), Code
 2 1973, is amended to read as follows:

3 **648.5 Jurisdiction.** The ~~district~~ court within the county shall have
 4 jurisdiction of actions for the forcible entry or detention of real prop-
 5 erty. ~~Where an action is brought in the district court it~~ *It shall be*
 6 *tried as an equitable action, and upon presentation of the petition to*
 7 ~~the associate district judge or judicial magistrate after the same has~~
 8 ~~been filed, the~~ *Unless commenced as a small claim, a petition shall be*
 9 *presented to a district court judge. The court shall make an order*
 10 *fixing the time and place for hearing upon said petition and shall*
 11 *prescribe that notice of the hearing be personally served upon the*
 12 *defendant or defendants, which service shall be at least five days prior*
 13 *to the date set for hearing.*

1 SEC. 72. Section six hundred sixty-five point four (665.4), sub-
 2 sections two (2) and three (3), Code 1973, are amended to read as
 3 follows:

4 2. *By Before* district judges and district associate judges, by a fine
 5 not exceeding five hundred dollars or imprisonment in a county jail not
 6 exceeding six months or by both such fine and imprisonment.

7 3. *By Before* judicial magistrates, by a fine not exceeding one hun-
 8 dred dollars or imprisonment in a county jail not exceeding thirty
 9 days.

1 SEC. 73. Section seven hundred forty-eight point four (748.4),
 2 Code 1973, is amended to read as follows:

3 **748.4 Duties.** It shall be the duty of a peace officer and his deputy,
 4 if any, throughout the county, township, or municipality of which he
 5 is such officer, to preserve the peace, to ferret out crime, to apprehend
 6 and arrest all criminals, and insofar as it is within his power, to
 7 secure evidence of all crimes committed, and present the same to the
 8 county attorney, grand jury, ~~mayer or police courts or magistrate,~~ and
 9 to file informations against all persons whom he knows, or has reason
 10 to believe, to have violated the laws of the state, and to perform all
 11 other duties, civil or criminal, pertaining to his office or enjoined upon
 12 him by law. Nothing herein shall be deemed to curtail the powers and
 13 duties otherwise granted to or imposed upon peace officers.

1 SEC. 74. Section seven hundred fifty-one point twenty-six (751.26),
 2 Code 1973, is amended to read as follows:

3 **751.26 Execution—sale—destruction.** Execution shall issue for
 4 the sale of all property, except money, which may have a legitimate
 5 use, and for the destruction of all property having no legitimate use.
 6 Sales shall be made as provided by section ~~626.76~~ *six hundred twenty-*
 7 *six point seventy-five (626.75) of the Code.* Due return of the execu-
 8 tion shall be made thereon by the officer executing it.

1 SEC. 75. Section seven hundred fifty-two point four (752.4), Code
2 1973, is amended to read as follows:

3 **752.4 One-year limitation.** A prosecution for a *nonindictable mis-*
4 *demeanor triable before a magistrate*, or violation of an ordinance of
5 a city or town, must be commenced within one year after the commis-
6 sion thereof, and not after.

1 SEC. 76. Section seven hundred fifty-three point nine (753.9),
2 Code 1973, is amended to read as follows:

3 **753.9 Failure to appear.** ~~Any~~ *Except for citations for traffic viola-*
4 *tions, any* person who willfully fails to appear in court as specified by
5 the citation shall be guilty of a misdemeanor and upon conviction shall
6 be punished by a fine of not more than five hundred dollars or by
7 imprisonment in the county jail not exceeding three months, or by
8 both such fine and imprisonment. *Failure to appear in response to a*
9 *citation for a traffic violation shall be governed by section three hun-*
10 *dred twenty-one point four hundred eighty-seven (321.487) of the*
11 *Code.*

1 SEC. 77. Section seven hundred fifty-three point thirteen (753.13),
2 Code 1973, is amended to read as follows:

3 **753.13 Uniform citation and complaint.** The commissioner of pub-
4 lic safety shall adopt a uniform, combined traffic citation and com-
5 plaint, which shall be used for charging all traffic violations in Iowa
6 under state law or municipal ordinance, unless the defendant is
7 charged by information or section 321.236, subsection 1, is applicable.
8 Each citation and complaint shall be serially numbered and shall be
9 in quadruplicate, and the officer shall deliver the original and a copy
10 to the court where the defendant is to appear, a copy to the defendant,
11 and a copy to the law enforcement agency of the officer. The court
12 shall forward the copy of the citation and complaint in accordance
13 with section 321.207. The citation and complaint shall contain, among
14 other things, spaces for the parties' names and for the information
15 required by section 321.485, subsection 2; a place where the defendant
16 may sign the promise to appear referred to in section ~~321.499~~ *three*
17 *hundred twenty-one point four hundred eighty-six (321.486) of the*
18 *Code*; a list of the minimum fines prescribed by section 753.15, either
19 separately or by groups; a brief explanation of sections 753.16 and
20 753.17; and a space where the defendant may sign an admission of the
21 violation when such section 753.16 is applicable. Every citation and
22 complaint shall require the defendant to appear before a court at a
23 specified time and place. Notwithstanding section 321.485, subsection
24 2, the officer may arrest the defendant although a citation and com-
25 plaint is used to charge the violation, if authorized by section 755.4.

26 *Supplies of the uniform traffic citation and complaint for municipal*
27 *corporations and county agencies shall be paid for out of the court*
28 *expense fund of the county. Supplies of the uniform traffic citation*
29 *and complaint for all other agencies shall be paid for out of the budget*
30 *of the agency concerned.*

1 SEC. 78. Section seven hundred fifty-three point fifteen (753.15),
2 unnumbered paragraphs one (1) and two (2), Code 1973, are amended
3 to read as follows:

4 **753.15 Scheduled violations.** *The following shall be scheduled vio-*

5 *lations and the* minimum fine for all convictions of the following viola-
 6 tions, whether of state law or municipal ordinance, shall be:
 7 Violations of the schedule of axle and tandem axle and gross or
 8 group of axle weight violations in section 321.463 shall be scheduled
 9 violations subject to the provisions, procedures and exceptions con-
 10 tained in sections ~~753.16 to 753.29~~ *seven hundred fifty-three point*
 11 *thirteen (753.13) to seven hundred fifty-three point eighteen (753.18)*
 12 *of the Code*, irrespective of the amount of the fine under such sched-
 13 ular. Violations of the schedule of weight violations shall be charge-
 14 able, where the fine charged does not exceed one hundred dollars, only
 15 by uniform citation and complaint. Violations of the schedule of
 16 weight violations, where the fine charged exceeds one hundred dollars:
 17 (1) Shall, when the violation is admitted and section 753.16 applies,
 18 be chargeable upon uniform citation and complaint, indictment, or
 19 county attorney's information, (2) but otherwise, shall be chargeable
 20 only upon indictment or county attorney's information. In all cases
 21 of charges under the schedule of weight violations, the charge shall
 22 specify the amount of fine charged under the schedule. Where a
 23 defendant is convicted and the fine under the foregoing schedule of
 24 weight violations exceeds one hundred dollars, the conviction shall be
 25 of an indictable offense although section 753.16 is employed and
 26 whether the violation is charged upon uniform citation and complaint,
 27 indictment, or county attorney's information.

1 SEC. 79. Section seven hundred fifty-three point fifteen (753.15),
 2 subsection two (2), Code 1973, is amended to read as follows:

3 2. Registration card or plate violation *under sections three hundred*
 4 *twenty-one point thirty-seven (321.37), three hundred twenty-one*
 5 *point thirty-eight (321.38), three hundred twenty-one point thirty-*
 6 *nine (321.39), and three hundred twenty-one point three hundred*
 7 *eighty-eight (321.388) of the Code*, five dollars.

1 SEC. 80. Section seven hundred fifty-three point fifteen (753.15),
 2 Code 1973, is amended by adding the following new subsections:

3 NEW SUBSECTION. Violation of display of identification required by
 4 section three hundred twenty-six point twenty-two (326.22) of the
 5 Code and violation of trip permits as prescribed by sections three hun-
 6 dred twenty-six point twenty-two (326.22), three hundred twenty-six
 7 point twenty-four (326.24), ten dollars.

8 NEW SUBSECTION. Violation of intrastate hauling on foreign reg-
 9 istration under sections three hundred twenty-one point fifty-four
 10 (321.54) and three hundred twenty-one point fifty-five (321.55) of
 11 the Code; use of registration under section three hundred twenty-one
 12 point ninety-nine (321.99) of the Code; and display of registration
 13 or plates under section three hundred twenty-one point ninety-eight
 14 (321.98) of the Code, twenty dollars.

15 NEW SUBSECTION. Violation of sections three hundred twenty-four
 16 point fifty-two (324.52), three hundred twenty-four point fourteen
 17 (324.14), or three hundred twenty-four point seventy-four (324.74),
 18 subsections two (2) and six (6), of the Code, ten dollars.

1 SEC. 81. Section seven hundred fifty-three point sixteen (753.16),
 2 subsection three (3), paragraph b, Code 1973, is amended to read as
 3 follows:

4 b. If the defendant does not comply with paragraph "a" of this
 5 subsection, the officer may release the defendant upon observing him
 6 mail to a court in the county the citation and complaint and ~~twice one~~
 7 ~~and one-half times~~ the minimum fine together with five dollars costs, or
 8 in lieu of ~~twice one and one-half times~~ the fine and the costs, a guaran-
 9 teed arrest bond certificate as provided in section 321.1, subsection 70,
 10 as bail together with the following statement signed by the defendant:
 11 "I agree that either (1) I will appear pursuant to this citation or
 12 (2) if I do not so appear that I hereby admit the violation charged
 13 in the citation and complaint and consent to entry of judgment of
 14 conviction for twice the minimum fine together with five dollars costs
 15 and to application of the enclosed funds or bail in satisfaction of such
 16 fine and costs the amount deposited as bail will be forfeited."

1 SEC. 82. Section seven hundred fifty-three point seventeen
 2 (753.17), Code 1973, is amended to read as follows:

3 753.17 **Required court appearance.** Section 753.16 shall not apply
 4 to a scheduled violation:

5 1. When the violation charged ~~resulted in~~ *involved* an accident or
 6 injury.

7 2. When the officer ~~determines that believed~~ the defendant ~~does did~~
 8 not have in force a valid operator's or chauffeur's license or permit.

9 3. When the officer ~~determines that believed~~ the violation was haz-
 10 ardous or aggravated because of highway conditions, visibility, traffic,
 11 repetition, or other circumstances.

12 In such cases, the defendant shall appear before the court and regu-
 13 lar procedure shall apply. If an information is used the officer shall
 14 endorse thereon, "~~Not for traffic violations office~~ *Court appearance*
 15 *required.*" If a citation and complaint is used, the officer shall strike
 16 out the space in which the defendant may admit the violation before
 17 a traffic violations office *and shall endorse thereon "Court appearance*
 18 *required"*. A citation and complaint ~~or information containing a charge~~
 19 ~~under subsections 1 and 2 of this section shall not itself constitute sub-~~
 20 ~~stantive proof of the charge.~~ A defendant shall appear before the court
 21 for any nonscheduled violation *either in person or by attorney.*

1 SEC. 83. Section seven hundred fifty-three point eighteen (753.18),
 2 Code 1973, is amended to read as follows:

3 753.18 **Other penalties.** ~~When section 753.16 does not apply to a~~
 4 ~~scheduled violation or when the defendant denies a scheduled violation,~~
 5 ~~if If the defendant is found guilty convicted of a scheduled violation,~~
 6 the penalty shall be the scheduled fine, without suspension of the fine
 7 prescribed in section 753.15 together with ~~five dollars court~~ costs
 8 ~~assessed and distributed as prescribed by section six hundred two point~~
 9 ~~sixty-three (602.63) of the Code, unless it appears from the evidence~~
 10 ~~that the violation was hazardous or aggravated of the type set forth~~
 11 ~~in section seven hundred fifty-three point seventeen (753.17), subsec-~~
 12 ~~tion three (3), of the Code, in which event the punishment shall be~~
 13 increased accordingly within the limits of law.

1 SEC. 84. Section seven hundred fifty-three point twenty (753.20),
 2 subsection one (1), Code 1973, is amended by striking the subsection
 3 and inserting in lieu thereof the following:

4 1. Traffic violations may be tried before the nearest magistrate in
5 the judicial district in which the offense is committed.

1 SEC. 85. Section seven hundred fifty-four point three (754.3),
2 Code 1973, is amended to read as follows:

3 754.3 **Filing—issuing warrant.** When a preliminary information
4 is made before a magistrate, or district court clerk or his deputy,
5 charging the commission of some designated public offense triable on
6 indictment in the county in which such magistrate, or district court
7 clerk or his deputy, has local jurisdiction, by some person named
8 therein, he may issue a warrant for the arrest of such person.

9 Whenever the preliminary information or complaint charges a mis-
10 demeanor the magistrate, or district court clerk or his deputy, may in
11 his discretion issue a citation instead of a warrant of arrest. The
12 citation shall set forth substantially the nature of the offense and
13 shall command the person against whom the complaint was made to
14 appear before the magistrate issuing the citation at a time and place
15 stated therein.

16 The citation may be served in the same manner as an original notice
17 in a civil action.

18 If the person named in the citation is actually served as provided
19 herein and fails without good cause to appear as commanded by the
20 citation, he shall be ~~considered in contempt of court and may be pun-~~
21 ~~ished by a fine of not more than twenty dollars~~ *guilty of a misde-*
22 *meanor, and, upon conviction, shall be punished as provided in section*
23 *seven hundred fifty-three point nine (753.9) of the Code.* Upon such
24 failure to appear, the magistrate, or district court clerk or his deputy,
25 shall issue a warrant of arrest for the offense originally charged, ~~and~~
26 ~~institute proceedings in contempt as provided by chapter 665.~~ *Failure*
27 *to appear in response to a citation for a traffic violation shall be gov-*
28 *erned by section three hundred twenty-one point four hundred eighty-*
29 *seven (321.487) of the Code.*

30 ~~If~~ *Except for citations for traffic violations, if* after issuing a cita-
31 tion the magistrate, or district court clerk or his deputy, becomes
32 satisfied that the person to whom such citation has been directed will
33 not appear, he may at once issue a warrant of arrest without waiting
34 for the date mentioned in the citation. A warrant or citation issued by
35 a clerk or deputy shall be returnable before a magistrate for the
36 county, or in his absence, before the nearest magistrate, whether the
37 warrant is for a felony as under section 757.2 or for a misdemeanor.
38 *If a citation or warrant is issued by the clerk, the preliminary infor-*
39 *mation shall be transmitted to the magistrate before whom the*
40 *defendant is to appear.*

1 SEC. 86. Section seven hundred sixty-two point two (762.2), Code
2 1973, is amended to read as follows:

3 762.2 **Information—complaint.** Criminal actions for the commis-
4 sion of a public offense must be commenced before a magistrate *or dis-*
5 *trict court clerk or his deputy* by an information or complaint, sub-
6 scribed and sworn to, and filed with the magistrate *or district court*
7 *clerk or his deputy.*

1 SEC. 87. Section seven hundred sixty-two point five (762.5), Code
2 1973, is amended to read as follows:

3 **762.5 Filing of information.** The magistrate *or district court clerk*
4 *or his deputy* must file such information and mark thereon the time of
5 filing the same.

1 SEC. 88. Section seven hundred sixty-two point six (762.6), Code
2 1973, is amended to read as follows:

3 **762.6 Warrant of arrest.** Immediately upon the filing of such infor-
4 mation, the magistrate, or ~~in his absence~~, the district court clerk or
5 deputy may, in his discretion, issue a warrant for the arrest of the
6 defendant, directed in the same manner as a warrant of arrest upon
7 a preliminary information, which may be served in like manner.

1 SEC. 89. Section seven hundred sixty-two point twelve (762.12),
2 Code 1973, is amended by striking the section and inserting in lieu
3 thereof the following:

4 **762.12 Trial.** Upon a plea other than guilty, the magistrate shall
5 set a trial date which shall be at least fifteen days after the plea is
6 entered. He shall notify the prosecuting attorney of the trial date
7 and shall advise the defendant that the trial will be without jury un-
8 less demand for jury trial is made at least ten days prior to the date
9 set for trial. Upon the request of the defendant, the magistrate may
10 set the date of trial at a time less than fifteen days after a plea other
11 than guilty is entered. The magistrate shall notify the defendant that
12 a request for earlier trial date shall constitute a waiver of jury.

13 Upon the trial, the judicial magistrate shall make minutes of the tes-
14 timony of each witness and append the exhibits or copies thereof. The
15 proceedings upon trial shall not be reported, unless the party provides
16 a reporter at such party's expense. By agreement the parties may
17 cause the proceedings upon trial to be reported electronically. If the
18 defendant is indigent and requests that the proceedings upon trial
19 be reported, the judicial magistrate shall cause them to be reported
20 by a reporter, or electronically, at public expense.

1 SEC. 90. Section seven hundred sixty-two point fifteen (762.15),
2 Code 1973, is amended to read as follows:

3 **762.15 Jury trial.** ~~Either party~~ *A defendant* in a criminal action
4 shall be entitled to jury trial by filing with the magistrate a written
5 jury demand ~~within at least ten days after the information or com-~~
6 ~~plaint is filed, or at least two days before the time set for trial~~ *trial if*
7 ~~the action is tried before ten days elapses.~~ Failure to make a jury
8 demand in the manner prescribed herein constitutes a waiver of jury.
9 If demand is made, the action shall be tried by a jury of six members.

1 SEC. 91. Section seven hundred sixty-two point thirty-five
2 (762.35), Code 1973, is amended to read as follows:

3 **762.35 Appeal.** In either case the prosecuting witness may appeal
4 from such judgment to a district judge, by giving notice thereof as
5 provided with reference to appeals by defendant, and the fact of the
6 giving of such notice shall be entered ~~(by the)~~ magistrate on his
7 record. The same procedure shall obtain as upon an appeal by the
8 defendant.

1 SEC. 92. Section seven hundred sixty-two point forty-three
2 (762.43), Code 1973, is amended to read as follows:

3 **762.43 Appeal.** *An appeal may be taken by the plaintiff only*
4 *upon a finding of invalidity of an ordinance or statute. In all other cases,*

5 an appeal may only be taken by the defendant and only upon a judg-
 6 ment of conviction. Execution of the judgment shall be stayed upon
 7 the filing with the clerk of the district court an appeal bond with
 8 surety approved by the clerk, in the sum specified in the judgment.
 9 The defendant may take an appeal, by giving notice orally to the mag-
 10 istrate that he appeals, or by delivering to the magistrate not later
 11 than ten days thereafter, a written notice of his appeal, and in either
 12 case the magistrate must make an entry on its docket of the giving
 13 of such notice. Payment of fine or service of a sentence of impris-
 14 onment does not waive the right to appeal, nor render the appeal
 15 moot. When an appeal is taken, the magistrate shall forward to the
 16 appropriate district court clerk a copy of the docket entries in his
 17 court, together with copies of the complaint, warrant, motions, plead-
 18 ings ~~ex~~, *his minutes of the witness' testimony and the exhibits or*
 19 *copies thereof, and all other papers in the case. Within ten days after*
 20 *an appeal is taken, unless extended by order of a district judge or by*
 21 *stipulation of the parties, any party may file with the clerk, as a part*
 22 *of the record, a transcript of the official report, if any, and, in the event*
 23 *the report was made electronically, the tape or other medium on which*
 24 *the proceedings were preserved. A district judge shall promptly hear*
 25 *the appeal upon the record thus filed without further evidence. If the*
 26 *original action was tried before a district judge acting as a judicial*
 27 *magistrate, the appeal shall be to a different district judge. The judge*
 28 *shall decide the appeal without regard to technicalities or defects.*
 29 *Judgment shall be rendered as though the case were being originally*
 30 *tried. The case shall stand for trial anew in the district court in the*
 31 *same manner as it should have been tried before the judicial magis-*
 32 *trate, without regard to technical errors or defects which have not*
 33 *substantially prejudiced the rights of either party. The court shall*
 34 *have full power over the case, the judicial magistrate and his record,*
 35 *and shall give judgment as though the case were being originally tried.*

1 SEC. 93. Section seven hundred sixty-two point forty-four
 2 (762.44), Code 1973, is amended by striking the section and inserting
 3 in lieu thereof the following:

4 **762.44 Appeal to supreme court.** After appeal to a district judge
 5 in a nonindictable case, either party may appeal from the judgment
 6 of the district judge to the supreme court in the same manner as from
 7 a judgment in a prosecution by indictment, and the defendant may be
 8 admitted to bail in like manner, and similar proceedings shall be had
 9 on the appeal in all respects, as far as applicable. The same proceed-
 10 ings shall be had to carry into effect the judgment of the supreme
 11 court upon the appeal as if it had been taken from a judgment prose-
 12 cuted by indictment.

1 SEC. 94. Section seven hundred sixty-nine point two (769.2),
 2 Code 1973, is amended to read as follows:

3 **769.2 Filing by county attorney.** The county attorney may file
 4 with ~~a magistrate or~~ *the clerk of the district court, upon approval by a*
 5 *district judge or district associate judge, an information charging a*
 6 *person with an indictable offense.*

1 SEC. 95. Section seven hundred sixty-nine point eight (769.8),
 2 Code 1973, is amended to read as follows:

3 769.8 **Approval by judge.** The information, before being filed,
4 shall be presented to ~~some judge of the district court~~ *a district judge*
5 *or district associate judge* of the county having jurisdiction of the
6 offense, which judge shall endorse his approval or disapproval thereon.
7 If the information receive the approval of the judge, the same shall be
8 filed. If not approved, the charge shall be presented to the next grand
9 jury for consideration.

1 SEC. 96. Section seven hundred seventy-four point twelve
2 (774.12), Code 1973, is amended to read as follows:

3 774.12 **Transfer of misdemeanors.** District judges may transfer
4 any indictable misdemeanors pending before them to the nearest ~~full-~~
5 ~~time judicial magistrate or~~ district associate judge *within the judicial*
6 *district.*

1 SEC. 97. Section seven hundred ninety-three point one (793.1),
2 Code 1973, is amended to read as follows:

3 793.1 **Office of appeal—who may appeal.** The mode of reviewing
4 in the supreme court any judgment, action, or decision of the district
5 court ~~by a magistrate~~ in a criminal case which is an indictable offense
6 is by appeal. Either the defendant or state may appeal.

1 SEC. 98. This section shall take effect July 1, 1974. Section seven
2 hundred seventy-four point twelve (774.12), Code 1973, is amended
3 by striking the section and inserting in lieu thereof the following:

4 774.12 **Transfer of misdemeanors.** District judges may, within
5 the judicial district, transfer any indictable misdemeanors pending
6 before them to the nearest district associate judge or judicial magis-
7 trate having jurisdiction.

1 SEC. 99. The provisions of section six hundred two point fifty-one
2 (602.51) of the Code relating to the nomination and appointment of
3 judicial magistrates shall apply to vacancies occurring after July 1,
4 1973.

Approved June 29, 1973.

CHAPTER 283

JUDGES SALARIES

H. F. 801

AN ACT relating to the salaries of supreme court justices and district court judges and juvenile court officers.

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

1 SECTION 1. Section six hundred five point one (605.1), Code 1973,
2 is amended to read as follows:

3 605.1 **Salary of judges.** The salary of each judge of the district
4 court *and the chief judge of each judicial district* shall be ~~twenty-one~~
5 ~~thousand dollars per year as fixed by the general assembly.~~

1 SEC. 2. Section six hundred eighty-four point seventeen (684.17),
2 Code 1973, is amended to read as follows:

3 684.17 **Salary.** Each *judge justice and the chief justice of the*