

## CHAPTER 1257

## CITIZENS' AIDE

(Ombudsman)

S. F. 73

AN ACT relating to the citizens' aide.

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

- 1 SECTION 1. Chapter six hundred one G (601G), Code 1973, is  
 2 amended by adding the following new section:  
 3 NEW SECTION. The citizens' aide shall appoint an assistant who  
 4 shall be responsible for investigating complaints relating only to penal  
 5 or correctional agencies.

Approved February 12, 1974

## CHAPTER 1258

## VIOLATIONS OF MUNICIPAL ORDINANCES

H. F. 1490

AN ACT relating to the collection and disposition of fines and forfeited bail in actions based upon municipal ordinance, and providing clerical assistance to judicial officers to simplify collections by and dispositions from district court.

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

- 1 SECTION 1. Section six hundred two point fifty-five (602.55), un-  
 2 numbered paragraph one (1), Code 1973, as amended by Acts of the  
 3 Sixty-fifth General Assembly, 1973 Session, chapter two hundred  
 4 eighty-two (282), section forty-two (42), is amended to read as fol-  
 5 lows:  
 6 Each month each judicial magistrate and district associate judge  
 7 shall file with the clerk of the district court of the proper county a  
 8 sworn, itemized statement, ~~by case~~, of all *cases disposed of and all*  
 9 funds received and disbursed *per case*, and at least monthly shall remit  
 10 to the clerk all funds received by him. The clerk shall provide adequate  
 11 clerical assistance to judicial magistrates ~~servng pursuant to section~~  
 12 ~~six hundred two point fifty-one (602.51) of the Code~~ and district asso-  
 13 ciate judges to carry out this section. The clerk shall remit ninety  
 14 percent of all fines and forfeited bail received from a magistrate or  
 15 district associate judge to the city or town that was the plaintiff in  
 16 any action, *and shall provide that city or town with a statement show-*  
 17 *ing the total number of such cases, the total of all fines and forfeited*  
 18 *bail collected and the total of all cases dismissed.* The clerk shall remit  
 19 the remaining ten percent to the county treasurer for deposit in the  
 20 county general fund. The clerk shall remit to the treasurer of the  
 21 county, for the benefit of the school fund, all other fines and forfeited  
 22 bail received from a magistrate. All fees and costs for the filing of a  
 23 complaint or information or upon forfeiture of bail received from a  
 24 magistrate shall be remitted monthly by the clerk as follows:

1 SEC. 2. Section three hundred twenty-one point two hundred  
2 thirty-six (321.236), subsection one (1), paragraph a, Code 1973, as  
3 amended by Acts of the Sixty-fifth General Assembly, 1973 Session,  
4 chapter two hundred eighty-two (282), section nineteen (19), is  
5 amended to read as follows:

6 a. May be charged *and collected* upon a simple notice of a fine not  
7 exceeding five dollars payable to the city or town clerk, if authorized  
8 by ordinance. *No costs or other charges shall be assessed. One hun-*  
9 *dred percent of all fines collected by a city or town pursuant to this*  
10 *paragraph shall be retained by the city or town.*

1 SEC. 3. Acts of the Sixty-fourth General Assembly, 1972 Session,  
2 chapter one thousand eighty-eight (1088), section twelve (12), subsec-  
3 tion two (2), is amended to read as follows:

4 2. A city may not provide a penalty in excess of a one hundred  
5 dollar fine or in excess of thirty days imprisonment for the violation of  
6 an ordinance. *An amount equal to ten percent of all fines collected by*  
7 *municipal corporations shall be remitted quarterly to the county trea-*  
8 *surer of the county in which the municipal corporation is located for*  
9 *deposit in the county general fund. However, one hundred percent of*  
10 *all fines collected by a city or town pursuant to subsection one (1)*  
11 *of section three hundred twenty-one point two hundred thirty-six*  
12 *(321.236) of the Code, shall be retained by the city or town.*

1 SEC. 4. Section three hundred sixty-six point one (366.1), Code  
2 1973, as amended by Acts of the Sixty-fifth General Assembly, 1973  
3 Session, chapter two hundred eighty-two (282), section twenty-seven  
4 (27), is amended to read as follows:

5 **366.1 Power to pass.** Municipal corporations shall have power to  
6 make and publish, from time to time, ordinances, not inconsistent with  
7 the laws of the state, for carrying into effect or discharging the powers  
8 and duties conferred by this title, and such as shall seem necessary  
9 and proper to provide for the safety, preserve the health, promote the  
10 prosperity, improve the morals, order, comfort, and convenience of  
11 such corporations and the inhabitants thereof, and to enforce obedi-  
12 ence to such ordinances by fine not exceeding one hundred dollars, or  
13 by imprisonment not exceeding thirty days. An amount equal to ten  
14 percent of all fines collected by municipal corporations shall be re-  
15 mitted quarterly to the county treasurer of the county in which the  
16 municipal corporation is located for deposit in the county general fund.  
17 *However, one hundred percent of all fines collected by a city or town*  
18 *pursuant to subsection one (1) of section three hundred twenty-one*  
19 *point two hundred thirty-six (321.236) of the Code, shall be retained*  
20 *by the city or town.*

1 SEC. 5. Section two (2) of this Act shall take effect on July 1, 1974.  
2 Sections one (1), three (3) and four (4) shall take effect on July 1,  
3 1975.

Approved May 27, 1974