

Re: Judiciary 1/12/76

FILED MAY 20 1975

SENATE FILE 535

By COMMITTEE ON JUDICIARY

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

A BILL FOR

1 An Act relating to offenses which may be charged upon a
 2 uniform citation and complaint, and providing penalties.
 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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1 Section 1. Section seven hundred fifty-three point thirteen
2 (753.13), unnumbered paragraph one (1), Code 1975, is amended
3 to read as follows:

4 753.13 UNIFORM CITATION AND COMPLAINT. The commissioner
5 of public safety shall adopt a uniform, combined traffic
6 citation and complaint, which shall be used for charging all
7 traffic violations in Iowa under state law or municipal
8 ordinance, unless the defendant is charged by information
9 or section 321.236, subsection 1, is applicable. Each citation
10 and complaint shall be serially numbered and shall be in
11 ~~quadruplicate~~ quintuplicate, and the officer shall deliver
12 the original and a copy to the court where the defendant is
13 to appear, ~~a copy~~ two copies to the defendant, and a copy
14 to the law enforcement agency of the officer. The court shall
15 forward the copy of the citation and complaint in accordance
16 with section 321.207. The citation and complaint shall
17 contain, among other things, spaces for the parties' names
18 and for the information required by section 321.485, subsection
19 2; a place where the defendant may sign the promise to appear
20 referred to in section 321.486; a list of the minimum fines
21 prescribed by section 753.15, either separately or by groups;
22 a brief explanation of sections 753.16 and 753.17; and a space
23 where the defendant may sign an admission of the violation
24 when such section 753.16 is applicable. Every citation and
25 complaint shall require the defendant to appear before a court
26 at a specified time and place. Notwithstanding section
27 321.485, subsection 2, the officer may arrest the defendant
28 although a citation and complaint is used to charge the
29 violation, if authorized by section 755.4.

30 Sec. 2. Section seven hundred fifty-three point fifteen
31 (753.15), subsections three (3) through seven (7), Code 1975,
32 are amended to read as follows:

33 3. ~~Improper-lights~~ Defective or improper equipment other
34 than brakes, ten dollars.

35 4. ~~Improper-muffler~~ Motor running unattended, ten dollars.

1 Sections 2 and 3 amend the prescribed scheduled violations
2 for which no court appearance is required; i.e., those for
3 which the fine may be paid without a hearing. The amendments
4 add to the list of scheduled violations, leaving motor running
5 unattended, failure to stop at a red light or stop sign,
6 speeding from 11 to 20 miles per hour over the limit, and
7 failure to have a valid current operator's license.

8 Sections 4 and 5 relate to the judicial officer to which
9 a traffic violator may be taken, and permit either the nearest
10 magistrate or the most accessible magistrate to process the
11 complaint. A new section added to chapter 753 requires the
12 supreme court to assure that a magistrate is made available
13 in every county and at all times.

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