

*February 2/1*

SENATE FILE 2084

Judiciary  
Glenn, Chairperson  
Rush  
Ramsey  
Holden  
Scott

**FILED JAN 31 1978**

SENATE FILE 2084

By REDMOND

Passed Senate, Date \_\_\_\_\_ Passed House, Date \_\_\_\_\_  
Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_ Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_  
Approved \_\_\_\_\_

## A BILL FOR

1 An Act relating to the authority of the attorney general with  
2 respect to prosecutions of public offenses in the district  
3 court.

4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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1 Section 1. Section thirteen point two (13.2), subsection  
2 two (2), Code 1977, is amended to read as follows:

3 2. Prosecute and defend in any other court or tribunal,  
4 all actions and proceedings, civil or criminal, in which the  
5 state may be a party or interested, when, in his or her  
6 judgment, the interest of the state requires such action,  
7 or when requested to do so by the governor, executive council,  
8 or general assembly; provided that the attorney general shall  
9 not, absent specific statutory authority to prosecute a  
10 specific public offense, prosecute in the district court any  
11 public offense unless requested to do so by the county attorney  
12 in whose county the offense is alleged to have occurred, or  
13 unless the district court for the county in which the offense  
14 is alleged to have occurred certifies that the county attorney  
15 is incapacitated by conflict of interest.

16 Sec. 2. Section thirteen point two (13.2), subsection  
17 seven (7), Code 1977 is amended to read as follows:

18 ~~7. Supervise-county-attorneys-in-all-matters-pertaining~~  
19 ~~to-the-duties-of-their-offices,-and-from~~ From time to time  
20 ~~to~~ require of ~~them~~ county attorneys reports as to the condition  
21 of public business entrusted to their charge.

22 Sec. 3. Section sixty-eight B point nine (68B.9), Code  
23 1977, is amended to read as follows:

24 68B.9 ACTIONS COMMENCED. Actions to enforce the provisions  
25 of this chapter may be commenced by any legal resident of  
26 the state of Iowa who is eighteen years of age or more at  
27 the time of commencing the action or by the ~~attorney-general~~  
28 county attorney.

29 Sec. 4. This Act shall take effect January 1, 1979.

30 EXPLANATION

31 This bill would limit the existing authority of the attorney  
32 general to prosecute criminal actions in district court by  
33 providing that the attorney general shall not prosecute any  
34 of those actions unless (1) a statute empowers the attorney  
35 general to prosecute a specific offense, or (2) the county

1 attorney requires the attorney general to prosecute an offense,  
2 or (3) the district court certifies that the county attorney  
3 is incapacitated in a specific action because of conflict  
4 of interest. The bill also deletes the supervisory powers  
5 of the attorney general over county attorneys and strikes  
6 the authority of the attorney general to prosecute actions  
7 under chapter 68B of the Code, relating to conflicts of  
8 interest.

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