

See preliminary file number 2063 in the Senate file (p. 102)

FILED JAN 20 1988

SENATE FILE 2063
BY COMMITTEE ON JUDICIARY
(formerly 55B*2016)
Appropriation (p. 102)

Passed Senate, Date Dec 14 (p. 102)
Vote: Ayes 46 Nays 2

Passed House, Date Dec 14 (p. 102)
Vote: Ayes 74 Nays 0

Approved March 26, 1988
Appropriation Senate 4/1/88 (p. 120-3)
47.0

A BILL FOR

1 An Act relating to the jurisdiction of magistrates.
2 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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H-5695

SENATE FILE 2063

1 Amend Senate File 2063 as passed by the Senate as
2 follows:
3 1. Title page, line 1, by inserting after the
4 word "magistrates" the following: ", and providing an
5 effective date".

H-5695 FILED MARCH 17, 1988
Adopted 3/25 (p. 102)

BY COMMITTEE ON JUDICIARY
AND LAW ENFORCEMENT

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1 Section 1. Section 602.6405, subsection 1, Code Supplement
2 1987, is amended by striking the subsection and inserting in
3 lieu thereof the following:

4 1. Magistrates have jurisdiction of simple misdemeanors,
5 including traffic and ordinance violations, and preliminary
6 hearings, search warrant proceedings, county and municipal
7 infractions, and small claims. They also have jurisdiction to
8 exercise the powers specified in sections 644.2 and 644.12,
9 and to hear complaints or preliminary informations, issue
10 warrants, order arrests, make commitments, and take bail.
11 They also have jurisdiction over violations of section 123.47
12 and section 123.49, subsection 2, paragraph "h".

13 Sec. 2. This Act, being deemed of immediate importance,
14 takes effect upon enactment.

15 EXPLANATION

16 This bill reenacts section 602.6405, subsection 1, as
17 amended by House File 2472, 1984 Session, and House File 318,
18 1987 Session. This reenactment is necessary because the
19 change made by House File 2472 was declared void by a 1987
20 Iowa supreme court decision. The supreme court affirmed a
21 district court decision which held that this provision,
22 contained in House File 2472, violated the single subject,
23 sufficiency of title provision of the Iowa Constitution.

24 The bill removes magistrates' jurisdiction over first
25 offense drunk driving violations.

26 SUCCESSOR TO SENATE STUDY BILL 2016 (LSB 7061SC)

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HOUSE AMENDMENT TO
SENATE FILE 2063

S-5619

- 1 Amend Senate File 2063 as passed by the Senate as
- 2 follows:
- 3 1. Title page, line 1, by inserting after the
- 4 word "magistrates" the following: ", and providing an
- 5 effective date".

S-5619

Filed March 29, 1988

Senate concurred 4/5 (p. 1353)

RECEIVED FROM THE HOUSE

JUDICIARY: Doyle, Chair; Mann and Holt

Notes
SENATE FILE 2663
BY (PROPOSED COMMITTEE ON
JUDICIARY BILL)

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

A BILL FOR

1 An Act relating to the jurisdiction of magistrates.
2 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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10 warrants, order arrests, make commitments, and take bail.
11 They also have jurisdiction over violations of section 123.47
12 and section 123.49, subsection 2, paragraph "h".

13 Sec. 2. This Act, being deemed of immediate importance,
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EXPLANATION

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Sec. 2. This Act, being deemed of immediate importance, takes effect upon enactment.

SENATE FILE 2063

AN ACT
RELATING TO THE JURISDICTION OF MAGISTRATES, AND PROVIDING
AN EFFECTIVE DATE.

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

Section 1. Section 602.6405, subsection 1, Code Supplement 1987, is amended by striking the subsection and inserting in lieu thereof the following:

1. Magistrates have jurisdiction of simple misdemeanors, including traffic and ordinance violations, and preliminary hearings, search warrant proceedings, county and municipal infractions, and small claims. They also have jurisdiction to exercise the powers specified in sections 644.2 and 644.12, and to hear complaints or preliminary informations, issue warrants, order arrests, make commitments, and take bail. They also have jurisdiction over violations of section 123.47 and section 123.49, subsection 2, paragraph "h".

JO ANN ZIMMERMAN
President of the Senate

DONALD D. AVENSON
Speaker of the House

I hereby certify that this bill originated in the Senate and is known as Senate File 2063, Seventy-second General Assembly.

Approved  1988

JOHN P. DWYER
Secretary of the Senate

TERRY E. BRANSTAD
Governor

SF 2063