

FILED MAR 03 1992

SENATE FILE 2265
BY COMMITTEE ON JUDICIARY
Appanoose (p. 588)
(SUCCESSOR TO SSB 2169)

Passed Senate, Date 3/17/92 (p. 815) Passed House, Date 4/2/92 (p. 993)
Vote: Ayes 46 Nays 0 Vote: Ayes 99 Nays 0

Approved April 22, 1992 (p. 1565)
Approved Senate 4/6/92 (p. 1245)
Approved 45, Yeas 0

A BILL FOR

1 An Act relating to elections of judicial nominating commissioners
2 and the subpoena power of the commission on judicial
3 qualifications.

4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
SENATE FILE 2265

H-5487

1 Amend Senate File 2265, as passed by the Senate, as
2 follows:

3 1. By striking page 1, line 18 through page 2,
4 line 23.

5 2. Title page, line 1, by striking the word
6 "commissioners" and inserting the following;
7 "commissioners."

8 3. Title page, by striking lines 2 and 3.

By COMMITTEE ON JUDICIARY AND
LAW ENFORCEMENT
JAY of Appanoose, Chairperson

H-5487 FILED MARCH 24, 1992
(Adopted 4/2 (p. 993))

HOUSE AMENDMENT TO
SENATE FILE 2265

S-5529

1 Amend Senate File 2265, as passed by the Senate, as
2 follows:

3 1. By striking page 1, line 18 through page 2,
4 line 23.

5 2. Title page, line 1, by striking the word
6 "commissioners" and inserting the following;
7 "commissioners."

8 3. Title page, by striking lines 2 and 3.

RECEIVED FROM THE HOUSE

S-5529 FILED APRIL 2, 1992
(Adopted 4/6/92 (p. 1245))

SF 2265

1 Section 1. Section 46.7, Code 1991, is amended to read as
2 follows:

3 46.7 ELIGIBILITY TO VOTE.

4 To be eligible to vote in elections of judicial nominating
5 commissioners, a member of the bar must be eligible to
6 practice and must be a resident of the state of Iowa and of
7 the appropriate congressional district or judicial election
8 district as shown by the member's most recent filing with the
9 supreme court for the purposes of showing compliance with the
10 court's continuing legal education requirements, or for
11 members of the bar eligible to practice who are not required
12 to file such compliance, any paper on file by July 1 with the
13 clerk of the supreme court, for the purpose of establishing
14 eligibility to vote under this section, which the court
15 determines to show the requisite residency requirements. A
16 judge who has been admitted to the bar of the state of Iowa
17 shall be considered a member of the bar.

18 Sec. 2. Section 602.2104, subsection 2, Code 1991, is
19 amended to read as follows:

20 2. In case of a hearing before the commission, written
21 notice of the charge and of the time and place of hearing
22 shall be mailed to the judicial officer at the officer's
23 residence at least twenty days prior to the time set for
24 hearing. Hearing shall be held in the county where the
25 judicial officer resides unless the commission and the
26 judicial officer agree to a different location. The judicial
27 officer shall continue to perform judicial duties during the
28 pendency of the charge, unless otherwise ordered by the
29 commission. ~~The commission has subpoena power on behalf of~~
30 ~~the state and the judicial officer, and disobedience of the~~
31 ~~commission's subpoena is punishable as contempt in the~~
32 ~~district court for the county in which the hearing is held.~~
33 The attorney general shall prosecute the charge before the
34 commission on behalf of the state. The judicial officer may
35 defend and has the right to participate in person and by

1 counsel, to cross-examine, to be confronted by the witnesses,
2 and to present evidence in accordance with the rules of civil
3 procedure. A complete record shall be made of the evidence by
4 a court reporter. In accordance with its findings on the
5 evidence, the commission shall dismiss the charge or make
6 application to the supreme court to retire, discipline, or
7 remove the judicial officer.

8 Sec. 3. NEW SECTION. 602.2104A SUBPOENA POWER.

9 1. The commission has subpoena power which may be used in
10 conducting its investigations and during the hearing process.
11 Disobedience of the commission's subpoena or refusal to
12 testify or to produce required documents is punishable as
13 contempt in the district court for the county in which the
14 hearing is being held or the investigation is being conducted.
15 Costs related to investigations and to witnesses subpoenaed by
16 the designated prosecutor shall be paid by the commission.

17 2. Investigative subpoenas may compel appearance before
18 the person designated to conduct the investigation, and the
19 person conducting the investigation shall administer the
20 required oath.

21 3. During the hearing process, subpoenas shall be issued
22 at the request of the designated prosecutor or the judicial
23 officer.

24 EXPLANATION

25 The bill requires that members of the bar must be eligible
26 to practice in order to vote in elections of judicial
27 nominating commissioners.

28 The bill also expands the use of subpoenas in proceedings
29 involving the commission on judicial qualifications. While
30 currently the commission has subpoena power in the hearing
31 process, the bill expands the power to the investigation
32 process, and provides that the investigator may administer
33 required oaths. The bill provides that in the hearing
34 process, subpoenas shall be issued at the request of the
35 designated prosecutor or the judicial officer. The bill

1 further provides that costs related to investigations and
2 witnesses who are subpoenaed shall be paid by the commission.

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STURGEON, CH.
VARN
SLIFE 2-13-92

SSB 2169
JUDICIARY - Now

SENATE FILE 2265
BY (PROPOSED COMMITTEE ON JUDICIARY
BILL BY CHAIRPERSON STURGEON)

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

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SENATE FILE 2265

AN ACT

RELATING TO ELECTIONS OF JUDICIAL NOMINATING COMMISSIONERS.

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

Section 1. Section 46.7, Code 1991, is amended to read as follows:

46.7 ELIGIBILITY TO VOTE.

To be eligible to vote in elections of judicial nominating commissioners, a member of the bar must be eligible to practice and must be a resident of the state of Iowa and of the appropriate congressional district or judicial election district as shown by the member's most recent filing with the supreme court for the purposes of showing compliance with the court's continuing legal education requirements, or for members of the bar eligible to practice who are not required to file such compliance, any paper on file by July 1 with the clerk of the supreme court, for the purpose of establishing eligibility to vote under this section, which the court determines to show the requisite residency requirements. A

MICHAEL E. GRONSTAL
President of the Senate

ROBERT C. ARNOULD
Speaker of the House

I hereby certify that this bill originated in the Senate and is known as Senate File 2265, Seventy-fourth General Assembly.

JOHN F. DWYER
Secretary of the Senate

Approved *April 22, 1992*

TERRY E. BRANSTAD
Governor