

CHAPTER 1124

UNIFIED TRIAL COURT

S. F. 428

AN ACT to provide a unified trial court having district court judges, district associate judges, and judicial magistrates; to discontinue inferior courts; to establish traffic violations offices within the district court to receive uniform traffic violation penalties; to prescribe procedures for district courts, and providing penalties.

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

UNIFIED TRIAL COURT

1 SECTION 1. **Unified trial court.** Effective July 1, 1973,* there shall
2 be a unified trial court in the state of Iowa, known as "Iowa District
3 Court". The Iowa district court shall have general and original juris-
4 diction of all actions, proceedings, and remedies, civil, criminal, pro-
5 bate, and juvenile, and shall have and exercise all the power usually
6 possessed and exercised by trial courts of general jurisdiction.

1 SEC. 2. **Judicial officers.** To the extent provided in this Act, the
2 judicial power of the Iowa district court shall be exercised by Iowa
3 district judges, district court associate judges, and judicial magis-
4 trates.

DISTRICT JUDGES

1 SEC. 3. Section six hundred four point eight (604.8), subsections
2 two (2) and three (3), Code 1971, are amended to read as follows:

3 2. The number of judgeships to which each of the judicial districts
4 shall be entitled shall be determined from time to time according to
5 the following formula, giving equal weight to cases filed and popula-
6 tion: In districts containing a city of fifty thousand or more popula-
7 tion, there shall be one judgeship per five hundred fifty combined civil
8 and criminal filings *excluding small claims and misdemeanors* and
9 forty thousand population, or major fraction of either; in all other
10 districts there shall be one judgeship per four hundred fifty combined
11 civil and criminal filings and forty thousand population, or major
12 fraction of either; provided, the seat of government shall be entitled
13 to one additional judgeship. The figures on filings shall be the average
14 for the latest available previous three-year period and when current
15 census figures on population are not available, figures shall be taken
16 from the state department of health computations.

17 3. A vacancy, for purposes of this section, is defined as the death,
18 retirement, removal, or failure of retention in office at the judicial
19 election, of a judge *or increase in judgeships under this section.*

1 SEC. 4. Section six hundred four point eight (604.8), subsection
2 six (6), Code 1971, is amended by striking the subsection and insert-
3 ing in lieu thereof the following:

4 6. In those judicial districts that contain judicial election districts,
5 no vacancy in any judicial election district shall be filled if the total
6 number of judges in all the judicial election districts within the judi-
7 cial district equals or exceeds the number of judgeships to which all
8 of the judicial election districts of the judicial district combined are
9 authorized.

*See also §§44, 179 and 283.

1 SEC. 5. Section six hundred four point eight (604.8), subsections
2 seven (7) and eight (8), Code 1971, are amended to read as follows:

3 7. After the number of judges in each district equals the proper
4 number of judgeships, as determined under subsection 2 hereof,
5 subsection 6 hereof shall be of no further effect. Thereafter, a new
6 judge shall be appointed in any district which becomes entitled to an
7 additional judgeship, under subsection 2 hereof; and vacancies *Vacancies*
8 shall not be filled in any district which may become entitled to
9 fewer judgeships under said subsection; but no incumbent judge shall
10 ever be removed from office by reason thereof.

11 8. ~~On~~ *During* January 2 of each year, and at such other times as
12 may be appropriate, the ~~chief justice~~ *supreme court administrator*
13 shall make the determinations required under this section, and shall
14 notify the nominating commissions involved and the governor of any
15 appointments that may be required as a result thereof.

1 SEC. 6.* Before April 1, 1973, the supreme court administrator
2 shall notify the secretary of state of any additional judgeships cre-
3 ated by this Act. The secretary of state shall notify the proper judi-
4 cial nominating commission in accordance with chapter forty-six (46)
5 of the Code. Such commission shall proceed as provided in that chap-
6 ter. Effective July 1, 1973, a district judge shall be appointed for the
7 district pursuant to chapter forty-six (46) of the Code, if the district
8 is entitled to an additional judge or judges as a result of this Act.

1 SEC. 7.* The governor may appoint a person to serve as a judge
2 or magistrate whenever federal funds are available for his salary,
3 the cost of courtroom space, and the salary of any additional court
4 staff. The person appointed by the governor shall fill the position
5 until his successor is appointed or until federal funds are no longer
6 available as required in this section. The person appointed under
7 this section may hear all cases in which the use of alcohol is evident,
8 and any prosecution under section three hundred twenty-one point
9 two hundred eighty-one (321.281) of the Code may be transferred
10 within the judicial district to the jurisdiction of the person appointed
11 under this section.

1 SEC. 8. **District judges.** Iowa district judges shall possess the full
2 jurisdiction of the Iowa district court, including the jurisdiction of
3 judicial magistrates. While exercising the jurisdiction possessed by
4 judicial magistrates, district judges shall employ judicial magistrates'
5 practice and procedure, and may hold court at any place where a
6 judicial magistrate may do so.

1 SEC. 9. Section six hundred four point three (604.3), Code 1971,
2 is amended by striking the section and inserting in lieu thereof the
3 following:

4 **604.3 Probate orders.** Iowa district judges shall have statewide
5 jurisdiction to enter orders in probate matters not requiring notice
6 and hearing, although the judge is not a judge of or present in the
7 district in which the probate matter is pending. Such orders shall be
8 made in conformity with the rules of the district in which the probate
9 matter is pending.

*Effective July 1, 1972, see §283.

1 SEC. 10. Section six hundred thirty-three point three (633.3), Code
 2 1971, is amended by striking subsection nine (9) and inserting in lieu
 3 thereof the following:

4 9. Court—the Iowa district court sitting in probate and includes
 5 any Iowa district judge.

1 SEC. 11. Section six hundred four point nine (604.9), Code 1971,
 2 is amended to read as follows:

3 604.9 Place of holding court. Courts must be held at the places
 4 provided by law in each county, as designated by the chief judge of
 5 the judicial district, except for the determination of actions, special
 6 proceedings, and other matters not requiring a jury, when they may,
 7 by consent of the parties therein, be held at some other place in the
 8 district with the consent of the parties.

JUDICIAL MAGISTRATES*

1 SEC. 12. Composition of county judicial magistrate appointing com-
 2 missions. There shall be in each county a judicial magistrate appoint-
 3 ing commission which shall be composed of the following members,
 4 except as provided in section eighteen (18) of this Act:

- 5 1. A district court judge designated by the chief judge of the dis-
 6 trict.
- 7 2. Three members appointed by the board of supervisors.
- 8 3. Two attorneys elected by the county bar.

1 SEC. 13. Appointment commissioners. The boards of supervisors
 2 of each county shall appoint three electors to the county judicial
 3 magistrate appointing commission for the county for six-year terms
 4 beginning January 1, 1973.

1 SEC. 14. Election commissioners. The resident members of the
 2 bar of each county shall elect resident members of the bar of such
 3 county to the county judicial magistrate appointing commission for
 4 six-year terms beginning on January first. During December 1972,
 5 and in each December thereafter, immediately preceding the expira-
 6 tion of the terms of the members of the commission, the members of
 7 the bar shall elect commissioners to six-year terms.

1 SEC. 15. Eligibility to vote. Eligibility to vote in elections of
 2 judicial magistrate appointing commissioners within a county shall
 3 be registration as a member of the bar in accordance with sections
 4 forty-six point seven (46.7) and forty-six point eight (46.8) of the
 5 Code, and residency within the county.

1 SEC. 16. Conduct of elections. When an election of judicial magis-
 2 trate appointing commissioners in a county is to be held, the clerk of
 3 the district court for the county shall cause ballots to be mailed to
 4 the members of the bar eligible in accordance with section fifteen (15)
 5 of this Act, substantially as follows:

6 County Judicial Magistrate Appointing Commission
 7 BALLOT
 8 To be cast by the resident members of the bar of
 9 County.

*Sections 12 to 19 effective July 1, 1972, see §283.

10 Vote for (state number) for County judicial magistrate
 11 appointing commissioner (s) for term commencing
 12 John Doe
 13

14 To be counted, this ballot must be completed and mailed or delivered
 15 to Clerk of the District Court,, not later than December 31,
 16 19..... (or the appropriate date under section nineteen (19) of this
 17 Act in case of an election to fill a vacancy).

1 SEC. 17. No person while a member of the county judicial magis-
 2 trate appointing commission shall be appointed to the office of judicial
 3 magistrate. No member appointed by the board of supervisors to the
 4 judicial magistrate appointing commission shall be an attorney at law
 5 or an active law enforcement officer.

1 SEC. 18. **Exception.** In the event there is only one resident mem-
 2 ber of the bar in a county, the number appointed by the county board
 3 of supervisors shall be two. In the event there are no attorneys with-
 4 in the county, the county board of supervisors shall appoint one com-
 5 missioner.

1 SEC. 19. **Vacancy.** A vacancy in the office of judicial magistrate
 2 appointing commissioner shall be filled by special appointment or elec-
 3 tion as the case may be for the unexpired term.

1 SEC. 20. **Appointment and termination of judicial magistrates.**
 2 During April, 1973 and in April of the year in which magistrates'
 3 terms expire, the judicial magistrate appointing commission shall,
 4 by majority vote, appoint Iowa judicial magistrates in such number
 5 as provided in section twenty-eight (28) of this Act. The commis-
 6 sion shall appoint no more magistrates than allotted to the county
 7 by the supreme court administrator except as provided in sections
 8 twenty-eight (28) and twenty-nine (29) of this Act. The judicial
 9 magistrates appointed initially shall take office July 1, 1973, and their
 10 term of office shall expire June 30, 1974. Thereafter, judicial magis-
 11 trates shall take office on July 1, 1974 and every two years thereafter,
 12 provided however, full time judicial magistrates appointed for the
 13 term commencing July 1, 1974 shall hold office for a term of four
 14 years and shall be subject to appointment every four years thereafter.
 15 The commission shall promptly certify the names and addresses of
 16 the magistrates appointed to the clerk of the district court and the
 17 chief judge of the judicial district. The clerk shall certify to the
 18 supreme court administrator and to the state comptroller the names
 19 and addresses of magistrates so appointed. The certification of the
 20 clerk to the comptroller shall be authority for the comptroller to pay
 21 the salaries in accordance with section twenty-four (24) of this Act.
 22 Judicial magistrates shall be officers of the state.

23 Before assuming office, a judicial magistrate shall subscribe and
 24 file in the office of the clerk of the district court of the county of his
 25 residence his oath of office to uphold and support the Constitutions of
 26 the United States of America and state of Iowa, the laws enacted pur-
 27 suant thereto, and the law and ordinances of the political subdivisions
 28 of the state of Iowa. Before July 1, 1973, and annually thereafter,
 29 the supreme court administrator shall cause a school of instruction
 30 to be conducted for district magistrates, which each district magis-

31 trate appointed as provided in this Act prior to the time he takes
32 office shall attend unless excused by the chief justice for good cause.

1 **SEC. 21. Full time magistrates.** Of the number of magistrates
2 allotted, there shall be one magistrate who shall devote his entire
3 time to the duties of his position including the holding of court on
4 each weekday except for a reasonable vacation period in those counties
5 having a population, according to the last federal decennial census, of
6 more than thirty-five thousand and less than eighty thousand. There
7 shall be two such magistrates in those counties having a population of
8 more than eighty thousand and less than one hundred twenty-five
9 thousand. There shall be three such magistrates in any county hav-
10 ing a population of more than one hundred and twenty-five thousand
11 and less than two hundred thousand people. There shall be four such
12 magistrates in counties having a population of two hundred thousand
13 people or above. In those counties in which a district court associate
14 judge or judges reside, the district court associate judge or judges
15 shall be considered full-time judicial magistrates for the purposes
16 of this section. In those counties authorized more full-time magis-
17 trates than have district court associate judges residing therein, the
18 county judicial magistrate appointing commission shall determine
19 which magistrate or magistrates shall serve on a full-time basis.

1 **SEC. 22. Qualifications, age.** A judicial magistrate shall be an
2 elector of the county of appointment, shall be less than seventy-two
3 years of age, and shall cease to hold office upon attaining that age.

1 **SEC. 23. Prohibitions.** No magistrate shall accept any fee or
2 reward from or on behalf of anyone for services rendered in the con-
3 duct of any official business except as provided in this Act.

4 A magistrate or any member of any corporation, partnership, firm
5 or association with which he may be connected, may not be directly
6 or indirectly engaged in any capacity for any party in any action
7 or proceeding pending or arising within his jurisdiction based upon
8 substantially the same facts upon which a prosecution or proceeding
9 has been prosecuted or commenced before him.

1 **SEC. 24. Salary, expenses.** Each judicial magistrate shall receive
2 a salary payable from the general fund of the state and also his
3 actual and necessary expenses in the performance of his duties while
4 away from the city or town of his residence, in accordance with sec-
5 tion six hundred five point two (605.2) of the Code. The salary of
6 judicial magistrates, except as otherwise provided herein, shall be
7 the sum of four thousand eight hundred dollars annually. The judicial
8 magistrates serving as full-time magistrates shall receive an annual
9 salary of seventeen thousand two hundred dollars. Judicial magis-
10 trates except district associate judges shall be members of the Iowa
11 public employees' retirement system.

1 **SEC. 25.** During January of 1975, the supreme court administra-
2 tor shall make a report to the Sixty-sixth General Assembly, detailing
3 the previous year's statistics provided by the judicial magistrates.
4 The Sixty-sixth General Assembly shall review and readjust the com-
5 pensation of judicial magistrates. If the general assembly fails to
6 readjust the salaries under this section the salaries shall remain the
7 same.

1 **SEC. 26. Funds, reports.** Each month each judicial magistrate
2 shall file with the clerk of the district court of the proper county a
3 sworn, itemized statement, by case, of all funds received and dis-
4 bursed, and at least monthly shall remit to the clerk all funds received
5 by him. The clerk of court shall provide adequate clerical assistance
6 to the full-time magistrates and district associate judges to carry out
7 this section. The clerk shall remit all fines and forfeited bail received
8 from a magistrate to the city or town that was the plaintiff in any
9 action. The clerk shall remit to the treasurer of the county, for the
10 benefit of the school fund, all other fines and forfeited bail received
11 from a magistrate. All fees and costs for the filing of a complaint
12 or information or upon forfeiture of bail received from a magistrate
13 shall be remitted monthly by the clerk as follows:

14 1. Three-fifths to the state treasurer to be credited to the general
15 fund of the state.

16 2. Two-fifths to the county treasurer to be credited to the general
17 fund of the county.

1 **SEC. 27. Removal of judicial magistrates.** The electors residing
2 within a county where a magistrate resides may petition the judges
3 of the district court to terminate the appointment of a judicial magis-
4 trate sitting in that district. Such petition shall be signed by at least
5 two percent of the electors voting for governor in the last general
6 election of the county of residence of the magistrate and shall contain
7 a general statement of the grounds upon which termination is sought.
8 Within thirty days after the petition is filed with the clerk of the dis-
9 trict court of the county in which the judicial magistrate resides, the
10 district judges of that district sitting en banc shall hold a hearing
11 to determine the sufficiency and the merits of such petition and shall
12 determine whether to continue or terminate the appointment of such
13 judicial magistrate.

14 The district court judges sitting en banc on their own motion may
15 by majority vote, remove a magistrate for disability or for other cause.

1 **SEC. 28. Allotment.** There shall be a combined total of two hun-
2 dred twenty Iowa judicial magistrates and district court associate
3 judges combined except as provided in section twenty-nine (29) of
4 this Act. During January of 1974 and every two years thereafter,
5 the supreme court administrator shall apportion the number of dis-
6 trict magistrates among the counties in accordance with the following
7 criteria:

8 1. The number and type of proceedings contained in the adminis-
9 trative reports required by section thirty-five (35) of this Act.

10 2. The existence of either permanent, temporary or seasonal popu-
11 lations not included in the current census figures.

12 3. The geographical area to be served.

13 4. An inordinate number of pending cases over which magistrates
14 have jurisdiction in the preceding year.

15 5. The number and types of juvenile proceedings handled by dis-
16 trict associate judges.

17 Provided, however, that each county shall be allotted no less than
18 one resident judicial magistrate.

19 During February of 1974 and during February of every two years
20 thereafter, the supreme court administrator shall notify the clerk of
21 the district court of each county and the chief judge of the appropriate

22 judicial district, of the number of magistrates to which the county is
23 entitled.

1 **SEC. 29. Additional judicial magistrate allowed.** In those counties
2 which are allotted one judicial magistrate under section twenty-eight
3 (28) or thirty (30) of this Act, the county judicial magistrate ap-
4 pointing commission may, by majority vote, decide to appoint one
5 additional judicial magistrate. In those counties appointing an addi-
6 tional magistrate under this section, each magistrate shall receive a
7 salary of two thousand four hundred dollars per year.

1 **SEC. 30. Initial allotment.** The allotment of the judicial magis-
2 trates to be appointed in 1973 shall be as follows:

3 1. One magistrate for each of the following counties: Adams, Alla-
4 makee, Audubon, Calhoun, Cherokee, Davis, Decatur, Emmet, Frank-
5 lin, Fremont, Greene, Guthrie, Hancock, Howard, Humboldt, Ida,
6 Jefferson, Keokuk, Louisa, Lucas, Lyon, Madison, Mitchell, Monroe,
7 Montgomery, O'Brien, Osceola, Palo Alto, Pocahontas, Ringgold,
8 Shelby, Taylor, Union, Van Buren, Wayne, Winnebago, and Worth.

9 2. Two magistrates for each of the following counties: Adair, Ap-
10 panoose, Boone, Buchanan, Buena Vista, Butler, Carroll, Cass, Chicka-
11 saw, Clarke, Clay, Clayton, Crawford, Dallas, Delaware, Dickinson,
12 Fayette, Grundy, Hamilton, Hardin, Henry, Iowa, Jackson, Jasper,
13 Jones, Kossuth, Mahaska, Marion, Marshall, Mills, Monona, Page,
14 Poweshiek, Sac, Sioux, Tama, Washington, Winneshiek, and Wright.

15 3. Three magistrates for each of the following counties: Benton,
16 Bremer, Des Moines, Floyd, Harrison, Muscatine, Plymouth, Wapello,
17 Warren, and Webster.

18 4. Four magistrates for each of the following counties: Cedar,
19 Cerro Gordo, Clinton, Dubuque, Johnson, Lee, and Story.

20 5. Six magistrates for Black Hawk county.

21 6. Seven magistrates for Linn county.

22 7. Eight magistrates for each of the following counties: Pottawat-
23 tamie, Scott, and Woodbury.

24 8. Ten magistrates for Polk county.

1 **SEC. 31. Jurisdiction, venue.** Judicial magistrates shall have juris-
2 diction of nonindictable misdemeanors, including traffic and ordinance
3 violations, preliminary hearings, search warrant proceedings, forcible
4 entry and detainer actions, and small claims. They shall also have
5 the powers specified in section seven hundred forty-eight point two
6 (748.2) of the Code. They shall have power to act any place within
7 the district as directed, and venue shall be the same as in other dis-
8 trict court proceedings. Judicial magistrates serving on a full-time
9 basis and district associate judges shall have jurisdiction of indict-
10 able misdemeanors. While exercising that jurisdiction they shall
11 employ district judges' practice and procedure.

1 **SEC. 32. Times and places of holding court.** Judicial magistrates
2 shall hold court at the times and places designated by the chief judge
3 of the district. The chief judge may assign a magistrate to hold
4 court at other designated places within the district outside of the
5 county of the magistrate's residence only if it is necessary for the
6 orderly administration of justice. The boards of supervisors shall
7 provide facilities for the holding of court at the county seats. If
8 court is held in a city or town, outside the county seat, such city or

9 town shall furnish suitable facilities and equipment. The schedule of
10 places and times of availability of magistrates and of any changes
11 therein shall be disseminated by the chief judge of the judicial district
12 to the peace officers within the district.

1 SEC. 33. **Procedure.** The criminal procedure before judicial mag-
2 istrates shall be as provided in chapters seven hundred fifty-one (751),
3 seven hundred fifty-four (754) through seven hundred sixty-three
4 (763), inclusive, seven hundred sixty-five (765), seven hundred sixty-
5 six (766), and seven hundred sixty-eight (768) of the Code. The
6 civil procedure before judicial magistrates shall be as provided in this
7 Act and chapter six hundred forty-eight (648) of the Code.

1 SEC. 34. **Dockets, judgments, costs.** The clerk of the district court
2 of the county in which a judicial magistrate resides shall furnish the
3 judicial magistrate, district associate judge, or district judge acting
4 as judicial magistrate, a docket in which shall be entered all proceed-
5 ings except small claims. Such docket shall be indexed and shall con-
6 tain in each case the title and nature of the action; place of hearing;
7 appearances; and notations of the documents filed with the judicial
8 magistrate, of the proceedings in the case and orders made, of the
9 verdict and judgment including costs, of any satisfaction of the judg-
10 ment, of whether the judgment was certified to the clerk of the dis-
11 trict court, of whether an appeal was taken, and of the amount of the
12 appeal bond. The defendant charged with a nonindictable misde-
13 meanor who is found guilty or forfeits bail shall be assessed as costs
14 five dollars for the filing and docketing of the complaint or informa-
15 tion which shall be distributed pursuant to section twenty-six (26)
16 of this Act. All other costs in criminal actions shall be assessed and
17 distributed as in chapter six hundred six (606) of the Code. If the
18 judgment and costs are not fully and immediately satisfied in crimi-
19 nal cases, the judicial magistrate shall promptly certify a copy of the
20 judgment to the clerk of the district court indicating thereon the por-
21 tion unsatisfied; and the clerk shall index and file the judgment,
22 whereupon it shall be a judgment of the district court without re-
23 cording.

1 SEC. 35. **Administrative reports.** Each month the magistrates
2 shall report to the clerk of the district court of each county, the board
3 of supervisors and the chief judge of the appropriate judicial district
4 in which he held court, the following:

- 5 1. The number of small claims tried to the court and those pending.
- 6 2. The number of state misdemeanor cases tried to the court and
7 those pending.
- 8 3. The number of state misdemeanor cases tried to a jury and those
9 pending.
- 10 4. The number of city ordinance violations tried to the court and
11 those pending.
- 12 5. The number of city ordinance violations tried to a jury and those
13 pending.
- 14 6. The number of preliminary hearings held and pending.
- 15 7. The number of forcible entry and detainer actions filed.
- 16 8. The number of search warrants applied for.
- 17 The clerk of the district court shall quarterly consolidate the reports
18 and forward them to the supreme court administrator.

1 **SEC. 36. Magistrates not holding office.** When a district magis-
 2 trate ceases to hold office, his docket and all records relating to his
 3 office shall be promptly deposited with the clerk of the district court
 4 who issued the docket.

**DISTRICT ASSOCIATE JUDGES AND THEIR REPORTERS
 AND DEPUTY CLERKS AND SHERIFFS**

1 **SEC. 37. District associate judges.** The regular judges of the
 2 municipal courts of Iowa who are in office on June 30, 1973, and who
 3 are less than seventy-two years of age on July 1, 1973 and who have
 4 not been appointed district court judges shall become district asso-
 5 ciate judges on the latter date.

1 **SEC. 38. Term, retention.** District associate judges shall stand for
 2 retention in office within the county of his residence at the judicial
 3 election in 1974, under sections forty-six point seventeen (46.17)
 4 through forty-six point twenty-four (46.24), inclusive, of the Code.
 5 The term of office of the judges who are retained in office at the judicial
 6 election shall extend for four years after January first next following
 7 the election, and the term of office of the judges who are not retained
 8 in office at such a judicial election shall extend until January first
 9 next following such election. District court associate judges shall be
 10 subject to the same removal procedures as that of judicial magis-
 11 trates. District associate judges shall cease to hold office upon at-
 12 taining age seventy-two.

1 **SEC. 39. Vacancies.** A vacancy in the office of district associate
 2 judge after June 30, 1973, shall not be filled.

1 **SEC. 40. Salary, expenses, retirement.** The annual salary of each
 2 district associate judge, payable from the general fund of the state
 3 of Iowa, shall be the sum of seventeen thousand two hundred dollars.
 4 District associate judges shall also receive from the state their actual
 5 and necessary expenses in the performance of their duties away from
 6 the city of their residence, in accordance with section six hundred five
 7 point two (605.2) of the Code. District associate judges who are
 8 members of the judicial retirement system under chapter six hundred
 9 five A (605A) of the Code shall remain members thereof; but the
 10 state of Iowa, instead of the city and county, shall deduct four per-
 11 cent from their salaries for the judicial retirement fund and shall
 12 contribute the public's portion to the judicial retirement fund.

1 **SEC. 41. Jurisdiction, procedure, appeals.** District associate judges
 2 shall serve as full-time magistrates and have the jurisdiction pos-
 3 sessed by judicial magistrates and, in addition, the jurisdiction pro-
 4 vided for in section two hundred thirty-one point three (231.3) of
 5 the Code. District associate judges shall hold court as directed at
 6 any place within the judicial district that a judicial magistrate may
 7 do so, and shall employ judicial magistrates' practice and procedure.
 8 When a district court judge is unable to serve as a result of tempo-
 9 rary incapacity, a district associate judge may, by order of the chief
 10 judge of the district enrolled in the records of the clerk of the district
 11 court, temporarily exercise any of the jurisdiction of a district judge
 12 during the time of incapacity and as to the specific matters or classes
 13 of matters specified in that order. While exercising jurisdiction other
 14 than that of a judicial magistrate, district associate judges shall em-

15 ploy district judges' practice and procedure. District associate judges
16 shall have power to act at any place within their respective judicial
17 districts, and venue shall be the same as in other district court pro-
18 ceedings.

19 Appeals from judgments or orders of district associate judges while
20 exercising the jurisdiction possessed by judicial magistrates shall be
21 governed by the laws relating to appeals and orders from judicial
22 magistrates. Appeals from judgments or orders of district associate
23 judges while exercising any other jurisdiction conferred upon them
24 shall be governed by the laws relating to appeals and orders from
25 district judges.

26 For purposes of administration district associate judges shall be
27 under the jurisdiction of the chief judge of the judicial district. Dis-
28 trict associate judges shall be subject to the same rules and laws that
29 apply to district judges.

1 SEC. 42. **Reporters.** After July 1, 1972, no shorthand reporter
2 shall be appointed by a municipal court judge. Any shorthand re-
3 porter serving a municipal court judge on June 30, 1973, shall become
4 a reporter for the judicial district to be assigned by the chief judge
5 as needed. Their compensation shall be in accordance with section
6 six hundred five point eight (605.8) of the Code.

1 SEC. 43. **Clerks and bailiffs.** Elective clerks and elective bailiffs of
2 municipal courts who are in office on June 30, 1973, and municipal
3 court deputy clerks and deputy bailiffs who are in office on that date,
4 shall on July 1, 1973, become deputies of the district court clerks and
5 sheriffs respectively, in the counties of their residence. The boards
6 of supervisors may enlarge the district court clerks' and sheriffs' fac-
7 ilities accordingly, and shall have authority to build, remodel, purchase,
8 and lease real and personal property and equipment for such purpose,
9 subject to chapter seventy-five (75) and sections three hundred thirty-
10 two point seven (332.7) and three hundred thirty-two point eight
11 (332.8) of the Code, where applicable. The compensation and other
12 benefits received on January 1, 1972 by the individuals who so be-
13 come deputies shall not be reduced after June 30, 1973, from the
14 amount on that date, unless all the deputies of the office are similarly
15 reduced, but shall be paid by the counties of their residence; provided,
16 that if the salary of any deputy equals or exceeds the salary of the
17 district court clerk or sheriff of whom he is deputy, then the salary of
18 the particular district court clerk or sheriff shall be increased so as
19 to exceed the salary of the deputy by the sum of two hundred dollars
20 per year.

21 The individuals who were elective municipal court clerks and bail-
22 iffs on June 30, 1973, and who were municipal court deputy clerks
23 and deputy bailiffs on that date, may as deputies of the district court
24 clerks and sheriffs be suspended, demoted, or discharged by the dis-
25 trict court clerks and sheriffs only for neglect of duty, disobedience
26 of orders, misconduct, or failure to properly perform duties, by pur-
27 suing the procedure provided by sections three hundred sixty-five point
28 nineteen (365.19) through three hundred sixty-five point twenty-six
29 (365.26), inclusive, of the Code; and in these cases the district court
30 clerk or sheriff shall be deemed to be the person having the appoint-
31 ing power, the county auditor shall perform the functions of the
32 mayor or city manager, the board of supervisors shall perform the

33 functions of the civil service commission, and the county attorney
34 shall perform the functions of the city attorney or solicitor.

35 As vacancies occur after June 30, 1973, in the number of any dep-
36 uty district court clerks or deputy sheriffs in counties having a municipi-
37 pal court on December 31, 1972, as a result of resignations, retire-
38 ments, deaths, or discharges for cause, the boards of supervisors may
39 adjust the number of deputies if so indicated by work load, pursuant
40 to section three hundred forty-one point one (341.1) of the Code; but
41 the total number of district court deputy clerks or deputy sheriffs in
42 such counties shall not otherwise be reduced notwithstanding section
43 three hundred sixty-five point twenty-eight (365.28) of the Code, until
44 the district court deputy clerks or deputy sheriffs brought into the
45 offices from the municipal courts cease to hold office in the particular
46 county.

47 A municipal court bailiff or deputy bailiff who on June 30, 1973,
48 is a member of the retirement system provided by chapter four hun-
49 dred eleven (411) of the Code shall continue to be such a member
50 thereafter; and that chapter shall continue to apply to them notwith-
51 standing this Act, with the appropriate county deducting from his
52 compensation his contributions to the retirement fund and the county
53 contributing the public's portion to such fund.

1 SEC. 44. After July 1, 1972, no new municipal courts shall be es-
2 tablished, no new municipal court judgeships shall come into exist-
3 ence, and no elections of municipal court judges, clerks, or bailiffs
4 shall be held, notwithstanding sections six hundred two point one
5 (602.1) through six hundred two point five (602.5), inclusive, and
6 six hundred two point ten (602.10) through six hundred two point
7 twelve (602.12), inclusive, of the Code. This section shall become ef-
8 fective July 1, 1972.

1 SEC. 45. Courts abolished, transition. All mayors' courts, justice
2 of the peace courts, police courts, superior courts, and municipal
3 courts and offices connected therewith, are abolished as of July 1, 1973.
4 Promptly after July 1, 1973, the officials of these courts shall file all
5 documents and books pertaining to their offices with the clerk of the
6 district court of their counties. District judges shall assign to judicial
7 magistrates the pending cases within judicial magistrates' jurisdic-
8 tion, and such cases shall then be pending before those judicial magis-
9 trates. All other pending cases shall be pending in the district court
10 of the county, and the clerk of that court shall within thirty days
11 give written notice of that fact by ordinary mail to the parties or
12 their attorneys of record at their last known addresses. All municipal
13 court judges, clerks of the municipal court and their deputies, bailiffs
14 of municipal court and their deputies, police court judges, justices of
15 the peace and constables holding office on July 1, 1972 shall continue
16 in office through June 30, 1973.

POLICE CITATIONS

1 SEC. 46. Conditions. Whenever it would be lawful for a peace
2 officer to arrest a person without a warrant, he may issue a citation
3 instead of making the arrest and taking the person before a magis-
4 trate.

1 **SEC. 47. Form.** The citation shall include the name and address
2 of the person, the nature of the offense, the time and place at which
3 the person is to appear in court, and the penalty for nonappearance.

1 **SEC. 48. Procedure.** Before he is released, the cited person shall
2 sign the citation as a written promise to appear in court at the time
3 and place specified. A copy of the citation shall be given to the per-
4 son.

1 **SEC. 49. Complaint.** The law enforcement officer issuing the cita-
2 tion shall cause to be filed a complaint in the court in which the cited
3 person is required to appear, as soon as practicable, charging the
4 crime stated in said notice.

1 **SEC. 50. Failure to appear.** Any person who willfully fails to
2 appear in court as specified by the citation shall be guilty of a mis-
3 demeanor and upon conviction shall be punished by a fine of not
4 more than five hundred dollars or by imprisonment in the county jail
5 not exceeding three months, or by both such fine and imprisonment.

TRAFFIC VIOLATIONS

1 **SEC. 51. Uniform citation and complaint.** The commissioner of
2 public safety shall adopt a uniform, combined traffic citation and
3 complaint, which shall be used for charging all traffic violations in
4 Iowa under state law or municipal ordinance, unless the defendant
5 is charged by information or section fifty-eight (58) of this Act is
6 applicable. Each citation and complaint shall be serially numbered
7 and shall be in quadruplicate, and the officer shall deliver the original
8 and a copy to the court where the defendant is to appear, a copy to
9 the defendant, and a copy to the law enforcement agency of the officer.
10 The court shall forward the copy of the citation and complaint in
11 accordance with section three hundred twenty-one point two hundred
12 seven (321.207) of the Code. The citation and complaint shall con-
13 tain, among other things, spaces for the parties' names and for the
14 information required by section three hundred twenty-one point four
15 hundred eighty-five (321.485), subsection two (2), of the Code; a
16 place where the defendant may sign the promise to appear referred
17 to in section three hundred twenty-one point four hundred (321.400);
18 a list of the minimum fines prescribed by section fifty-three (53) of
19 this Act, either separately or by groups; a brief explanation of sec-
20 tions fifty-four (54) and fifty-five (55) of this Act; and a space
21 where the defendant may sign an admission of the violation when
22 such section fifty-four (54) of this Act is applicable. Every citation
23 and complaint shall require the defendant to appear before a court at
24 a specified time and place. Notwithstanding section three hundred
25 twenty-one point four hundred eighty-five (321.485), subsection two
26 (2) of the Code, the officer may arrest the defendant although a cita-
27 tion and complaint is used to charge the violation, if authorized by
28 section seven hundred fifty-five point four (755.4) of the Code.

1 **SEC. 52. Traffic violations offices.** Each district court clerk's office
2 shall constitute a traffic violations office of the district court. Addi-
3 tional traffic violations offices may be established at other locations,
4 as needed, if authorized by the chief judge of the district.

- 1 **SEC. 53. Scheduled violations.** The minimum fine for all convictions of the following violations, whether of state law or municipal ordinance, shall be:
- 2 1. Illegal parking, except under section fifty-eight (58) hereof, two dollars.
- 3 2. Registration card or plate violation, five dollars.
- 4 3. Improper lights, ten dollars.
- 5 4. Improper muffler, ten dollars.
- 6 5. Other defective equipment, ten dollars.
- 7 6. Excess speed up to ten miles per hour over the legal limit, twenty dollars.
- 8 7. Motor running unattended, ten dollars.
- 9 8. Failure to dim lights, ten dollars.
- 10 9. Violation of restricted license, twenty dollars.
- 11 10. Stopping on traveled portion, twenty dollars.
- 12 11. Violation of height, length, or width, twenty-five dollars.
- 13 Violations of the schedule of axle and tandem axle and gross or group of axle weight violations in section three hundred twenty-one point four hundred sixty-three (321.463) of the Code, shall be scheduled violations subject to the provisions, procedures, and exceptions contained in sections fifty-eight (58),* fifty-nine (59),* sixty-one (61),* sixty-two (62),* sixty-three (63),* and sixty-four (64)* of this Act, irrespective of the amount of the fine under such schedule. Violations of the schedule of weight violations shall be chargeable, where the fine charged does not exceed one hundred dollars, only by uniform citation and complaint. Violations of the schedule of weight violations, where the fine charged exceeds one hundred dollars: (1) shall, when the violation is admitted and section fifty-four (54) of this Act applies, be chargeable upon uniform citation and complaint, indictment, or county attorney's information, (2) but otherwise, shall be chargeable only upon indictment or county attorney's information. In all cases of charges under the schedule of weight violations, the charge shall specify the amount of fine charged under the schedule. Where a defendant is convicted and the fine under the foregoing schedule of weight violations exceeds one hundred dollars, the conviction shall be of an indictable offense although section fifty-four (54) of this Act is employed and whether the violation is charged upon uniform citation and complaint, indictment, or county attorney's information.
- 14 Such violations shall be called scheduled violations.

- 1 **SEC. 54. Admission of scheduled violations.**
- 2 1. In cases of scheduled violations, the defendant, before the time specified in the citation and complaint for appearance before the court, may sign the admission of violation on the citation and complaint and deliver or mail the citation and complaint, together with the minimum fine for the violation, plus five dollars costs, to a traffic violations office in the county. The office shall, if the offense is a moving violation, forward a copy of the citation and complaint and admission to the commissioner of public safety as required by section three hundred twenty-one point two hundred seven (321.207) of the Code. Thereupon the defendant shall not be required to appear before the court.
- 3 The admission shall constitute a conviction.

*According to enrolled Act.

13 2. A defendant charged with a schedule violation by information
14 may obtain two copies of the information from the court and, before
15 the time he is required to appear before the court, deliver or mail
16 such copies, together with his admission, fine, and five dollars costs,
17 to the traffic violations office in the county. The procedure, fine, and
18 costs shall be the same as when the charge is by citation and com-
19 plaint, with the admission and the number of the defendant's opera-
20 tor's or chauffeur's license placed upon the information.

21 3. When sections fifty-three (53) and fifty-four (54) of this Act
22 are applicable but the officer does not deem it advisable to release the
23 defendant and no court in the county is in session:

24 a. If the defendant wishes to admit the violation, the officer may
25 release the defendant upon observing him mail the citation and com-
26 plaint, admission, and minimum fine, together with five dollars costs,
27 to a traffic violations office in the county, in an envelope furnished by
28 the officer. The officer may allow the defendant to mail a check in the
29 proper amount in lieu of cash. If the check is not paid by the drawee
30 for any reason, the defendant may be held in contempt of court. The
31 officer shall advise the defendant of the penalty for nonpayment of
32 the check.

33 b. If the defendant does not comply with paragraph a of this sub-
34 section, the officer may release the defendant upon observing him mail
35 to a court in the county the citation and complaint and twice the mini-
36 mum fine together with five dollars costs, or in lieu of twice the fine
37 and the costs, a guaranteed arrest bond certificate as provided in sub-
38 section seventy (70) of section three hundred twenty-one point one
39 (321.1) of the Code, together with the following statement signed by
40 the defendant:

41 "I agree that either (1) I will appear pursuant to this citation or
42 (2) if I do not so appear that I hereby admit the violation charged in
43 the citation and complaint and consent to entry of judgment of con-
44 viction for twice the minimum fine together with five dollars costs
45 and to application of the enclosed funds or bail in satisfaction of such
46 fine and costs."

47 c. If the defendant does not comply with paragraph a or b, or in
48 any event when section seven hundred fifty-five point four (755.4) of
49 the Code is applicable, the officer may arrest and confine the defendant
50 if authorized by the latter section, and proceed with him according to
51 chapter seven hundred fifty-seven (757) or seven hundred fifty-eight
52 (758) of the Code.

53 4. Any defendant who admits a scheduled violation may neverthe-
54 less appear before court. The procedure, costs, and fine, without sus-
55 pension of the fine, after the hearing shall be the same as in the traffic
56 violations office.

57 5. A defendant charged with a scheduled violation who does not
58 fully comply with subsection one (1), two (2), three (3), or four (4)
59 of this section before the time required to appear before the court
60 must, at that time, appear before the court. If such defendant admits
61 the violation, the procedure and fine, without suspension, after the
62 hearing shall be the same before the court as before the traffic viola-
63 tions office with five dollars court costs, without prejudice, when ap-
64 plicable, to proceedings under section three hundred twenty-one point
65 four hundred eighty-seven (321.487) of the Code.

1 **SEC. 55. Required court appearance.** Section fifty-four (54) of
2 this Act shall not apply to a scheduled violation:

- 3 1. When the violation charged resulted in an accident or injury.
- 4 2. When the officer determines that the defendant does not have in
5 force a valid operator's or chauffeur's license or permit.
- 6 3. When the officer determines that the violation was hazardous or
7 aggravated because of highway conditions, visibility, traffic, repeti-
8 tion, or other circumstances.

9 In such cases, the defendant shall appear before the court and
10 regular procedure shall apply. If an information is used the officer
11 shall endorse thereon, "Not for traffic violations office." If a citation
12 and complaint is used, the officer shall strike out the space in which
13 the defendant may admit the violation before a traffic violations
14 office. A citation and complaint or information containing a charge
15 under subsections one (1) and two (2) of this section shall not itself
16 constitute substantive proof of the charge. A defendant shall appear
17 before the court for any nonscheduled violation.

1 **SEC. 56. Other penalties.** When section fifty-four (54) of this
2 Act does not apply to a scheduled violation or when the defendant
3 denies a scheduled violation, if the defendant is found guilty the
4 penalty shall be the scheduled fine, without suspension of the fine pre-
5 scribed in section fifty-three (53) of this Act together with five dol-
6 lars court costs, unless it appears that the violation was hazardous
7 or aggravated, in which event the punishment shall be increased ac-
8 cordingly within the limits of law.

1 **SEC. 57. Disposition of traffic fines and costs.** Fines, forfeiture of
2 bail, fees, and costs collected for all traffic violations shall be remitted
3 in accordance with section twenty-six (26) of this Act.

1 **SEC. 58. Parking meter violations.** Section three hundred twenty-
2 one point two hundred thirty-six (§21.236), subsection one (1), Code
3 1971, is amended by adding thereto the following:

4 "Parking meter violations which are denied shall be charged and
5 proceed before a court the same as other traffic violations. Parking
6 violations which are admitted:

- 7 a. May be charged upon a simple notice of a fine not exceeding ten
8 dollars payable to the city or town clerk, if authorized by ordinance.
- 9 b. Notwithstanding any such ordinance, may be charged and
10 proceed before a traffic violations office or a court, as the case may be,
11 the same as other traffic violations."

1 **SEC. 59. Venue.**

2 1. Traffic violations committed by a defendant while a peace officer
3 is in fresh pursuit may be prosecuted in any county through which
4 pursuit is made, irrespective of where committed.

5 2. Upon written consent of the defendant and the officer who ap-
6 prehended him, traffic violations may be prosecuted in any county in
7 the state irrespective of where committed, and in such event the
8 documents in the case shall be sent to the court or traffic violations
9 office designated by the defendant and the officer.

SMALL CLAIMS

1 **SEC. 60. Small claims.** A small claim is a civil action for money
2 damages where the amount in controversy in money is one thousand

3 dollars or less, exclusive of interests and costs, and actions for forcible
4 entry and detainer.

1 **SEC. 61. Trial of small claims.** Small claims shall be tried only by
2 judicial magistrates and district associate judges, except when tried
3 by regular procedure under section sixty-seven (67) of this Act when
4 they shall be tried by a district judge. Small claims shall be com-
5 menced, heard, and determined in accordance with sections sixty-one
6 (61) through seventy-one (71) of this Act, inclusive. Other statutes
7 and rules relating to civil proceedings shall apply, but only insofar as
8 not inconsistent with this Act. Small claims on file for ninety days and
9 not determined shall be dismissed by the clerk without prejudice un-
10 less prior thereto a party secures an order of continuance to a date
11 certain after notice and hearing, upon a ground stated in rule two
12 hundred fifteen point one (215.1) of the rules of civil procedure.
13 Contested claims in an amount of a small claim may be heard and
14 determined under this Act and actions therefor may be commenced
15 hereunder; if commenced as a regular civil action or under the statutes
16 relating to probate proceedings, they shall be transferred to the small
17 claims docket and proceed accordingly. Small claims coming within
18 this Act but commenced as a regular action shall not be dismissed
19 but shall be transferred to the small claims docket. Civil and probate
20 actions not small claims but commenced hereunder shall be dismissed
21 without prejudice except for defendants who have appeared, as to
22 whom such actions shall be transferred to the combination or pro-
23 bate docket, as appropriate.

1 **SEC. 62. Commencement of actions.** All actions shall be com-
2 menced by the filing of an original notice with the clerk. The clerk
3 shall mail a copy of the original notice to each defendant at his last
4 known address, as stated in the original notice, by restricted certified
5 mail, return receipt to the clerk requested. Instead of the mailing,
6 the plaintiff may, after filing the original notice with the clerk, cause
7 a copy of same to be served on all or some defendants in the manner
8 provided in the rules of civil procedure pertaining to the commence-
9 ment of actions. The clerk shall maintain a book known as the small
10 claims docket, which shall contain as to small claims the matters con-
11 tained in the combination docket as to the regular civil actions.

1 **SEC. 63. Original notice—form.** The original notice must be mailed
2 or otherwise served not less than ten nor more than twenty days prior
3 to the hearing date. The original notice and copies shall be signed by
4 the plaintiff, either in person or by attorney, and shall be in substan-
5 tially the following form:

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IN THE DISTRICT COURT OF IOWA
IN AND FOR COUNTY

Plaintiff(s)

Address of each plaintiff

vs.

Defendant(s)

Address of each defendant

SMALL CLAIM NO.

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ORIGINAL NOTICE

To the above named defendant(s):
YOU ARE HEREBY NOTIFIED that the above named plaintiff(s) demands of you

(1. If demand is for money, state amount;

2. If demand is for something else, state briefly what is demanded and its value in money;

3. If both money and something else are demanded, state both 1 and 2)

based on
(state briefly the basis for the demand)

and that unless you appear and defend before the above named court at in, Iowa, at o'clockM. on the
(Place) (City or Town)

..... day of, 19..... judgment will be rendered against you for the relief demanded, together with interest and court costs.

Plaintiff(s)

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SEC. 64. Duties of clerk. The clerk shall furnish forms of original notice. Before filing an original notice, the clerk shall receive a filing fee of two dollars plus the amount of postage for mailing the original notice to each defendant to which it is to be mailed. At the time of filing, the clerk shall enter on the original notice and the copies to be served, the file number, and the time and place of hearing, which shall be a time when small claims are scheduled to be heard not less than ten nor more than twenty days after the date on which the notice will be mailed or otherwise served. The clerk shall mail a copy of the original notice to each defendant by restricted certified mail, return receipt to the clerk requested, except for defendants whom the plaintiff wishes to serve under the rules of civil procedure pertaining to commencement of actions.

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SEC. 65. Fees and costs. Fees and costs shall be one-half of fees and costs in regular civil actions in district court. All fees and costs collected for small claims shall be remitted to county treasurers as provided in section six hundred six point sixteen (606.16) of the Code.

1 **SEC. 66. Pleadings and motions.** Except as provided in section
2 sixty-three (63) and section sixty-seven (67) of this Act, there shall
3 be no written pleadings or motions unless the court in the interests
4 of justice requires them, in which event they shall be similar in form
5 to the original notice.

1 **SEC. 67. Procedure.**

2 1. The rules of civil procedure pertaining to action, joinder of ac-
3 tions and parties and rule seventy-five (75) of the rules of civil pro-
4 cedure shall be applicable to small claims actions, except that rule
5 twenty-nine (29) shall not apply to actions originating as small claims
6 actions.

7 2. In small claims actions, if a party joins a small claim with one
8 which is not a small claim, the court shall:

9 a. Order the small claim to be heard under this division and dis-
10 miss the other claim without prejudice, or

11 b. As to parties who have appeared or are existing parties, either
12 (1) order the small claim to be heard under the procedures specified
13 in this Act and the other claim to be tried by regular procedure or
14 (2) order both claims to be tried by regular procedure.

15 3. In small claims actions, a counterclaim, cross claim, or interven-
16 tion in the amount of a small claim shall be in writing and similar in
17 form to the original notice, and shall be entitled original notice of coun-
18 terclaim, of cross claim, or of intervention, as the case may be. A copy
19 shall be filed for each existing party. New parties may be brought in
20 without order and shall be served with notice as provided in section
21 sixty-two (62) and section sixty-three (63) of this Act; and if notice
22 is to be served by mail the clerk shall collect the costs of mailing before
23 filing the pleading. The clerk shall furnish forms of such pleadings.
24 No counterclaim is necessary to assert an offset arising out of the sub-
25 ject to the plaintiff's claim.

26 4. In small claims actions, a counterclaim, cross claim, or inter-
27 vention in a greater amount than that of a small claim shall be in
28 the form of a regular pleading. A copy shall be filed for each existing
29 party. New parties, when permitted by order, may be brought in
30 under rule thirty-four (34) of the rules of civil procedure and shall
31 be given notice under the rules of civil procedure pertaining to an-
32 nouncement of actions. The court shall either order such counter-
33 claim, cross claim, or intervention to be tried by regular procedure
34 and the other claim to be heard under this division, or order the entire
35 action to be tried by regular procedure.

36 5. In regular action, when a party joins a small claim with one
37 which is not a small claim, regular procedure shall apply to both un-
38 less the court transfers the small claim to the small claims docket for
39 hearing under this division.

40 6. In regular actions, a counterclaim, cross claim, or intervention
41 in the amount of a small claim shall be pleaded, tried, and determined
42 by regular procedure, unless the court transfers the small claim to
43 the small claims docket for hearing under this division.

44 7. Pleadings which are not in correct form under this section shall
45 be ordered amended so as to be in correct form; but a small claim
46 which is proceeding under this Act need not be amended although in
47 the form of a regular pleading.

48 8. Copies of any papers filed by the parties which are not required
49 to be served, shall be mailed or delivered by the clerk as provided in
50 rule eighty-two (82) of the rules of civil procedure.

1 SEC. 68. **Proper notice determined.** At the time for hearing the
2 court or clerk shall first determine that proper notice has been given
3 a party before proceeding further as to him, unless he has appeared
4 or is an existing party, and also that the action is properly brought
5 as a small claim.

1 SEC. 69. **Failure to appear—effect.** Unless good cause to the con-
2 trary is shown, if the parties fail to appear at the time of hearing
3 the claim shall be dismissed without prejudice by the court or clerk;
4 if the plaintiff fails to appear but the defendant appears, the claim
5 shall be dismissed with prejudice by the court or clerk; and if the
6 plaintiff appears but the defendant fails to appear, judgment shall
7 be rendered against the defendant by the court, or by the clerk if
8 the relief to be granted is readily ascertainable. The filing by the
9 plaintiff of a verified account, or an instrument in writing for the
10 payment of money with an affidavit the same is genuine, shall consti-
11 tute an appearance by plaintiff for the purpose of this rule. At the
12 request of either party, the court shall grant such party one con-
13 tinuance to a day certain.

1 SEC. 70. **Hearing.** The time for appearance shall be the time for
2 hearing, unless a continuance has been granted under section sixty-
3 nine (69) of this Act. The hearing shall be to the court, shall be
4 simple and informal, and shall be conducted by the court itself, with-
5 out regard to technicalities of procedure; but the decision must be
6 based on substantial evidence. The court shall swear the parties and
7 their witnesses, and examine them in such way as to bring out the
8 truth. The parties may participate, either personally or by attorney.
9 The court may continue the hearing from time to time if justice re-
10 quires. The proceedings shall not be reported unless a party provides
11 a reporter at his own expense or the parties by agreement cause the
12 proceedings to be electronically reported, but there shall be no delay
13 for such purpose.

1 SEC. 71. **Entry of judgment.**

2 1. The judgment shall be entered in a space on the original notice
3 first filed, and the clerk shall immediately enter the judgment in the
4 small claims docket and district court lien book, without recording.
5 Such relief shall be granted as is appropriate. The court may enter
6 judgment for installment payments to be made directly by the party
7 obligated to the party entitled thereto; and in such event execution
8 shall not issue as long as such payments are made but execution shall
9 issue for the full unpaid balance of the judgment upon the filing of an
10 affidavit of default. When entered on the small claims docket and
11 district court lien book, a small claims judgment shall constitute a
12 lien to the same extent as regular judgments entered on the district
13 court judgment docket and lien book; but if a small claims judgment
14 requires installment payments, it shall not be enforceable until an
15 affidavit of default is filed, whereupon it shall constitute a lien for the
16 full unpaid balance of the judgment.

17 2. Unless the hearing is reported, minutes of the testimony of each
18 witness and of any stipulations of the parties shall likewise be entered

19 on the original notice first filed and the exhibits or copies thereof
20 shall be attached to the original notice or be filed, until released by
21 the court.

1 **SEC. 72. Civil appeals.** Civil appeals from judgments of judicial
2 magistrates and district associate judges may be taken orally at the
3 conclusion of the trial or hearing or by filing with the judicial magis-
4 trate or district associate judge a written notice of appeal within
5 twenty days after the judgment is rendered. An appeal may be taken
6 by any party. The magistrate or judge shall note the notice of appeal
7 on the original notice first filed, or if the notice of appeal is in writing
8 promptly file it with the clerk. Within twenty days after an appeal
9 is taken, unless extended by order of a district judge or by stipulation
10 of the parties, any party may file with the clerk as part of the record
11 a transcript of the official report, if any, and in the event the report
12 was made electronically, the tape or other medium on which the pro-
13 ceedings were preserved. A district judge shall promptly hear the
14 appeal upon the record thus filed without further evidence; and the
15 judge shall decide the appeal without regard to technicalities or de-
16 fects which have not prejudiced the substantial rights of the parties,
17 and may affirm, reverse, or modify the judgment or render judgment
18 as the magistrate should have rendered. Execution of a judgment of
19 a judicial magistrate or district associate judge shall be stayed upon
20 the filing with the clerk of the district court an appeal bond with
21 surety approved by the clerk, in the sum specified in the judgment.

1 **SEC. 73. Discretionary review by supreme court.**

2 1. No judgment of conviction of a nonindictable misdemeanor or
3 civil actions tried as small claims shall be appealed to the supreme
4 court except by discretionary review as provided herein. No judgment
5 of acquittal of a nonindictable misdemeanor may be reviewed.

6 2. "Discretionary review" is the process by which the supreme court
7 may exercise its discretion, in like manner as under the rules pertain-
8 ing to interlocutory appeals and certiorari in civil cases, to review
9 specified matters not subject to appeal as a matter of right. The
10 supreme court may adopt additional rules to control access to discre-
11 tionary review.

12 3. The party seeking review shall be known as the appellant and the
13 adverse party as the appellee, but the title of the action shall not be
14 changed from that in the court below.

15 4. When defendants are tried jointly, they may seek discretionary
16 review separately or they may join. The supreme court may, in the
17 interest of justice, consolidate applications for discretionary review.

18 5. A petition for review shall be filed in writing with the clerk of
19 the court within ten days after judgment.

20 6. When an application is made for discretionary review, it is the
21 duty of the applicant to serve on the attorney for the adverse party,
22 and if the state is the adverse party, upon the attorney general, a copy
23 of the application within ten days after judgment.

24 7. When an application for discretionary review is filed, the clerk of
25 the court in which the judgment or order was rendered shall:

26 a. Immediately prepare and transmit to the adverse party and his
27 attorney of record a true copy of the application, together with the
28 date of filing.

29 b. Immediately prepare and transmit to the clerk of the supreme
30 court a transcript of all record entries relevant to the application, to-
31 gether with copies of all papers in the case on file in his office, a tran-
32 script of the official report, if any, and in the event the report was
33 made electronically, the tape or other medium on which the proceed-
34 ings were preserved, all duly certified under seal of his court.

35 Failure of the clerk of the district court to transmit all the papers
36 as required by this subsection shall not prejudice the rights of the
37 parties.

38 8. The record and case shall be presented to the supreme court as
39 provided by its rules; and the provisions of law in civil procedure
40 relating to the filing of decisions and opinions of the supreme court
41 shall apply in such cases.

42 9. An application shall not be dismissed for an informality or defect
43 in taking it if corrected as directed by the supreme court. The su-
44 preme court, after an examination of the entire record, may dispose of
45 the case by affirmation, reversal or modification of the lower court
46 judgment. It may also dismiss the application if it (a) determines
47 that there has been no substantial miscarriage of justice, and (b) no
48 violation of the rights of an accused, and that (c) the arguments do
49 not present definite grounds for a hearing. The supreme court may
50 also order a new trial, or modify the judgment; provided, however, in
51 criminal cases the punishment may not be increased.

52 10. In all criminal actions:

53 a. When an application has been filed by an adverse party, the
54 county attorney shall immediately furnish the attorney general with
55 a copy of said application.

56 b. An application for discretionary review taken by the defendant
57 does not stay the execution of the judgment unless the defendant is
58 released on bail or otherwise as provided by law.

59 c. The personal appearance of the defendant in the supreme court
60 upon the hearing of a matter of discretionary review, is in no case
61 necessary.

62 d. If a judgment against the defendant is reversed, such reversal
63 shall be deemed an order for a new trial, unless the supreme court
64 shall direct a different disposition. In reversing the case, the supreme
65 court may direct that the defendant be discharged and his bail exon-
66 erated, or if money is deposited instead, that it be returned to him.

67 e. On a judgment of affirmance against the defendant, the original
68 judgment shall be carried into execution as the supreme court shall
69 direct.

70 f. Unless some proceeding in the district court is directed, a copy of
71 the judgment of the trial court and decision on review, or of the judg-
72 ment and decision on review certified by the clerk of the trial court
73 shall be delivered to the sheriff or proper officer as an execution. He
74 shall be authorized to execute the judgment of the court, or take any
75 legal measures required to bring the action to a conclusion.

76 g. A defendant, imprisoned during the pendency of an unsuccessful
77 review, or convicted at a new trial ordered by the supreme court, shall
78 have the period of his former imprisonment deducted from the period
79 of imprisonment fixed on the last verdict of conviction by the district
80 court.

81 11. The decision of the supreme court with any opinion filed or
82 judgment rendered must be recorded by its clerk. After the expira-

83 tion of the period allowed for a rehearing, or as ordered by the court
84 or provided by its rules, a certified copy of the decision and opinion
85 shall be transmitted to the clerk of the trial court, filed and entered
86 of record by him.

87 12. The jurisdiction of the supreme court shall cease after the cer-
88 tified copy of the decision and opinion is transmitted to the clerk of
89 the trial court. All proceedings for executing the judgment shall be
90 had in the trial court or by its clerk.

JURISDICTION OF PUBLIC OFFENSES AND PLACE OF TRIAL

1 SEC. 74. State criminal jurisdiction.

2 1. A person is subject to prosecution in this state for an offense
3 which he commits within or outside this state, by his own conduct or
4 that of another for which he is legally accountable, if:

5 a. The offense is committed either wholly or partly within this
6 state.

7 b. Conduct of the person outside the state constitutes an attempt to
8 commit an offense within this state.

9 c. Conduct of the person outside the state constitutes a conspiracy
10 to commit an offense within this state.

11 d. Conduct of the person within this state constitutes an attempt,
12 solicitation or conspiracy to commit an offense in another jurisdic-
13 tion, which conduct is punishable under the laws of both this state and
14 such other jurisdiction.

15 2. An offense may be committed partly within this state if conduct
16 which is an element of the offense, or a result which constitutes an
17 element of the offense, occurs within this state. If the body of a
18 homicide victim is found within the state, the death is presumed to
19 have occurred within the state.

20 3. An offense which is based on an omission to perform a duty
21 imposed upon a person by the law of this state is committed within the
22 state, regardless of the location of the person at the time of the omis-
23 sion.

1 SEC. 75. Place of trial—general. Criminal actions shall be tried
2 in the county in which the crime is committed, except as otherwise
3 provided by law. All objections to place of trial are waived by a de-
4 fendant unless he objects thereto prior to trial.

1 SEC. 76. Place of trial—special provisions. The following special
2 provisions apply:

3 1. If conduct or results which constitute elements of an offense oc-
4 cur in two or more counties, prosecution of the offense may be had
5 in any of such counties. In such cases, where a dominant number of
6 elements occur in one county, that county shall have the primary right
7 to proceed with prosecution of the offender.

8 2. If an offense commenced outside the state is consummated with-
9 in this state, trial of the offense shall be held in the county or counties
10 in which the offense is consummated or the interest protected by the
11 involved penal statute is impaired.

12 3. If an offense is committed in or upon any conveyance in transit,
13 and it cannot readily be determined in which county the offense was
14 committed, trial of the offense may be held in any county through or
15 over which the conveyance passed in the course of its journey.

16 4. If an offense is committed on the boundary of two or more coun-
 17 ties, and it cannot readily be determined within which county the
 18 commission took place, trial of the offense may be held in any of the
 19 counties concerned.
 20 5. If the offense is a traffic offense, section fifty-nine (59) of this
 21 Act shall be applicable.

1 SEC. 77. Bar to action. A conviction or acquittal of an offense in
 2 a court having jurisdiction thereof is a bar to a prosecution of the
 3 offense in another court.

COORDINATING AMENDMENTS

1 SEC. 78. Section fourteen point ten (14.10), subsection three (3),
 2 Code 1971, is amended to read as follows:

3 3. The secretary of state shall prepare and deliver to the Code editor
 4 for insertion in the session laws a correct list of state officers and
 5 deputies, judges of the supreme, district, superior, and municipal
 6 courts and district courts including district associate judges, and
 7 judicial magistrates, and members of the general assembly.

1 SEC. 79. Section sixteen point twenty-four (16.24), subsections
 2 five (5) and sixteen (16), Code 1971, are amended to read as follows:

- 3 5. To each judge of the supreme, district, superior, and
 4 municipal courts of Iowa To each judge of the supreme and
 5 district court including each district associate judge and each
 6 judicial magistrate 1 copy
- 7 16. To the clerk of the district court, the county attorney,
 8 the county auditor, the county recorder, county assessor, the
 9 county treasurer, the sheriff, and the county superintendent
 10 of each county in the state, to the clerk of each superior or
 11 municipal court in the state, and also for use in each court
 12 room of the district, superior, or municipal court and also
 13 for use in each courtroom of the district court 1 copy

1 SEC. 80. Section sixteen point twenty-five (16.25), subsections five
 2 (5), six (6), and twelve (12), Code 1971, are amended to read as fol-
 3 lows:

- 4 5. To the office of each judge of the supreme, district,
 5 superior, and municipal courts, and of the federal and dis-
 6 trict courts, including district associate judges and judicial
 7 magistrates, and to each judge of the federal courts in Iowa 1 copy
- 8 6. To the office of each clerk of the federal courts in this
 9 state, and of the supreme, district, superior and municipal
 10 courts of this state and district courts of this state 1 copy
- 11 12. To each court room of the district, superior, and mu-
 12 nicipal courts 1 copy

1 SEC. 81. Section thirty-nine point twenty-one (39.21), Code 1971,
 2 is repealed. This section shall take effect July 1, 1972.

1 SEC. 82. Section forty-three point three (43.3), Code 1971, is
 2 amended to read as follows:

3 43.3 Offices affected by primary. Candidates of all political parties
 4 for all offices which are filled at a regular biennial election by direct
 5 vote of the people, except the office of judge of the supreme and dis-
 6 trict courts, shall be nominated at a primary election at the time and
 7 in the manner hereinafter directed.

1 SEC. 83. Section forty-six point twenty (46.20), Code 1971, is
2 amended to read as follows:

3 46.20 Declaration of candidacy. At least ninety days prior to the
4 judicial election preceding expiration of his initial or regular term
5 of office, a judge of the supreme court or district court *including dis-*
6 *trict associate judges* may file a declaration of candidacy with the
7 secretary of state, whereupon such judge shall stand for retention or
8 rejection at that election. If a judge fails to file such declaration, his
9 office shall be vacant at the end of his term. *District associate judges*
10 *filing such a declaration shall stand for retention in the county of their*
11 *residence.*

1 SEC. 84. Section forty-six point twenty-one (46.21), Code 1971, is
2 amended to read as follows:

3 46.21 Conduct of elections. At least fifty-five days prior to each
4 judicial election, the secretary of state shall certify to the county
5 auditor of each county a list of the judges of the supreme court and
6 district court *including district associate judges* to be voted on in such
7 county at that election. The auditor shall place the names upon the
8 ballot in the order in which they appear in the certificate, unless only
9 one county is voting thereon. The secretary of state shall rotate the
10 names in the certificate by county, or the auditor shall rotate them
11 upon the ballot by precinct if only one county is voting thereon. The
12 names of all judges to be voted on shall be placed upon one ballot,
13 which shall be in substantially the following form:

14 STATE OF IOWA
15 JUDICIAL BALLOT
16 (Date)

17 VOTE ON ALL NAMES BY PLACING AN X IN THE APPROPRIATE BOX AFTER
18 EACH NAME.

19 SUPREME COURT

20 Shall the following judges of the Supreme Court be retained in
21 office?

22 JOHN DOE YES..... NO.....
23 RICHARD ROE YES..... NO.....

24 DISTRICT COURT

25 Shall the following judge *or associate judge* of the District Court
26 be retained in office?

27 JOHN SMITH YES..... NO.....

1 SEC. 85. Section forty-six point twenty-four (46.24), Code 1971,
2 is amended to read as follows:

3 46.24 Results of election. A judge of the supreme court or district
4 court *including district associate judge* must receive more affirmative
5 than negative votes to be retained in office. When the poll is closed,
6 the election judges shall publicly canvass the vote forthwith. The
7 board of supervisors shall canvass the returns at its meeting on Mon-
8 day after the election, and shall promptly certify the number of affir-
9 mative and negative votes on each judge to the secretary of state.

10 The state board of canvassers shall, at the time of canvassing the
11 vote cast at a general election, open and canvass all of the returns
12 for the judicial election. Each judge of the supreme court or dis-
13 trict court *including district associate judge* who has received more
14 affirmative than negative votes shall receive from the state board of
15 canvassers an appropriate certificate so stating.

1 SEC. 86. Section forty-nine point one hundred six (49.106), Code
2 1971, is amended to read as follows:

3 **49.106 May commit disorderly person.** Any ~~constable or special~~
4 policeman may forthwith arrest such person and bring him before the
5 judges of election, and they, by a warrant under their hands, may
6 commit him to the jail of the county for a term not exceeding twenty-
7 four hours, but they shall permit him to vote.

1 SEC. 87. Section forty-nine point one hundred sixteen (49.116),
2 Code 1971, is amended to read as follows:

3 **49.116 Preserving order.** All special policemen and ~~constables~~ are
4 authorized and required to preserve order and peace at all places of
5 election, and such special policemen, ~~constables~~, and all other persons
6 are authorized and required to obey the lawful orders and commands
7 of said judges of election given to prevent violations of this chapter.

1 SEC. 88. Section fifty point twenty-one (50.21), Code 1971, is
2 amended to read as follows:

3 **50.21 Abstracts of votes—certificates of election.** The tally lists
4 shall be opened in the presence of all the canvassers, and an abstract
5 of votes made and signed by them, and the result declared, and a cer-
6 tificate of election signed by them giving the candidates elected. If
7 the mayor shall have been a candidate at such election, a ~~justice of~~
8 ~~the peace~~ a *qualified elector of the city not a candidate* of the county,
9 selected by the clerk, shall act with him in making the canvass.

1 SEC. 89. Section fifty point twenty-five (50.25), Code 1971, is
2 amended by striking subsection seven (7).

1 SEC. 90. Section sixty-two point four (62.4), Code 1971, is
2 amended to read as follows:

3 **62.4 Sheriff to attend.** The court or presiding judge may direct
4 the attendance of the sheriff or a ~~constable~~ *deputy* when necessary.

1 SEC. 91. Section sixty-two point twenty-five (62.25), Code 1971,
2 is amended by striking the section and inserting in lieu thereof the
3 following:

4 "A transcript of the judgment may be filed and recorded in the
5 office of the clerk of the district court and shall have the effect of a
6 judgment of that court and execution may issue thereon."

1 SEC. 92. Section sixty-four point one (64.1),* Code 1971, is
2 amended by striking subsection four (4)* and inserting in lieu there-
3 of the following:

4 "Judges of the supreme and district courts, district associate judges,
5 and judicial magistrates.†"

1 SEC. 93. Section sixty-four point six (64.6), Code 1971, is
2 amended by adding the following new subsection:

3 "Judicial magistrates,† five thousand dollars."

1 SEC. 94. Section sixty-four point eight (64.8), Code 1971, is
2 amended to read as follows:

3 **64.8 County officers.** The bonds of the following county officers,
4 viz.: Clerks of the district courts, county attorneys, recorders, audi-

*See 64 GA, ch 1088, §226(4).

†Conflicting provisions.

5 tors, superintendents of schools, sheriffs, justices of the peace, and
6 constables, and assessors shall each be in a penal sum to be fixed by
7 the board of supervisors.

1 SEC. 95. Section sixty-four point nine (64.9), Code 1971, is
2 amended to read as follows:

3 **64.9 Minimum bonds of county officers.** Bonds of members of the
4 board of supervisors, clerks of the district courts, county auditors,
5 sheriffs, and county attorneys shall not be in less sum than five thou-
6 sand dollars each, and those of justices and constables, not less than
7 five hundred dollars each.

1 SEC. 96. Section sixty-four point twenty-three (64.23), subsection
2 five (5), Code 1971, is amended to read as follows:

3 5. For members of the board of supervisors, and for justices of the
4 peace, with the clerk of the district court.

1 SEC. 97. Section sixty-four point twenty-four (64.24), subsection
2 two (2), Code 1971, is amended to read as follows:

3 2. In the record kept by the county auditor, the official bonds of all
4 county officers, elective or appointive, justices of the peace, and town-
5 ship clerks, and constables.

1 SEC. 98. Section sixty-eight point one (68.1), Code 1971, is
2 amended to read as follows:

3 **68.1 Impeachment defined.** An impeachment is a written accusa-
4 tion against the governor, or a judge of the supreme, or district, or
5 superior court, or other state officer, by the house of representatives
6 before the senate, of a misdemeanor or malfeasance in office.

1 SEC. 99. Section sixty-nine point eight (69.8), subsection four (4),
2 Code 1971, is amended to read as follows:

3 4. County offices. In county offices, including justices of the peace
4 and constables, by the board of supervisors.

1 SEC. 100. Section seventy-eight point one (78.1), Code 1971, is
2 amended to read as follows:

3 **78.1 General authority.** The following officers are empowered to
4 administer oaths and to take affirmations:

5 1. ~~Judges of the supreme, district, superior, municipal, and police~~
6 ~~courts. Judges of the supreme and district courts, including district~~
7 ~~associate judges and judicial magistrates.~~

8 2. Official court reporters of district, superior, and municipal courts
9 in taking depositions under appointment or by agreement of counsel.

10 3. Clerks and deputy clerks of the supreme, and district, superior,
11 police, and municipal courts.

12 4. Justices of the peace within the county of their residence.

13 4. 5. Notaries public within the county of their appointment, and
14 within any county in which they have filed with the clerk of the dis-
15 trict court of said county a certified copy of their certificate of ap-
16 pointment.*

17 5. 6. Examiners appointed by the state commerce commission un-
18 der the provisions of section 474.19.

19 6. 7. Certified shorthand reporters.

*According to enrolled Act. These words are quoted from the 1971 Code; however, most of them had been repealed by 64 GA, ch 103, §11.

1 SEC. 101. Section seventy-nine point thirteen (79.13), Code 1971,
2 is amended to read as follows:

3 79.13 Particulars required. The board of supervisors shall not
4 approve any claim for mileage or other traveling expenses presented
5 by any peace officer including the sheriff and his deputies and ~~municipal~~
6 ~~court bailiffs and deputy bailiffs~~, unless the destinations, and number
7 of miles covered in each trip are given, or, in the case of extended
8 trips, unless railroad, hotel, and other traveling expenses, excepting
9 meals, are verified by receipts.

1 SEC. 102. Section eighty-five point sixty-two (85.62), unnumbered
2 paragraph one (1), Code 1971, is amended to read as follows:

3 85.62* Peace officers. Any policeman (except those pensioned under
4 the policemen's pension fund created by law), any sheriff, marshal,
5 ~~constable~~, state highway patrolman, conservation officer, and any and
6 all of their deputies and any and all other legally appointed or elected
7 law-enforcing officers, who shall sustain an injury while performing
8 the duties of a law-enforcing officer and from causes arising out of
9 and in the course of his official duty, or employment as a law-enforcing
10 officer, become temporarily or permanently physically disabled or
11 if said injury results in death shall be entitled to compensation for all
12 such injuries or disability together with statutory medical, nursing,
13 hospital, surgery and funeral expenses, and where the officer is paid
14 from public funds said compensation shall be paid out of the general
15 fund of the state.

1 SEC. 103. Section ninety-eight point five (98.5), Code 1971, is
2 amended to read as follows:

3 98.5 Violation. Any minor under eighteen years of age refusing
4 to give information as required by section 98.4 shall be guilty of a
5 misdemeanor. Said minor shall be certified by the magistrate ~~or~~ ~~justice~~
6 ~~of the peace~~ before whom the case is tried, to the juvenile court
7 of the county for such action as said court shall deem proper.

8 If any minor having been convicted of violating section 98.4 shall
9 give information which shall lead to the arrest of the person or persons
10 having violated any of the provisions of section 98.2 and shall
11 give evidence as a witness in any proceedings that may be prosecuted
12 against said person or persons, the court in its discretion may suspend
13 sentence against the offending minor.

1 SEC. 104. Section one hundred fifteen point four (115.4), Code
2 1971, is amended to read as follows:

3 115.4 Who eligible. No person shall be appointed to the position
4 of shorthand reporter of any district, ~~superior~~, ~~or municipal~~ court in
5 this state, unless he be a certified shorthand reporter who has been
6 found competent to report court proceedings, references, or proceedings
7 of like character, by the board of examiners provided for in this
8 chapter.

1 SEC. 105. Section one hundred twenty-three point fifty-three
2 (123.53),* unnumbered paragraph two (2), Code 1971, is amended to
3 read as follows:

4 In order that the said commission may be provided with the neces-

*Repealed by 64 GA, ch 108, §5.

**Repealed by 64 GA, ch 131, §152.

5 sary information to make out the report required by this chapter, it
 6 shall be the duty of every justice of the peace, police court, mayor's
 7 court and every clerk of a court of record in this state to forward to
 8 said commission during the month of July of each year a full and
 9 complete report of each case commenced in the court of such justice,
 10 police court, mayor's court, or any court of record, in which a viola-
 11 tion of this chapter or any other law of this state pertaining to alco-
 12 holic liquors or beer was charged, and the disposition of the same.

1 SEC. 106. Section one hundred thirty point twenty-six (130.26),*
 2 Code 1971, is amended to read as follows:

3 130.26 **Preservation and inspection.** The permit holder shall pre-
 4 serve the stubs in book form and shall keep them at all times, subject
 5 to the inspection of the pharmacy examiners, the county attorney, any
 6 grand jury, or peace officer, or justice of the peace in the county in
 7 which the permit is in force.

1 SEC. 107. Section one hundred eighty-eight point twenty-eight
 2 (188.28), Code 1971, is amended to read as follows:

3 188.28 **Proof of service.** Immediately after the expiration of said
 4 ten days of posting, the person taking up the estray shall, unless such
 5 estray has been previously claimed by the owner, file with a justice
 6 of the peace in the township in which the estray was taken up, or, in
 7 case there is no justice in the township, then with the next nearest
 8 justice in the county the county auditor his affidavit which shall show:

- 9 1. The time and place of taking up such estray.
- 10 2. The time and places of posting said notice, together with a copy
- 11 of said notice.
- 12 3. That said animal remains unclaimed.
- 13 4. Whether the marks or brands of said animal have been altered
- 14 to his knowledge, either before or after the same was taken up.

1 SEC. 108. Section one hundred eighty-eight point thirty-two
 2 (188.32), Code 1971, is amended to read as follows:

3 188.32 **Fees and expenses.** The person taking up an estray shall
 4 pay to the justice of the peace, with whom the affidavit is filed, the
 5 legal fees due the said justice, and the legal fees due to the county
 6 auditor for entering said affidavit in the estray book, and posting and
 7 publishing the same, which amounts, together with the compensation
 8 provided by law, shall be refunded to the person taking up such es-
 9 tray by the owner thereof in case the animal is restored to the owner.

1 SEC. 109. Section one hundred eighty-eight point forty-seven
 2 (188.47), Code 1971, is amended to read as follows:

3 188.47 **Bond to release.** Before any property held under this chap-
 4 ter is sold under distraint, or before the title to an estray vests in the
 5 taker-up, it may be released at once upon the owner giving to the
 6 distrainer or taker-up a bond, with sureties, to be approved by the
 7 township clerk, justice of the peace or county auditor, before whom
 8 the matter is then pending, conditioned to pay to the holder of the
 9 property, within twenty days after such approval, all costs, damages,
 10 and compensation to which he is entitled. In case the obligee in said
 11 bond is compelled to begin action on such bond, the court may tax a
 12 reasonable attorney's fee in favor of such obligee.

*Repealed by 64 GA, ch 131, §152.

1 SEC. 110. Section one hundred eighty-eight point forty-eight
2 (188.48), Code 1971, is amended by striking subsection seven (7).

1 SEC. 111. Section one hundred eighty-nine point eight (189.8),
2 Code 1971, is amended to read as follows:

3 189.8 **Witnesses.** In the enforcement of the provisions of this title
4 the department shall have power to issue subpoenas for witnesses,
5 enforce their attendance, and examine them under oath. Such wit-
6 nesses shall be allowed the same fees as witnesses in justice of the
7 ~~peace courts~~ *district court*. Said fees shall be paid out of the contin-
8 gent fund of the department.

1 SEC. 112. Section two hundred one point eleven (201.11), unnum-
2 bered paragraph two (2), Code 1971, is amended to read as follows:

3 In all litigation arising from the purchase, sale, or disposal of any
4 agricultural lime, limestone, or aglime, in which the composition of
5 the same may be involved, a certified copy of the official analysis shall
6 be accepted as prima-facie evidence of the composition of such agri-
7 cultural lime, limestone, or aglime. The possession of agricultural
8 lime, limestone, or aglime, in any building, room, railroad equipment,
9 store, storeroom, warehouse, truck, or other place within this state,
10 except by a person who has the same for his private use, without com-
11 plying with the provisions of this chapter relative to agricultural lime,
12 shall be prima-facie evidence of keeping the same for the purpose of
13 selling or disposal. In all prosecutions under this chapter, a justice
14 of the peace, police judge, or mayor shall have jurisdiction with the
15 right of appeal to the district court by certiorari.

1 SEC. 113. Section two hundred three A point six (203A.6), sub-
2 section two (2), Code 1971, is amended to read as follows:

3 2. When an article detained or embargoed under subsection 1 has
4 been found by such agent to be adulterated or misbranded, he shall
5 petition the judge of the ~~municipal, or~~ district court in whose jurisdic-
6 tion the article is detained or embargoed for a libel for condemnation
7 of such article. When such agent has found that an article so de-
8 tained or embargoed is not adulterated or misbranded, he shall re-
9 move the tag or other marking.

1 SEC. 114. Section two hundred twenty-two point sixteen (222.16),
2 Code 1971, is amended to read as follows:

3 222.16 **Petition for adjudication of retardation.** A petition for the
4 adjudication of the mental retardation of a person within the mean-
5 ing of this chapter may, with the permission of the court be filed
6 without fee against such person with the clerk of the district, ~~superior,~~
7 ~~or municipal~~ court of the county or city in which such alleged mentally
8 retarded person resides or is found. The petition may be filed by any
9 relative of such person, by a guardian, or by any reputable citizen of
10 the county of such residence or of such place of finding.

1 SEC. 115. Section two hundred twenty-two point fifty-three
2 (222.53), Code 1971, is amended to read as follows:

3 222.53 **Conviction—suspension.** If on the conviction in the dis-
4 trict, ~~superior, or municipal~~ court of any person for any crime or for
5 any violation of any municipal ordinance, or if on the determination
6 in said courts that a child is dependent, neglected, or delinquent and
7 it appears from any evidence presented to the court before sentence,
8 that such person is mentally retarded within the meaning of this

9 chapter, the court may suspend sentence or order, and may order any
 10 officer of the court or some other proper person to file a petition per-
 11 mitted under the provisions of this chapter against said person. Pend-
 12 ing hearing of the petition, the court shall provide for the custody of
 13 said person as directed in section 222.52.

1 SEC. 116. Section two hundred twenty-five point ten (225.10),
 2 Code 1971, is amended to read as follows:

3 225.10 **Application for admission.** Persons suffering from mental
 4 diseases may be admitted as committed public patients as follows:
 5 Any physician authorized to practice his profession in the state of
 6 Iowa or any citizen of the state may file information with any dis-
 7 trict ~~or superior~~ court of the state or with any judge thereof, alleg-
 8 ing that the person named therein is suffering from some abnormal
 9 mental condition that can probably be remedied by observation, treat-
 10 ment, and hospital care; and that he is, of himself or through those
 11 legally responsible for him, unable to provide the means for such ob-
 12 servation and hospital care.

1 SEC. 117. Section two hundred twenty-five point eleven (225.11),
 2 Code 1971, is amended to read as follows:

3 225.11 **Medical examiner.** Said judge of the district ~~or superior~~
 4 court *or the clerk of such court* may, upon his own motion or upon
 5 the information contained in such report filed as aforesaid, appoint
 6 some physician who shall personally examine said person with re-
 7 spect to his mental condition.

1 SEC. 118. Section two hundred twenty-five point fourteen (225.14),
 2 Code 1971, is amended to read as follows:

3 225.14 **Notice—trial and order.** Upon the filing of such report or
 4 reports, said judge of the district ~~or superior~~ court as aforesaid shall
 5 fix a day for the hearing upon the complaint and shall cause the per-
 6 son or those legally responsible for him to be served with a notice of
 7 the hearing; and he shall also notify the county attorney, who shall
 8 appear and conduct the proceedings, and upon such complaint evi-
 9 dence may be introduced. Upon such hearing the person against
 10 whom the complaint is made shall be entitled to a trial by jury. If
 11 the judge or jury finds that the said person is suffering from an ab-
 12 normal mental condition which can probably be remedied by observa-
 13 tion, medical or surgical treatment, and hospital care, and that he, or
 14 those legally responsible for him, are unable to pay the expenses
 15 thereof, said judge shall enter an order directing that the said person
 16 shall be sent to the state psychopathic hospital at the state University
 17 of Iowa for observation, treatment, and hospital care as a committed
 18 public patient.

1 SEC. 119. Section two hundred twenty-five point sixteen (225.16),
 2 unnumbered paragraph one (1), Code 1971, is amended to read as
 3 follows:

4 225.16 **Voluntary public patients—commitment.** If the said judge
 5 of the district ~~or superior~~ court *or the clerk of the court*, as aforesaid,
 6 finds from the physician's report which was filed under the provisions
 7 of section 225.12, that the said person is suffering from an abnormal
 8 mental condition which can probably be remedied by observation,
 9 medical or surgical treatment, and hospital care, and the report of
 10 the county attorney shows that he, or those legally responsible for

11 him, are unable to pay the expenses thereof, said judge *or clerk* shall
12 enter an order directing that the said person shall be sent to the state
13 psychopathic hospital at the state University of Iowa for observation,
14 treatment, and hospital care as a voluntary public patient; provided
15 that the said person, or those legally responsible for him, request the
16 said court or judge to commit said person without the hearing which
17 is required under the provisions of section 225.14.

1 SEC. 120. Section two hundred twenty-five point seventeen
2 (225.17), unnumbered paragraph one (1), Code 1971, is amended to
3 read as follows:

4 225.17 **Committed private patients—treatment.** If the said judge
5 of the district ~~or superior~~ court, as aforesaid, finds in the hearing as
6 provided for under the provisions of section 225.14 that the said per-
7 son is suffering from an abnormal mental condition which can prob-
8 ably be remedied by observation, medical or surgical treatment, and
9 hospital care, and that he, or those legally responsible for him, are
10 able to pay the expenses thereof, said judge shall enter an order di-
11 recting that the said person shall be sent to the state psychopathic
12 hospital at the state University of Iowa for observation, treatment,
13 and hospital care as a committed private patient.

1 SEC. 121. Section two hundred twenty-five point eighteen (225.18),
2 Code 1971, is amended to read as follows:

3 225.18 **Attendants.** The court *or clerk* may, in his discretion,
4 appoint some person to accompany said committed public patient or
5 said voluntary public patient or said committed private patient from
6 the place where he may be to the state psychopathic hospital of the
7 state University at Iowa City, or to accompany such patient from the
8 said hospital to such place as may be designated by the court *or clerk*.
9 If the patient be a female, the person appointed to accompany her
10 must be a woman.

1 SEC. 122. Section two hundred twenty-five point nineteen (225.19),
2 Code 1971, is amended to read as follows:

3 225.19 **Compensation for attendant.** Any person appointed by the
4 court or judge *or clerk* to accompany said person to or from the hos-
5 pital or to make an investigation and report on any question involved
6 in the complaint, other than the physician making the examination,
7 shall receive the sum of three dollars per day for the time actually
8 spent in making such investigation (except in cases where the person
9 appointed therefor receives a fixed salary or compensation) and his
10 actual necessary expenses incurred in making such investigation or
11 trip.

1 SEC. 123. Section two hundred twenty-five point twenty-one
2 (225.21), Code 1971, is amended to read as follows:

3 225.21 **Vouchers.** The person making claim to such compensation
4 shall present to the court or judge an itemized sworn statement there-
5 of, and when such claim for compensation has been approved by the
6 court or judge, *or clerk* the same shall be filed in the office of the
7 county auditor and shall be allowed by the board of supervisors and
8 paid from the state institution fund.

1 SEC. 124. Section two hundred twenty-five point twenty-five
2 (225.25), Code 1971, is amended to read as follows:

3 **225.25 Commitment of private patient as public.** If any patient be
4 admitted to the state psychopathic hospital and thereafter an order of
5 commitment of said patient as a public patient be made by the court
6 or judge *or clerk* having jurisdiction thereof, the expense of keeping
7 and maintaining said patient from the date of the filing of the infor-
8 mation upon which said order is made shall be paid by the state.

1 SEC. 125. Section two hundred twenty-five point thirty (225.30),
2 Code 1971, is amended to read as follows:

3 **225.30 Blanks—audit.** The medical faculty of the hospital of the
4 college of medicine of the state University of Iowa shall prepare
5 blanks containing such questions and requiring such information as
6 may be necessary and proper to be obtained by the physician who ex-
7 amines the patient under order of court; and such blanks shall be
8 printed by the state and a supply thereof shall be sent to the clerk of
9 each district and superior court of the state. The state comptroller
10 shall audit, allow, and pay the cost of the blanks as other bills for
11 public printing are allowed and paid.

1 SEC. 126. Section two hundred thirty-one point one (231.1), Code
2 1971, is amended to read as follows:

3 **231.1 Jurisdiction.** There is hereby established in each county a
4 juvenile court *within the district court*, which, and the judges thereof,
5 shall have and exercise the jurisdiction and powers provided by law.

1 SEC. 127. Section two hundred thirty-one point two (231.2), Code
2 1971, is amended by striking subsection two (2) and inserting in lieu
3 thereof the following:

4 “Of the district associate judges if and as long as so designated by
5 the chief judge of the district.”

1 SEC. 128. Section two hundred thirty-one point three (231.3),
2 Code 1971, is amended by striking unnumbered paragraph one (1)
3 and inserting in lieu thereof the following:

4 “The chief judge of the district shall designate one or more of the
5 district judges or district associate judges, or both, to act as judge
6 or judges of the juvenile court in any county or counties.”

1 SEC. 129. Section two hundred thirty-one point three (231.3), un-
2 numbered paragraph one (1),* Code 1971, is amended to read as fol-
3 lows:

4 “The judges of the district court may designate one of their num-
5 ber to act as judge of the juvenile court in any county or counties, and
6 may designate a superior or municipal court *district associate* judge
7 to act as judge of the juvenile court in cases arising in any city in
8 which any such court is organized and in cases arising in any part of
9 any county convenient thereto. In counties having a population of
10 one hundred thousand or over, unless said district judges designate a
11 superior or municipal court judge to act as juvenile judge, they shall
12 after each election, designate one of their number to act as juvenile
13 judge for the ensuing four years.”

1 SEC. 130. Section two hundred thirty-one point eight (231.8), un-
2 numbered paragraph two (2), Code 1971, is amended to read as fol-
3 lows:

*Repealed by §128 hereof.

4 Probation officers may be appointed to serve two or more counties.
 5 The salaries of such officers and their deputies, if any, shall be fixed
 6 by the judges of the judicial district ~~containing~~ *who are designated*
 7 *juvenile court judges* for such counties and such salaries and the ex-
 8 penses of the probation offices shall be prorated among the counties
 9 served in such proportion as may be determined by said judges who
 10 shall in making such determination, consider the volume of work in
 11 the several counties. Such officers may be paid not to exceed sixty per-
 12 cent of the salary of a district court judge.

1 SEC. 131. Section two hundred forty-six point forty-six (246.46),
 2 Code 1971, is amended to read as follows:

3 246.46 **Who may visit.** The following persons are authorized to
 4 visit said institutions at pleasure: The governor, secretary of state,
 5 auditor of state, treasurer of state, secretary of agriculture, members
 6 of the general assembly, judges of the supreme, *and district, superior,*
 7 *and municipal* courts, *including district associate judges and judicial*
 8 *magistrates*, county attorneys, and all regular officiating ministers of
 9 the gospel. No other person shall be granted admission except by
 10 permission of the warden.

1 SEC. 132. Section two hundred forty-seven point thirty (247.30),
 2 Code 1971, is amended by striking subsection sixteen (16) and in-
 3 serting in lieu thereof the following:

4 16. All jurors' fees, jurors' meals, and witness fees paid by the
 5 county in all criminal cases before a judicial magistrate.

1 SEC. 133. Section two hundred fifty-two A point two (252A.2),
 2 subsection two (2), Code 1971, is amended to read as follows:

3 2. "Court" shall mean and include a ~~family court, domestic rela-~~
 4 ~~tions court, children's court, municipal court~~ and any other court, by
 5 whatever name known, in any state having reciprocal laws or laws sub-
 6 stantially similar to this chapter upon which jurisdiction has been
 7 conferred to determine the liability of persons for the support of de-
 8 pendents within and without such state.

1 SEC. 134. Section two hundred fifty-five point eight (255.8), Code
 2 1971, is amended to read as follows:

3 255.8 **Hearing—order—emergency cases—cancellation of commit-**
 4 **ments.** The attorney and the overseer of the poor, or other agent of
 5 the board of supervisors of the county where the hearing is held, shall
 6 appear thereat. The complainant, the county attorney, the overseer
 7 of the poor or other agent of the board of supervisors, and the pa-
 8 tient, or any person representing him, or her, may introduce evidence
 9 and be heard. If the court finds that said patient is a legal resident
 10 of Iowa and is pregnant or is suffering from a malady or deformity
 11 which can probably be improved or cured or advantageously treated
 12 by medical or surgical treatment or hospital care, and that neither
 13 the patient nor any person legally chargeable with his or her support
 14 is able to pay the expenses thereof, then the clerk of court, except in
 15 obstetrical cases and cases of crippled children, shall immediately as-
 16 certain from the admitting physician at the university hospital
 17 whether such person can be received as a patient within a period of
 18 thirty days, and if the patient can be so received, the court, *or in the*
 19 *event of no actual contest, the clerk of the court,* shall then enter an

20 order directing that said patient be sent to the university hospital for
 21 proper medical and surgical treatment and hospital care. If the court
 22 ascertain, excepting in obstetrical cases and orthopedic cases, that a
 23 person of the age or sex of the patient, or afflicted by the complaint,
 24 disease or deformity with which such person is affected cannot be
 25 received as a patient at the said university hospital within the period
 26 of thirty days, then he *or the clerk* shall enter an order directing the
 27 board of supervisors of the county to provide adequate treatment at
 28 county expense for said patient at home or in a hospital. Obstetrical
 29 cases and orthopedic cases may be committed to the university hospi-
 30 tal without regard to the limiting period of thirty days hereinbefore
 31 stated.

32 In any case of emergency the court *or the clerk* without previous
 33 inquiry may at its discretion order the patient to be immediately taken
 34 to and accepted by the university hospital for the necessary care as
 35 provided in section 255.11, but if such a patient cannot be immediately
 36 accepted at the university hospital as ascertained by telephone if neces-
 37 sary, the court *or the clerk* may enter an order as in certain cases
 38 above set forth directing the board of supervisors to provide adequate
 39 treatment at county expense for the said patient at home or in a
 40 hospital.

1 SEC. 135. Section two hundred fifty-five point thirteen (255.13),
 2 Code 1971, is amended to read as follows:

3 255.13 **Attendant—physician—compensation.** If the physician
 4 appointed to examine the patient shall certify that an attendant to
 5 accompany the patient to the said hospital is necessary, and the uni-
 6 versity hospital attendant and ambulance service is not available,
 7 then the court or judge *or clerk of the court* may appoint an attend-
 8 ant who shall receive not exceeding two dollars per day for the time
 9 thus necessarily employed and actual necessary traveling expenses by
 10 the most feasible route to said hospital whether by ambulance, train
 11 or automobile; but if such appointee is a relative of the patient or a
 12 member of his immediate family, or receives a salary or other com-
 13 pensation from the public for his services, no such per diem compen-
 14 sation shall be paid him. The physician appointed by the court *or*
 15 *clerk* to make the examination and report shall receive therefor three
 16 dollars for each examination and report so made and his actual neces-
 17 sary expenses incurred in making such examination, but if said physi-
 18 cian receives a salary or other compensation from the public for his
 19 full-time services, then no such examination fee shall be paid. The
 20 actual, necessary expenses of transporting and caring for the patient
 21 shall be paid as hereinafter provided.

1 SEC. 136. Section two hundred fifty-five point fourteen (255.14),
 2 Code 1971, is amended to read as follows:

3 255.14 **Expenses—how paid.** An itemized, verified statement of
 4 all charges provided for in sections 255.8 and 255.13, in cases where
 5 the patient is admitted or accepted for treatment at the university
 6 hospital shall be filed with the superintendent of the university hos-
 7 pital, and upon his recommendation when approved by the judge *or*
 8 *clerk of the court* under whose order the same were incurred, they
 9 shall be charged on the regular bill for the maintenance, transporta-
 10 tion and treatment of the patient, and be audited and paid in the
 11 manner as hereinafter provided.

1 SEC. 137. Section three hundred twenty-one point one hundred
2 ninety-three (321.193), unnumbered paragraph one (1), Code 1971,
3 is amended to read as follows:

4 *The When provided in rules and regulations adopted pursuant to*
5 *chapter 17A, the department upon issuing an operator's or chauffeur's*
6 *license shall have authority whenever good cause appears to impose*
7 *restrictions suitable to the licensee's driving ability with respect to*
8 *the type of vehicle or special mechanical control devices required on*
9 *a motor vehicle which the licensee may operate or such other restric-*
10 *tions applicable to the licensee, including licenses issued under section*
11 *321.194, as the department may determine to be appropriate to assure*
12 *the safe operation of a motor vehicle by the licensee.*

1 SEC. 138. Section three hundred twenty-one point two hundred
2 ten (321.210), unnumbered paragraph one (1), Code 1971, is amended
3 to read as follows:

4 The department is hereby authorized to ~~suspend~~ *establish rules and*
5 *regulations under the provisions of chapter 17A providing for the*
6 *suspension of the license of an operator or chauffeur without prelim-*
7 *inary hearing upon a showing by its records or other sufficient evi-*
8 *dence that under the rules and regulations adopted by the department*
9 *the licensee:*

1 SEC. 139. Section three hundred twenty-one point four hundred
2 eighty-five (321.485), subsection one (1), Code 1971, is amended to
3 read as follows:

4 1. Immediately arrest such person and take him before a magis-
5 trate of the county in which the apparent violation occurred; or

1 SEC. 140. Section three hundred twenty-one point four hundred
2 eighty-five (321.485), subsection two (2), paragraph "a", Code 1971,
3 is amended to read as follows:

4 a. Prepare in triplicate a written ~~summons~~ *citation* to appear in
5 court containing the name and address of such person, the operator
6 or chauffeur license number if any, the registration number if any of
7 his vehicle, the offense charged, and the time when and place where
8 such person shall appear in court, ~~which shall be within the county in~~
9 ~~which the offense charged is alleged to have been committed;~~ or

1 SEC. 141. Section three hundred twenty-one point four hundred
2 eighty-seven (321.487), unnumbered paragraph one (1), Code 1971,
3 is amended to read as follows:

4 321.487 **Violation of promise to appear.** Any person willfully vio-
5 lating a ~~summons~~ *citation* to appear in court given as provided in this
6 chapter, is guilty of a misdemeanor, punishable as provided in sec-
7 tion 321.482 regardless of the disposition of the charge upon which
8 he was ~~summoned~~ *cited. Venue shall be in the county where the de-*
9 *fendant was to appear or in the county where he resides.*

1 SEC. 142. Section three hundred twenty-one point four hundred
2 ninety-one (321.491), unnumbered paragraph one (1), Code 1971, is
3 amended to read as follows:

4 321.491 **Convictions to be reported.** Every ~~magistrate or judge of~~
5 ~~a court not of record and every judicial magistrate and~~ clerk of a
6 court of record shall keep a full record of every case in which a per-

7 son is charged with any violation of this chapter or of any other law
8 regulating the operation of vehicles on highways.

1 SEC. 143. Section three hundred thirty-three point eleven (333.11),
2 Code 1971, is amended by striking subsection six (6).

1 SEC. 144. Section three hundred thirty-three point eleven (333.11),
2 subsection fourteen (14), Code 1971, is amended to read as follows:

3 14. The amounts paid for the condemning of intoxicating liquors
4 during the preceding year, also cost of convictions, ~~both in justice~~
5 ~~courts and~~ in the district court, for the violation of the laws relating
6 to the sale of intoxicating liquors, together with the amount of fines
7 collected for such violation and the amounts received as mulct tax,
8 if any.

1 SEC. 145. Section three hundred thirty-seven point seven (337.7),
2 Code 1971, is amended to read as follows:

3 337.7 Bailiffs—~~appointment—duties~~. The sheriff shall attend upon
4 the district court *judges, district associate judges, and judicial magis-*
5 *trates* of his county, and while ~~it remains~~ *they remain* in session he
6 shall be allowed the assistance of such number of bailiffs as the judge
7 *or magistrate* may direct. They shall be appointed by the sheriff and
8 shall be regarded as deputy sheriffs, for whose acts the sheriff shall
9 be responsible.

1 SEC. 146. Section three hundred forty-three point three (343.3),
2 Code 1971, is amended to read as follows:

3 343.3 Acting as counsel. No sheriff, *or* deputy sheriff, ~~or con-~~
4 ~~stable~~ shall appear in any court as attorney or counsel for any party,
5 nor make any writing or process to commence any action or proceed-
6 ing, or to be in any manner used in the same; and such writing or
7 process made by any of them shall be rejected.

1 SEC. 147. Section three hundred forty-three point four (343.4),
2 Code 1971, is amended to read as follows:

3 343.4 Purchase of property. No sheriff, *or* deputy sheriff, ~~or con-~~
4 ~~stable~~ shall become the purchaser, either directly or indirectly, of any
5 property by him exposed to sale under any process of law; and every
6 such purchase shall be void.

1 SEC. 148. Section three hundred forty-nine point sixteen (349.16),
2 subsection one (1), Code 1971, is amended to read as follows:

3 1. The proceedings of the board of supervisors, excluding from the
4 publication of said proceedings, its canvass of the various elections,
5 as provided by law; witness fees of witnesses before the grand jury
6 and in the district court in criminal cases; ~~the transcripts of justices~~
7 ~~of the peace, including their proceedings and costs;~~ the county super-
8 intendent's report.

1 SEC. 149. Section three hundred fifty-six point twenty (356.20),
2 Code 1971, is amended to read as follows:

3 356.20 Violation of city ordinance. When the imprisonment is
4 under the judgment of any court, ~~police court, police magistrate,~~
5 ~~mayer, or other tribunal of a city or town,~~ for the violation of any
6 ordinance, bylaw, or other regulation thereof, the marshal shall
7 superintend the labor, and furnish the tools and materials, if neces-

8 sary, at the expense of the city or town requiring the labor, and such
9 city or town shall be entitled to the earnings of its convicts.

1 SEC. 150. Section three hundred fifty-six point thirty-three
2 (356.33), Code 1971, is amended by striking unnumbered paragraph
3 one (1) and inserting in lieu thereof the following:

4 "District judges, district associate judges, and judicial magistrates,
5 within their respective jurisdictional authority, may make all deter-
6 minations and orders under these sections."

1 SEC. 151. Section three hundred fifty-nine point thirty-eight
2 (359.38), Code 1971, is amended to read as follows:

3 359.38 **Watchmen appointed.** Such trustees, directors, or other
4 officers may appoint as many day and night watchmen of their
5 grounds as they may think expedient, and such watchmen, and also
6 all their sextons, superintendents, gardeners, and agents, stationed
7 upon or near said grounds are hereby authorized to take and sub-
8 scribe, before any mayor of a city or justice of the peace of the town-
9 ship where such cemetery is situated, an oath of office, similar to that
10 required by law of constables to an oath of office as provided in sec-
11 tion 63.10 of the Code.

1 SEC. 152. Section three hundred fifty-nine point thirty-nine
2 (359.39), Code 1971, is amended to read as follows:

3 359.39 **Ex officio police officers.** Upon the taking of such oath,
4 such watchmen, sextons, superintendents, gardeners, and agents shall
5 have and exercise all powers of police officers within and adjacent to
6 the cemetery grounds and each shall have power to arrest any and all
7 persons engaged in violating the laws of this state, and to bring such
8 person so offending before any justice of the peace within such town-
9 ship *judicial magistrate*, to be dealt with according to law.

1 SEC. 153. Section three hundred sixty-five point six (365.6), sub-
2 section one (1), Code 1971, is amended to read as follows:

3 365.6 **Applicability—exceptions.**

4 1. The provisions of this chapter shall apply to all appointive offi-
5 cers and employees, including *former* deputy clerks and deputy bail-
6iffs of the municipal court *who became deputies of the district court*
7 *clerks and sheriffs*, in cities under any form of government having a
8 population of more than fifteen thousand except:

9 a. City clerk, deputy city clerk, city solicitor, assistant solicitor,
10 assessor, treasurer, auditor, civil engineer, health physician, chief of
11 police, assistant chief of police in departments numbering more than
12 two hundred fifty members, market master, city manager and adminis-
13 trative assistants to the manager.

14 b. Laborers whose occupation requires no special skill or fitness.

15 c. Election officials.

16 d. Secretary to the mayor or to any commissioner.

17 e. Commissioners of any kind.

18 f. Casual employees.

1 SEC. 154. Section three hundred sixty-five point fifteen (365.15),
2 unnumbered paragraph two (2), Code 1971, is amended to read as
3 follows:

4 In cities under the commission form of government, by the super-
5 intendents of the respective departments, with the approval of the

6 city council; in cities under the city manager plan, by the city man-
 7 ager; in all other cities with the approval of the city council, and in
 8 the police and fire departments by the chiefs of the respective depart-
 9 ments; and in the case of deputy clerks or deputy bailiffs of the municip-
 10 al court, such appointments shall be made by the clerk or bailiff
 11 thereof, respectively.

1 SEC. 155. Section three hundred sixty-eight point six (368.6), sub-
 2 section five (5), Code 1971, is amended to read as follows:

3 5. Sales. Sales of auctioneers, bankrupt and dollar stores, and the
 4 like, and those of transient merchants, and to define by ordinance who
 5 shall be considered transient merchants; but the exercise of such
 6 power shall not interfere with sales made by sheriffs, constables, mar-
 7 shals, executors, guardians, assignees of insolvent debtors or bank-
 8 rupts, or any other person required by law to sell real or personal
 9 property.

1 SEC. 156. Section three hundred sixty-eight A point two (368A.2),
 2 subsections one (1) and seven (7), Code 1971, are amended to read as
 3 follows:

4 1. Executive officer—magistrate. He shall be a conservator of the
 5 peace, and, within the limits of the corporation, shall have all the
 6 powers conferred upon sheriffs to suppress disorders. He shall be
 7 the chief executive officer thereof, and it shall be his duty to enforce
 8 all regulations and ordinances; he may, upon view, arrest anyone
 9 guilty of a violation thereof, or of any crime under the laws of the
 10 state, and shall, upon information supported by affidavit, issue process
 11 for the arrest of any person charged with violating any ordinance of
 12 the corporation; shall supervise the conduct of all corporate officers,
 13 examine into the grounds of complaint made against them, and cause
 14 all neglect or violation of duty to be corrected, or report the same to
 15 the proper tribunal, that they may be dealt with as provided by law.

16 7. Mayor pro tem. He shall designate one member of the council
 17 as mayor pro tempore subject to the approval of a majority of the
 18 council. Said mayor pro tempore shall be vice-president of the council
 19 and give bond in the sum of five hundred dollars. In case of absence
 20 or inability of the mayor to act he shall perform all of the duties of
 21 the mayor except as otherwise herein provided. In case of the absence
 22 or inability of the mayor to act, the mayor pro tempore may hold
 23 mayor's court in cases of ordinance violations. If, at any meeting
 24 of the council, the mayor is not present, the mayor pro tempore shall
 25 act as presiding officer pro tempore and his acts as presiding officer
 26 pro tempore shall have the same force and legality as though per-
 27 formed by the duly elected mayor and he shall have the power to sign
 28 all resolutions and ordinances and execute all contracts or other
 29 documents finally adopted or approved at such meeting. The mayor
 30 pro tempore shall have no power to employ or discharge any officer
 31 or employee that the mayor has power to appoint or employ but said
 32 mayor pro tempore shall have the right to cast a vote as member of
 33 the council.

1 SEC. 157. Section three hundred sixty-eight A point seventeen
 2 (368A.17), Code 1971, is amended to read as follows:

3 368A.17 The marshal. The marshal shall be ex officio chief of
 4 police and may appoint one or more deputy marshals, who may per-

5 form his duties, and who, in cities of fifteen thousand or more popula-
 6 tion shall be members of the police force. He shall have the super-
 7 vision and general direction of the police force, and shall be the
 8 ministerial officer of the corporation. He shall suppress all riots,
 9 disturbances, and breaches of the peace, arrest all disorderly persons
 10 in the city or town and all persons committing any offense against
 11 the ordinances thereof, and forthwith bring such persons before the
 12 proper court for examination or trial. He shall pursue and arrest
 13 any person fleeing from justice, and shall diligently enforce all laws,
 14 ordinances, and regulations for the preservation of the public wel-
 15 fare and good order, and shall have the same powers and duties as
 16 ~~constables~~ *the sheriff* in similar cases. He shall attend upon the sit-
 17 ~~tings of the mayor's and police court,~~ and execute within the county
 18 and return all writs and other processes directed to him therefrom.

1 SEC. 158. Section four hundred four point eight (404.8), Code
 2 1971, is amended by striking subsection four (4).

1 SEC. 159. Section four hundred eleven point three (411.3), sub-
 2 section three (3), Code 1971, is amended by striking the subsection.

1 SEC. 160. Section four hundred thirteen point one hundred four-
 2 teen (413.114), Code 1971, is amended to read as follows:

3 413.114 **Injunction.** In any such action or proceeding said health
 4 officer may by petition duly verified, setting forth the facts, apply to
 5 the district, ~~superior, or municipal~~ court for an order granting the
 6 relief for which said action or proceeding is brought, or for an order
 7 enjoining all persons from doing or permitting to be done any work
 8 in or about such dwelling, building, structure, or lot, or from occupy-
 9 ing or using the same for any purpose until the entry of final judg-
 10 ment or order.

1 SEC. 161. Section four hundred thirteen point one hundred fifteen
 2 (413.115), Code 1971, is amended to read as follows:

3 413.115 **Authority to execute.** In case any notice or order issued
 4 by said health officer is not complied with, said health officer may
 5 apply to the district, ~~superior, or municipal~~ court for an order author-
 6 izing him to execute and carry out the provisions of said notice or
 7 order, to correct any violation specified in said notice or order, or
 8 to abate any nuisance in or about such dwelling, building, or structure
 9 or the lot upon which it is situated.

1 SEC. 162. Section four hundred fifteen point three (415.3), Code
 2 1971, is amended to read as follows:

3 415.3 **Ordinance—violations.** Any building or structure erected,
 4 altered, repaired, or used in violation of any ordinance passed under
 5 the authority of sections 415.1 and 415.2, shall be deemed a nuisance,
 6 and every such city or town is hereby empowered to provide by
 7 ordinance for the abatement of such nuisance, either by fine or im-
 8 prisonment, or by action in the district ~~or municipal~~ court of the
 9 county in which such city or town is located, or by both; such action
 10 to be prosecuted in the name of the city or town.

1 SEC. 163. Section four hundred twenty point fifteen (420.15),
 2 Code 1971, is amended to read as follows:

3 **420.15 Compensation of mayor.** The mayor shall receive such sal-
 4 ary as may be provided by ordinance, and in addition he shall receive
 5 for holding a mayor's or police court, or discharging the duties of a
 6 justice of the peace, the compensation allowed by law for similar
 7 services by such officers, to be paid in the same manner; which amount
 8 shall be in full compensation of all such services.

1 **SEC. 164.** Section four hundred twenty point thirty-eight
 2 (420.38), Code 1971, is amended to read as follows:

3 **420.38 Action to recover.** Fines and penalties may in all cases be
 4 recovered by action before a justice of the peace or other court of
 5 competent jurisdiction, and in the name of the proper municipal
 6 corporation. In any such action, where pleading is necessary, it shall
 7 be sufficient to declare generally for the amount claimed to be due in
 8 respect to the violation of the ordinance, referring to its title and the
 9 date of its adoption or passage, and showing, as near as may be, the
 10 facts of the alleged violation.

1 **SEC. 165.** Section four hundred twenty point one hundred eighty-
 2 two (420.182), Code 1971, is amended to read as follows:

3 **420.182 Warrant.** Whenever the board of health shall think it
 4 necessary for the preservation of the lives or the health of the inhab-
 5 itants to enter a place, building, or vessel within its jurisdiction, for
 6 the purpose of examining into and destroying, removing, or prevent-
 7 ing any nuisance, source of filth, or cause of sickness, and shall be
 8 refused such entry, any member of the board may make complaint,
 9 under oath, before any justice of the peace, or other judicial officer
 10 having jurisdiction to enforce the ordinances of such city, stating
 11 the facts of the case so far as he has knowledge thereof. Such officer
 12 shall thereupon issue a warrant, directed to the sheriff or any con-
 13 stable of the county, marshal or public officer, commanding him to
 14 take sufficient aid and, being accompanied by two or more members
 15 of said board, between the hours of sunrise and sunset, repair to
 16 the place where such nuisance, source of filth, or cause of sickness
 17 may be, and destroy, remove, or prevent the same under the direction
 18 of such members of the board.

1 **SEC. 166.** Section four hundred twenty point one hundred eighty-
 2 five (420.185), Code 1971, is amended to read as follows:

3 **420.185 Warrant.** Any justice of the peace, or tribunal having
 4 jurisdiction to enforce the ordinances of such city, on application
 5 under oath, showing cause therefor, by any member of said board,
 6 shall issue his warrant, directed to the sheriff or constable of the
 7 county or marshal or police officer, commanding him, under the direc-
 8 tions of the board, to remove any person infected with contagious
 9 disease, or to take possession of condemned houses and lodgings, and
 10 to provide nurses and attendants and other necessaries for the care,
 11 safety, and relief of the sick.

1 **SEC. 167.** Section four hundred forty-five point forty-nine
 2 (445.49), Code 1971, is amended to read as follows:

3 **445.49 Sheriff or constable as collector.** In the discharge of his
 4 duties as collector, should it become necessary to make the delinquent
 5 taxes by distress and sale, or should no collector be appointed, or
 6 should the collector fail to institute proceedings to collect said de-

7 linquent taxes, the treasurer shall place the same in the hands of
 8 the sheriff, ~~or a constable~~, who shall proceed to collect the same, ~~and~~
 9 ~~either shall be entitled to receive the same compensation, in addition~~
 10 ~~to the five percent, as constables are entitled to receive for the sale of~~
 11 ~~property on execution.~~

1 SEC. 168. Section four hundred fifty point forty-one (450.41),
 2 Code 1971, is amended to read as follows:

3 450.41 **Procedure for relief.** In the event that the estate has been
 4 duly appraised under the ordinary statutes of inheritance or the prop-
 5 erty has been sold and such appraisement or selling price is accepted
 6 by the director of revenue as satisfactory for inheritance tax purposes,
 7 the court *or the clerk of court* may, upon proper application, relieve
 8 the estate from the appraisement by the inheritance tax appraisers;
 9 but in order to obtain such relief, the administrator, executor, trustee,
 10 or other party interested must file an application for relief with the
 11 consent of the director of revenue thereto in the office of the clerk
 12 of the court before said clerk issues a commission to the inheritance
 13 tax appraisers.

1 SEC. 169. Section four hundred fifty-three point one (453.1), Code
 2 1971, is amended to read as follows:

3 453.1 **Deposits in general.** The treasurer of state, and of each
 4 county, city, town, county public hospital, merged area hospital, me-
 5 morial hospital and school corporation, and each township clerk and
 6 each county recorder, auditor, sheriff, ~~each clerk and bailiff of the~~
 7 ~~municipal court~~, and clerk of the district court, and each secretary
 8 of a school board shall deposit all funds in their hands in such banks
 9 as are first approved by the executive council, board of supervisors,
 10 city or town council, board of hospital trustees, memorial hospital
 11 commission, board of school directors, respectively; provided, how-
 12 ever, that the treasurer of state and the treasurer of each political
 13 subdivision shall invest all funds not needed for current operating
 14 expenses in time certificates of deposit in banks listed as approved
 15 depositories pursuant to this chapter or in investments permitted by
 16 section 452.10. The list of public depositories and the amounts sev-
 17 erally deposited therein shall be a matter of public record. The term
 18 "bank" means a bank or a private bank, as defined in section 524.103.

1 SEC. 170. Section five hundred seventy point five (570.5), Code
 2 1971, is amended to read as follows:

3 570.5 **Enforcement—proceeding by attachment.** The lien may be
 4 enforced by the commencement of an action, within the period above
 5 prescribed, for the rent alone, in which action the landlord shall be
 6 entitled to a writ of attachment, upon filing with the clerk ~~or justice~~
 7 a verified petition, stating that the action is commenced to recover
 8 rent accrued within one year previous thereto upon premises described
 9 in the petition; and the procedure thereunder shall be the same, as
 10 nearly as may be, as in other cases of attachment, except no bond
 11 shall be required.

1 SEC. 171. Section five hundred seventy-two point twenty-four
 2 (572.24), Code 1971, is amended to read as follows:

3 572.24 **Time of bringing action—court.** An action to enforce a
 4 mechanic's lien, or an action brought upon any bond given in lieu

5 thereof, may be commenced in the district ~~or superior~~ court after
6 said lien is perfected.

1 SEC. 172. Section five hundred eighty point four (580.4), Code
2 1971, is amended to read as follows:

3 **580.4 Affidavit of foreclosure.** Liens may be enforced by the
4 holder filing with ~~any constable the sheriff~~ of the county in which the
5 progeny is kept, ~~or with the sheriff of such county~~, an affidavit which
6 shall, in addition to a demand for foreclosure, contain:

- 7 1. A description of the stallion, bull or jack, when used and of the
- 8 dam and its progeny.
- 9 2. The time and terms of said service.
- 10 3. A statement of the amount due for said service.

1 SEC. 173. Section five hundred eighty point five (580.5), Code
2 1971, is amended to read as follows:

3 **580.5 Possession and notice.** The ~~constable or~~ sheriff shall, under
4 said affidavit, take immediate possession of said progeny, and give
5 written notice of the sale thereof, which notice shall contain:

- 6 1. A copy of the said affidavit.
- 7 2. The date and hour when, and the particular place at which, said
- 8 property will be sold.

1 SEC. 174. Section five hundred eighty point eight (580.8), Code
2 1971, is amended to read as follows:

3 **580.8 Sale—application of proceeds.** If payment of the service
4 fee, and ~~constable~~ costs, be not made prior to the time of sale, as
5 fixed in such notice, the ~~constable~~ sheriff may sell property so held
6 by him, or so much thereof as may be necessary, at public auction to
7 the highest bidder, and the proceeds shall be applied, first, to the pay-
8 ment of the costs, and second, in payment of amount due for service
9 fee. Any surplus arising from such sale shall be forthwith paid to
10 the owner of the property sold.

1 SEC. 175. Section five hundred ninety-five point ten (595.10),
2 Code 1971, is amended by striking subsections one (1) and two (2)
3 and inserting in lieu thereof the following:

4 "A judge of the supreme or district court, including a district as-
5 sociate judge, or a judicial magistrate."

1 SEC. 176. Section six hundred point one (600.1), unnumbered
2 paragraph one (1), Code 1971, is amended to read as follows:

3 **600.1 Who may adopt—petition.** Any person of lawful age may
4 petition the district court of the county in which he or the child
5 resides for permission to adopt any child not his own, but no person
6 other than the parent of a child may assume the permanent care
7 and custody of a child under fourteen years of age except in accord-
8 ance with the provisions of this chapter or chapter 238. If the peti-
9 tioner be married, the spouse shall join in the petition unless such
10 spouse is a natural parent of the child. An adult may be adopted, and
11 only such provisions of this chapter shall apply thereto as the court
12 may order. ~~The judges of the district court may designate a municip-~~
13 ~~al court judge to act as judge in adoption matters with jurisdiction~~
14 ~~in cases arising in the county in which such municipal court is or-~~
15 ~~ganized.~~

1 SEC. 177. Section six hundred four point two (604.2), Code 1971,
2 is amended to read as follows:

3 **604.2 Appeals and writs of error.** It shall also possess and exer-
4 cise jurisdiction in all appeals and writs of error taken in civil and
5 criminal actions and special proceedings authorized to be taken from
6 all ~~inferior courts~~, tribunals, boards, or officers, under any provisions
7 of the laws of this state, and shall have a general supervision thereof,
8 in all matters, to prevent and correct abuses, where no other remedy
9 is provided.

1 SEC. 178. Section six hundred four point eleven (604.11), Code
2 1971, is amended to read as follows:

3 **604.11 City or town to provide courtroom.** Where court is held in
4 any city or town not the county seat, such city or town shall provide
5 and furnish the necessary rooms and places therefor free of charge
6 to the county. ~~Any necessary alterations, repairs, or additions to said~~
7 ~~rooms and places shall be provided at the expense of the county; and~~
8 ~~the board of supervisors is authorized and empowered to make such~~
9 ~~alterations, improvements, or additions, the cost thereof not to be in~~
10 ~~excess of the limitations imposed by section 345.1.~~

1 SEC. 179. This section shall take effect July 1, 1971.* Section six
2 hundred five point two (605.2), Code 1971, is amended to read as
3 follows:

4 **605.2 Expenses.** Where a judge of the district or supreme court
5 is required, in the discharge of his official duties, to leave the county
6 of his residence or leave the city or town of his residence to perform
7 such duties, he shall be paid such actual and necessary ~~hotel~~ *expenses*
8 *for living quarters* and living expenses not to exceed the sum of fifteen
9 dollars per day and transportation expenses as shall be incurred.

1 SEC. 180. Section six hundred five point fourteen (605.14), Code
2 1971, is amended to read as follows:

3 **605.14 Judge to be attorney.** No person shall be eligible to the
4 office of judge of a court of record, ~~except of police courts~~ *except*
5 *judicial magistrate*, who is not, at the time of his election, an attorney
6 at law, duly admitted to practice under the laws of this state.

1 SEC. 181. Section six hundred five point fifteen (605.15), Code
2 1971, is amended to read as follows:

3 **605.15 Practice prohibited.** During the time that he is holding
4 such office he shall not practice as an attorney or counselor or give
5 advice in relation to any action pending or about to be brought in
6 any of the courts of the state. ~~Nothing contained in this section shall~~
7 ~~be construed to prohibit police court judges from practicing as at-~~
8 ~~torneys and counselors in civil matters. Judicial magistrates who are~~
9 ~~members of the bar of Iowa may practice as attorneys and counselors,~~
10 ~~except they may not practice as attorneys and counselors, or give~~
11 ~~advice, in relation to any matter within the purview of the jurisdic-~~
12 ~~tion of judicial magistrates as defined in section twenty-five (25)** of~~
13 ~~this Act.~~

1 SEC. 182. Section six hundred five A point three (605A.3), Code
2 1971, is amended to read as follows:

*According to enrolled Act.
**"31" may be intended.

3 **605A.3 Notice by judge in writing.** This chapter shall not apply
 4 to any judge of the municipal, superior, district or supreme court,
 5 *including district associate judges*, until he gives notice in writing,
 6 while serving as a judge, to the state comptroller and treasurer of
 7 state, of his purpose to come within its purview. Judges of the muni-
 8 cipal and superior courts shall at the same time give a copy of such
 9 notice to the city treasurer and county auditor within the district of
 10 such court. Such notice shall be given within one year after the effec-
 11 tive date hereof or within one year after any date on which he takes
 12 oath of office as such judge.

1 SEC. 183. Section six hundred five A point four (605A.4), unnum-
 2 bered paragraph one (1), Code 1971, is amended to read as follows:

3 **605A.4 Deposit by judge—deductions—contributions by governing**
 4 **body.** Each judge coming within the purview of this chapter shall, on
 5 or before retirement, pay to the state comptroller for deposit with the
 6 state treasurer to the credit of a fund to be known as the “judicial
 7 retirement fund”, hereinafter called the “fund”, a sum equal to four
 8 percent of his basic salary for services as such judge for the total
 9 period of service as a judge of a municipal, superior, district or
 10 supreme court, *including district associate judges*, before the date of
 11 said notice, and after the date of the notice there shall be deducted and
 12 withheld from the basic salary of each judge coming within the pur-
 13 view of this chapter a sum equal to four percent of such basic salary.
 14 Provided that the maximum amount which any judge shall be re-
 15 quired to contribute for past service shall not exceed for municipal
 16 or superior or *district associate* judges thirty-five hundred dollars,
 17 for district judges four thousand dollars and for supreme court judges
 18 five thousand dollars. The amounts so deducted and withheld from
 19 the basic salary of each said judge shall be paid to the state comptrol-
 20 ler for deposit with the treasurer of state to the credit of the judicial
 21 retirement fund, and said fund is hereby appropriated for the pay-
 22 ment of annuities, refunds, and allowances herein provided, except
 23 that the amount of such appropriations affecting payment of an-
 24 nuities, refunds, and allowances to judges of the municipal and
 25 superior court shall be limited to that part of said fund accumulated
 26 for their benefit as hereinafter provided. The judges of the municipal,
 27 superior, district and supreme court, *including district associate*
 28 *judges*, coming within the provisions of this chapter shall be deemed
 29 to consent and agree to the deductions from basic salary as provided
 30 herein, and payment less such deductions shall be a full and complete
 31 discharge and acquittance of all claims and demands whatsoever for
 32 all regular services rendered by such judges during the period covered
 33 by such payment, except the right to the benefits to which they shall
 34 be entitled under the provisions of this chapter. The state shall con-
 35 tribute a sum not exceeding three percent of the basic salary of all
 36 judges of the district and supreme court for the years 1949 and 1950
 37 and thereafter such sums as may be necessary over the amount con-
 38 tributed by the district and supreme court judges to finance the
 39 system, but only to the extent that the system applies to them. *After*
 40 *July 1, 1973, the state shall contribute such sums as may be necessary*
 41 *over the amount contributed by district associate judges to finance the*
 42 *system as to them for the portion of their tenure prior to July 1, 1973;*
 43 *and the respective cities and counties within each municipal and*

44 *superior court district shall contribute the additional amount neces-*
 45 *sary pursuant to the next paragraph of this section, for the portion*
 46 *of the tenure of such district associate judges prior to July 1, 1973.*

1 SEC. 184. Section six hundred five A point eight (605A.8), Code
 2 1971, is amended to read as follows:

3 **605A.8 Individual accounts—refunding.** The amounts deducted
 4 and withheld from the basic salary of each judge of the municipal,
 5 superior, district or supreme court, *including district associate judges,*
 6 for the credit of the judicial retirement fund and all amounts paid
 7 into such fund by each judge shall be credited to the individual ac-
 8 count of such judge. In the event a judge of the municipal, superior,
 9 district or supreme court, *including district associate judges,* becomes
 10 separated from service as such judge before he completes an ag-
 11 gregate of six years of service as a judge of one or more of such
 12 courts, the total amount of his contribution to the fund shall be
 13 returned to said judge or his legal representatives, and in the event
 14 a judge who has completed an aggregate of six years or more of
 15 service as a judge of one or more of such courts, dies before re-
 16 tirement, the total amount of his contribution to the fund shall be
 17 paid in one sum to his legal representatives, and in the event an an-
 18 nuitant under this section dies, without having received in annuities
 19 an amount equal to the total amount remaining to his credit at the
 20 time of his separation from service, the amount remaining to his
 21 credit shall be paid in one sum to his legal representatives.

1 SEC. 185. Section six hundred six point thirteen (606.13), Code
 2 1971, is amended to read as follows:

3 **606.13 Not to be justice or attorney.** The clerk, or deputy clerk
 4 of the district court is prohibited from ~~holding the office of justice~~
 5 ~~of the peace, or~~ practicing, directly or indirectly, as an attorney or
 6 solicitor in any of the courts of this state.

1 SEC. 186. Section six hundred six point fifteen (606.15), sub-
 2 section fourteen (14), Code 1971, is amended to read as follows:

3 14. For filing and docketing transcript of judgment from another
 4 county ~~or a justice of the peace or municipal court,~~ one dollar.

1 SEC. 187. Section six hundred seven point five (607.5), Code 1971,
 2 is amended by striking subsections two (2) and three (3).

1 SEC. 188. Section six hundred eighteen point thirteen (618.13),
 2 Code 1971, is amended by striking unnumbered paragraph two (2).

1 SEC. 189. Section six hundred twenty-one point nine (621.9),
 2 Code 1971, is amended to read as follows:

3 **621.9 Cash in lieu of bond.** In all cases in which a bond for
 4 security for costs is required, the party required to give such security
 5 may deposit in cash the amount fixed in said bond with the clerk of
 6 the district court ~~or justice of the peace~~ in lieu of said bond.

1 SEC. 190. Section six hundred twenty-two point sixty-three
 2 (622.63), Code 1971, is amended to read as follows:

3 **622.63 Subpoenas.** The clerks of the several courts shall, on appli-
 4 cation of any person having a cause or matter pending in court, issue
 5 a subpoena for witnesses under the seal of the court, inserting all

6 the names required by the applicant in one subpoena, if practicable,
7 which may be served by the sheriff ~~or any constable~~ of the county,
8 or by the party or any other person.

1 SEC. 191. Section six hundred twenty-two point sixty-nine
2 (622.69), Code 1971, is amended by striking the section and inserting
3 in lieu thereof the following:

4 "Witnesses shall receive three dollars for each day's attendance
5 and ten cents per mile for each mile actually traveled."

1 SEC. 192. Section six hundred twenty-two point seventy-three
2 (622.73), Code 1971, is amended to read as follows:

3 **622.73 Fees payable by county.** For attending before the trial jury
4 or court in criminal cases where the defendant is adjudged not guilty,
5 the fees above provided for attending ~~the district or justice's court~~
6 shall be paid by the county, upon a certificate of the clerk or ~~justice~~
7 *judicial magistrate* showing the amount of the services to which they
8 are entitled.

1 SEC. 193. Section six hundred twenty-two point seventy-five
2 (622.75), Code 1971, is amended to read as follows:

3 **622.75 Reimbursement to party or county.** When the county or
4 any party has paid the fees of any witness, and the same is afterward
5 collected from the adverse party, the county or person so paying the
6 same shall, upon the production of the receipt of such witness or other
7 satisfactory evidence, be entitled to such fee, ~~whether it be in the~~
8 ~~hands of the justice or clerk, or has been paid into the county trea-~~
9 ~~sury.~~

1 SEC. 194. Section six hundred twenty-two point seventy-eight
2 (622.78), Code 1971, is amended to read as follows:

3 **622.78 Serving subpoena.** If a witness conceals himself, or in any
4 manner attempts to avoid being personally served with a subpoena,
5 any sheriff ~~or constable~~ having the subpoena may use all necessary
6 and proper means to serve the same, and may for that purpose break
7 into any building or other place where the witness is to be found,
8 having first made known his business and demanded admission.

1 SEC. 195. Section six hundred twenty-two point eighty-four
2 (622.84), Code 1971, is amended to read as follows:

3 **622.84 Subpoenas—enforcing obedience.** When, by the laws of this
4 or any other state or country, testimony may be taken in the form
5 of depositions to be used in any of the courts thereof, the person
6 authorized to take such depositions may issue subpoenas for wit-
7 nesses, which must be served by the same officers and returned in the
8 same manner as is required in ~~a justice's court~~ *district court*, and
9 obedience thereto may be enforced in the same way and to the same
10 extent ~~a justice of the peace might do~~, or he may report the matter to
11 the district court who may enforce obedience as though the action was
12 pending in said court.

1 SEC. 196. Section six hundred twenty-two point ninety-three
2 (622.93), Code 1971, is amended by striking unnumbered paragraph
3 two (2).

1 SEC. 197. Section six hundred twenty-five point thirteen (625.13),
2 Code 1971, is amended to read as follows:

3 **625.13 Dismissal for want of jurisdiction.** Where an action is dis-
 4 missed from any court for want of jurisdiction, ~~or because it has not~~
 5 ~~been regularly transferred from an inferior to a superior court,~~ the
 6 costs shall be adjudged against the party attempting to institute or
 7 bring up the same.

1 SEC. 198. Section six hundred twenty-six point ninety-four
 2 (626.94), Code 1971, is amended to read as follows:

3 **626.94 Property unsold—optional procedure.** Subject to the provi-
 4 sions of section 626.93, when property is unsold for want of bid-
 5 ders, the levy still holds good; and, if there be sufficient time, it
 6 may again be advertised, or the execution returned and one issued
 7 commanding the officer to sell the property, describing it, previously
 8 levied on, to which a clause may be added that, if such property does
 9 not produce a sum sufficient to satisfy such execution, the officer shall
 10 proceed to make an additional levy, on which he shall proceed as on
 11 other executions; or the plaintiff may, in writing filed with the clerk
 12 ~~or justice,~~ abandon such levy, upon paying the costs thereof; in
 13 which case execution may issue with the same effect as if none had
 14 ever been issued.

1 SEC. 199. Section six hundred twenty-six point one hundred eight
 2 (626.108), Code 1971, is amended to read as follows:

3 **626.108 Fee bill execution.** After the expiration of sixty days from
 4 the rendition of a final judgment not appealed, removed, or reversed,
 5 the clerk of the court, ~~or a justice of the peace in whose office the~~
 6 ~~judgment is entered,~~ may, and, upon demand of any party entitled
 7 to any part thereof, shall, issue a fee bill for all costs of such judg-
 8 ment, which shall have the same force and effect as an execution is-
 9 sued by such officer; and shall be served and executed in the same
 10 manner.

1 SEC. 200. Section six hundred thirty point one (630.1), Code 1971,
 2 is amended to read as follows:

3 **630.1 Debtor examined.** When execution against the property of a
 4 judgment debtor, or one of several debtors in the same judgment, has
 5 been issued from the ~~superior, municipal, district, or supreme court~~
 6 to the sheriff of the county where such debtor resides, or if he ~~do~~
 7 ~~does~~ not reside in the state, to the sheriff of the county where the
 8 judgment was rendered, or a transcript of a justice's judgment has
 9 been filed, and execution issued thereon is returned unsatisfied in
 10 whole or in part, the owner of the judgment is entitled to an order
 11 for the appearance and examination of such debtor.

1 SEC. 201. Section six hundred thirty point three (630.3), Code
 2 1971, is amended to read as follows:

3 **630.3 By whom order granted.** Such order may be made by the
 4 ~~superior or district court~~ in which the judgment was rendered, or by
 5 the district court of the county to which execution has been issued.
 6 The debtor may be required to appear and answer before either of
 7 such courts, or before a referee appointed for that purpose by the
 8 court who issued the order, to report either the evidence or the facts.

1 SEC. 202. Section six hundred thirty-nine point eleven (639.11),
 2 Code 1971, is amended to read as follows:

3 **639.11 Bond.** In all cases before it can be issued, the plaintiff must
 4 file with the clerk a bond for the use of the defendant, with sureties
 5 to be approved by such clerk, in a penalty at least double the value
 6 of the property sought to be attached, and in no case, ~~except in a~~
 7 ~~class B case in municipal court,~~ less than two hundred fifty dollars
 8 in a court of record, ~~on less than fifty dollars if in a justice court or a~~
 9 ~~class B case in municipal court,~~ conditioned that the plaintiff will pay
 10 all damages which the defendant may sustain by reason of the wrong-
 11 ful suing out of the attachment.

1 SEC. 203. Section six hundred thirty-nine point sixty-eight
 2 (639.68), Code 1971, is amended to read as follows:

3 **639.68 Sheriff—constables.** The word “sheriff”, or “officer”, as
 4 used in this chapter is meant to apply to constables ~~when the proceed-~~
 5 ~~ings are in a justice’s court, or~~ the like officer of any other court.

1 SEC. 204. Section six hundred forty-two point one (642.1), Code
 2 1971, is amended to read as follows:

3 **642.1 Who may be garnished.** A sheriff ~~or constable~~ may be gar-
 4 nished for money of the defendant in his hands; a judgment debtor of
 5 the defendant, when the judgment has not been assigned on the rec-
 6 ord, or by writing filed in the office of the clerk and by him minuted
 7 as an assignment on the margin of the judgment docket; and an exec-
 8 utor, for money due from decedent.

1 SEC. 205. Section six hundred forty-three point five (643.5), Code
 2 1971, is amended to read as follows:

3 **643.5 Bond.** When the plaintiff desires the immediate delivery of
 4 the property, he shall execute a bond to the defendant, with sureties
 5 to be approved by the clerk ~~or justice~~, in a penalty at least equal to
 6 twice the value of the property sought to be taken, conditioned that
 7 he will appear in court on or before the day fixed in the original notice,
 8 and prosecute his action to judgment, and return the property, if a
 9 return is awarded, and pay all costs and damages that may be ad-
 10 judged against him.

1 SEC. 206. Section six hundred forty-three point six (643.6), Code
 2 1971, is amended to read as follows:

3 **643.6 Filing—purpose of bond.** Said bond shall be filed with the
 4 clerk ~~or justice~~, and be for the use of any person injured by the pro-
 5 ceeding.

1 SEC. 207. Section six hundred forty-three point seven (643.7),
 2 Code 1971, is amended to read as follows:

3 **643.7 Writ issued.** The clerk ~~or justice~~ shall thereupon issue a
 4 writ under his hand, and the seal of the court ~~if a court of record~~,
 5 directed to the proper officer, requiring him to take the property
 6 therein described and deliver it to the plaintiff.

1 SEC. 208. Section six hundred forty-four point one (644.1), Code
 2 1971, is amended to read as follows:

3 **644.1 Taking up vessels, rafts, logs and lumber.** If any person
 4 shall stop or take up any vessel or watercraft, or any raft of logs, or
 5 part thereof, or any logs suitable for making lumber or hewn timber,
 6 or sawed lumber, found adrift within the limits or upon the bound-
 7 aries of this state, of the value of five dollars or upwards, including
 8 the cargo, tackle, rigging, and other appendages of such vessel or

9 watercraft, such person, within five days thereafter, provided the
 10 same shall not have been previously proved and restored to the owner,
 11 shall go before some ~~justice of the peace in the township~~ *district judge,*
 12 *district associate judge, judicial magistrate, or district court clerk*
 13 where such property is found, and make affidavit setting forth the
 14 exact description of such property; where and when the same was
 15 found; whether any, and if so what cargo, tackle, rigging, or other
 16 appendages were found on board or attached thereto; and that the
 17 same has not been altered or defaced, either in whole or in part, since
 18 the taking up, either by him or by any other person to his knowledge.

1 SEC. 209. Section six hundred forty-four point two (644.2), Code
 2 1971, is amended to read as follows:

3 **644.2 Warrant—appraisal—return—record.** The said ~~justice dis-~~
 4 *trict judge, district associate judge, judicial magistrate, or district*
 5 *court clerk* shall thereupon issue his warrant, directed to some ~~con-~~
 6 ~~stable of his township~~ *peace officer*, commanding him to summon three
 7 respectable householders of the neighborhood, who shall proceed with-
 8 out delay to examine and appraise such property, including cargo,
 9 tackle, rigging, and other appendages if any there be, and to make
 10 report thereof under their hands to the ~~justice magistrate, judge or~~
 11 *clerk* issuing such warrant, who shall ~~enter the same, together with~~
 12 ~~the affidavit of the taker up, at large in his estray book, and within~~
 13 ~~five days shall transmit a certified copy thereof to the county auditor~~
 14 ~~of the proper county, to be by him recorded in his estray book and~~
 15 ~~filed in his office~~ *transmit a certified copy thereof to the county audi-*
 16 *tor to be recorded in the estray book in his office.*

1 SEC. 210. Section six hundred forty-four point four (644.4), Code
 2 1971, is amended to read as follows:

3 **644.4 Value exceeding twenty dollars.** If the value thereof shall
 4 exceed the sum of twenty dollars, the county auditor, within five days
 5 from the time of the reception of the ~~justice's magistrate, judge or~~
 6 ~~clerk's~~ certificate at his office, shall cause an advertisement to be
 7 posted on the door of the courthouse, and at three other of the most
 8 public places in the county, and also a notice to be published once
 9 each week for three weeks successively, in some newspaper printed in
 10 this state; and if such property be not claimed or proved within ninety
 11 days after the advertisement of the same, as aforesaid, the finder
 12 shall deliver the same to the sheriff of the county wherein it was
 13 taken up, who shall thereupon proceed to sell it at public auction to the
 14 highest bidder for cash, having first given ten days' notice of the
 15 time and place of sale, and the proceeds of all such sales, after deduct-
 16 ing the costs and other necessary expenses, shall be paid into the
 17 county treasury.

1 SEC. 211. Section six hundred forty-four point twelve (644.12),
 2 Code 1971, is amended to read as follows:

3 **644.12 Ownership settled.** In any case where a claim is made to
 4 property found or taken up, and the ownership of the property can-
 5 not be agreed upon by the finder and claimant, they may make a case
 6 before any ~~justice of the peace~~ *district judge, associate district judge,*
 7 *or judicial magistrate* in the county, who may hear and adjudicate it,
 8 and if either of them refuses to make such case the other may make
 9 an affidavit of the facts which have previously occurred, and the

10 claimant shall also verify his claim by his affidavit, and the justice
 11 *district judge, associate district judge, or judicial magistrate* may take
 12 cognizance of and try the matter on the other party having one day's
 13 notice, but there shall be no appeal from the decision. This section
 14 does not bar any other remedy given by law.

1 SEC. 212. Section six hundred forty-four point fourteen (644.14),
 2 Code 1971, is amended to read as follows:

3 **644.14 Costs, charges and care—assessment.** The owner shall also
 4 be required to pay the finder all such costs and charges as may have
 5 been paid by him for services rendered as aforesaid, including the cost
 6 of publication, together with reasonable charges for keeping and tak-
 7 ing care of such property, which last mentioned charge, in case the
 8 finder and the owner cannot agree, shall be assessed by two disinter-
 9 ested householders of the neighborhood, to be appointed by some jus-
 10 tice of the peace *magistrate judge* of the proper county, whose deci-
 11 sion, when made, shall be binding and conclusive on all parties.

1 SEC. 213. Section six hundred forty-eight point five (648.5), Code
 2 1971, is amended to read as follows:

3 **648.5 Jurisdiction—transfer—appeal.** ~~The district, municipal, and~~
 4 ~~superior courts within the county, and justices of the peace within the~~
 5 ~~township where the subject matter of the action is situated, The dis-~~
 6 ~~trict court within the county shall have concurrent jurisdiction of~~
 7 ~~actions for the forcible entry or detention of real property, and the~~
 8 ~~court first acquiring jurisdiction of an action therefor shall retain the~~
 9 ~~same until judgment, unless it is transferred as hereinafter provided.~~
 10 Where an action is brought in the district, superior, or municipal
 11 court it shall be tried as an equitable action, and upon presentation of
 12 the petition to the court or associate district judge or judicial magis-
 13 trate after the same has been filed, the court or judge shall make an
 14 order fixing the time and place for hearing upon said petition and
 15 shall prescribe that notice of the hearing be personally served upon
 16 the defendant or defendants, which service shall be at least five days
 17 prior to the date set for hearing. ~~By agreement of the parties, it may~~
 18 ~~be transferred from a justice's court to a municipal, superior, or the~~
 19 ~~district court, or from a superior or a municipal to the district court,~~
 20 ~~and all such actions in which judgment is rendered in a justice's court~~
 21 ~~may be appealed to the district or superior court, as provided by law.~~

1 SEC. 214. Section six hundred forty-eight point ten (648.10),
 2 Code 1971, is amended to read as follows:

3 **648.10 Service by publication.** Where it is made to appear by affi-
 4 davit that personal service of the original notice in such action can-
 5 not be made upon the defendant within the state, the same may be
 6 made by publication, if in a court of record, or by posting, if in a
 7 justice's court, in the same manner and for the same length of time
 8 as is required in other cases where such substituted service may be
 9 made.

1 SEC. 215. Section six hundred forty-eight point thirteen (648.13),*
 2 Code 1971, is amended to read as follows:

3 **648.13 Title in issue.** The question of title can only be investigated
 4 in the by a district court judge, and can be pleaded in a municipal

*Repealed by §282 hereof.

5 court or a justice's court only as provided in subsection 4 of section
6 648.1.

1 SEC. 216. Section six hundred fifty-seven point six (657.6), Code
2 1971, is amended to read as follows:

3 657.6 Stay of execution. Instead of issuing such warrant, the
4 court or justice may order the same to be stayed upon motion of the
5 defendant, and upon his entering into an undertaking to the state, in
6 such sum and with such surety as the court or justice may direct, con-
7 ditioned either that the defendant will discontinue said nuisance, or
8 that, within a time limited by the court, and not exceeding six months,
9 he will cause the same to be abated and removed, as either is directed
10 by the court; and, upon his failure to perform the condition of his
11 undertaking, the same shall be forfeited, and the court or justice of
12 the peace, as the case may be, upon being satisfied of such default,
13 may order such warrant forthwith to issue, and action may be brought
14 on such undertaking.

1 SEC. 217. Section six hundred sixty-one point four (661.4), Code
2 1971, is amended to read as follows:

3 661.4 Order issued. The order may be issued by the district or
4 superior court to any inferior tribunal, or to any corporation, officer,
5 or person; and by the supreme court to any district or superior court,
6 if necessary, and in any other case where it is found necessary for
7 that court to exercise its legitimate power.

1 SEC. 218. Section six hundred sixty-three point three (663.3), Code
2 1971, is amended to read as follows:

3 663.3 Writ allowed—service. The writ may be allowed by the
4 supreme, or district, municipal, or superior court, or by any a supreme
5 court judge or district judge of either of those courts, and may be
6 served in any part of the state.

1 SEC. 219. Section six hundred sixty-five point four (665.4), Code
2 1971, is amended by striking subsections two (2) and three (3) and in-
3 serting in lieu thereof the following:

4 2. By district judges and district associate judges, by a fine not
5 exceeding five hundred dollars or imprisonment in a county jail not
6 exceeding six months or by both such fine and imprisonment.

7 3. By judicial magistrates, by a fine not exceeding one hundred
8 dollars or imprisonment in a county jail not exceeding thirty days.

1 SEC. 220. Section six hundred sixty-six point six (666.6), unnum-
2 bered paragraph one (1), Code 1971, is amended to read as follows:

3 666.6 Report of forfeited bonds. Clerks of district, municipal,
4 superior, and police courts, mayors of cities and towns, and justices of
5 the peace court shall, on the first Monday in January in each year,
6 make report in writing to the board of supervisors for their respective
7 counties of all forfeited recognizances in their offices; of all fines, pen-
8 alties, and forfeitures imposed in their respective courts, which by
9 law go into the county treasury for the benefit of the school fund; in
10 what cause or proceeding, when and for what purpose, against whom
11 and for what amount, rendered; whether said fines, penalties, forfei-
12 tures, and recognizances have been paid, remitted, canceled, or other-
13 wise satisfied; if so, when, how, and in what manner, and if not paid,

14 remitted, canceled, or otherwise satisfied, what steps have been taken
15 to enforce the collection thereof.

1 SEC. 221. Section six hundred sixty-seven point two (667.2), Code
2 1971, is amended to read as follows:

3 **667.2 Petition and warrant.** The petition must be in writing,
4 sworn to, and filed with the clerk ~~or a justice of the peace~~, who shall
5 thereupon issue a warrant to the proper officer, commanding him to
6 seize the boat or raft, its apparel, tackle, furniture, and appendages,
7 and detain the same until released by due course of law.

1 SEC. 222. Section six hundred sixty-seven point five (667.5), Code
2 1971, is amended to read as follows:

3 **667.5 Service of warrant.** Any constable ~~or marshal~~ of any city
4 or town may execute the warrant, ~~whether it issues from the office of~~
5 ~~the clerk of the district or superior court, or of a justice.~~

1 SEC. 223. Section six hundred sixty-seven point seven (667.7),
2 Code 1971, is amended to read as follows:

3 **667.7 Bond to discharge.** The property seized may be discharged
4 at any time before final judgment, by giving a bond with sureties, to
5 be approved by the officer executing the warrant, or by the clerk ~~or~~
6 ~~justice~~ who issued it, in a penalty double the plaintiff's demand, con-
7 ditioned that the obligors therein will pay the amount which may be
8 found due to the plaintiff, together with the costs.

1 SEC. 224. Section six hundred eighty-five point eight (685.8), sub-
2 section three (3), Code 1971, is amended to read as follows:

3 3. Obtain reports from clerks of court, judges, ~~justices of the~~
4 ~~peace, mayors, and magistrates~~, in accordance with law, or rules pre-
5 scribed by the supreme court as to cases and other judicial business
6 in which action has been delayed beyond periods of time specified by
7 law or such rules, and make report thereof;

1 SEC. 225. Section six hundred eighty-five point nine (685.9), Code
2 1971, is amended to read as follows:

3 **685.9 Co-operation of court officers.** The judges, ~~justices of the~~
4 ~~peace, mayors, district associate judges, judicial~~ magistrates, report-
5 ers, clerks of court, probation officers, sheriffs, and all other officers,
6 state and local, shall comply with all requirements made by the ~~stat-~~
7 ~~istician~~ *court administrator** or his assistants for information and sta-
8 tistical data bearing on the state of the dockets of the courts, the prog-
9 ress of court business, and such other information as may reflect the
10 business transacted by them and the expenditure of moneys for the
11 maintenance and operation of the judicial system.

1 SEC. 226. Section six hundred eighty-five point ten (685.10), Code
2 1971, is amended by striking the section and inserting in lieu thereof
3 the following:

4 "Sections six hundred eighty-five point six (685.6) through six hun-
5 dred eighty-five point nine (685.9), inclusive, apply to the supreme
6 court and the district court."

1 SEC. 227. Section six hundred eighty-six point two (686.2), Code
2 1971, is amended to read as follows:

*See also 64 GA, ch 80, §11.

3 **686.2 Motion for new trial.** The supreme court on appeal may
 4 review and reverse any judgment or order of the ~~municipal, superior,~~
 5 ~~or~~ district court, although no motion for a new trial was made in such
 6 court.

1 SEC. 228. Section seven hundred nine point nine (709.9), Code
 2 1971, is amended to read as follows:

3 **709.9 Taking goods from officer.** If any person, knowingly and
 4 without authority of law, take, carry away, secrete, or destroy any
 5 goods or chattels while the same are lawfully in the custody of any
 6 sheriff, county medical examiner, marshal, ~~constable,~~ or other officer,
 7 and held by such officer by virtue of execution, writ of attachment, or
 8 other legal process, he shall be guilty of larceny, and, when the value
 9 of the property so taken, carried away, secreted, or destroyed exceeds
 10 the sum of twenty dollars, be imprisoned in the penitentiary not more
 11 than one year; and when it does not exceed twenty dollars, be fined
 12 not exceeding one hundred dollars, or imprisoned in the county jail
 13 not more than thirty days.

1 SEC. 229. Section seven hundred twenty-five point nine (725.9),
 2 Code 1971, is amended to read as follows:

3 **725.9 Warrants for search or seizure.** Any magistrate or ~~police~~
 4 judge is authorized, on complaint supported by oath or affirmation of
 5 one or more persons, to issue a warrant, directed to the sheriff of the
 6 county within which such complaint is made, or to any ~~constable or~~
 7 police officer within said county, directing him or them, or any of
 8 them, to search for, seize and take possession of such books, papers,
 9 pictures, circulars, articles, and things named in this chapter; and
 10 said magistrate or ~~police~~ judge shall deliver personally, or shall trans-
 11 mit, enclosed and under seal, specimens thereof to the county attor-
 12 ney of his county, and shall deposit within the county jail of his
 13 county, or other secure place, as to him shall seem meet, enclosed
 14 and under seal, the remainder thereof, and shall, upon the conviction
 15 of the person or persons offending under the provisions of this chap-
 16 ter, forthwith, in the presence of the person or persons upon whose
 17 complaint the seizure or arrest was made, if he or they shall elect to
 18 be present, destroy, or cause to be destroyed, the remainder thereof,
 19 and shall cause to be entered upon the record of his court the fact of
 20 such destruction.

1 SEC. 230. Section seven hundred thirty-one A point four (731A.4),
 2 Code 1971, is amended to read as follows:

3 **731A.4 Jurisdiction and appeal.** Juvenile courts shall have juris-
 4 diction in the prosecution of the offense set forth herein, though the
 5 defendant or defendants in such actions be adults. Said proceedings
 6 in juvenile court shall be commenced by filing a sworn complaint or
 7 information and the matter shall be tried summarily and without a
 8 jury. Provided, however, that prior to the filing of such complaint or
 9 information the probation officer for the territory in question, or the
 10 county attorney, shall make such investigation as he may deem neces-
 11 sary, and no such complaint or information shall be filed without the
 12 approval of such probation officer or county attorney, except by order
 13 of a judge of the juvenile court. Any defendant convicted upon such
 14 trial shall have the right of appeal and trial de novo, including the

15 right of trial by jury, in the district court, the same as in case of
16 appeals thereto from the justice courts before a district judge.

1 SEC. 231. Section seven hundred thirty-nine point nine (739.9),
2 Code 1971, is amended to read as follows:

3 **739.9 Sheriff or other officers receiving bribes.** If any sheriff,
4 deputy sheriff, ~~or constable~~, or any marshal, deputy marshal, police-
5 man, or police officer of any city or town, receive from a defendant,
6 or other person, any money or other valuable thing as a consideration
7 or inducement for omitting or delaying to arrest any defendant or to
8 carry him before a magistrate or to prison, or for postponing, delay-
9 ing, or neglecting the sale of property on execution, or for omitting
10 or delaying to perform any other duty pertaining to his office, he shall
11 be fined not exceeding five hundred dollars, or imprisoned in the
12 county jail not exceeding six months, or both fined and imprisoned, at
13 the discretion of the court.

1 SEC. 232. Section seven hundred forty point five (740.5), Code
2 1971, is amended to read as follows:

3 **740.5 Falsely assuming to be officer.** If a person falsely assume
4 to be a *district judge, justice of the peace, district associate judge,*
5 *judicial magistrate, sheriff, deputy sheriff, peace officer, special agent*
6 *of the Iowa department of public safety, or conservation officer,* ~~or con-~~
7 ~~stable~~, and take upon himself to act as such, or require anyone to aid
8 or assist him in any matter pertaining to the duty of any such officer,
9 he shall be imprisoned in the county jail not more than one year, or
10 be fined not exceeding three hundred dollars.

1 SEC. 233. Section seven hundred forty point six (740.6), Code
2 1971, is amended to read as follows:

3 **740.6 Stirring up quarrels and suits.** If any judge, ~~justice of the~~
4 ~~peace, clerk of any court, sheriff, constable, district associate judge or~~
5 ~~judicial magistrate, attorney, or counselor at law, encourage, excite~~
6 ~~or stir up any action, quarrel, or controversy between two or more per-~~
7 ~~sons, with intent to injure such persons, he shall be fined not exceed-~~
8 ~~ing five hundred dollars, and shall be answerable to the party injured~~
9 ~~in treble damages.~~

1 SEC. 234. Section seven hundred forty-two point seven (742.7),
2 Code 1971, is amended to read as follows:

3 **742.7 Armed forces under command of sheriff.** When such armed
4 force is called out, it shall obey the commands of the sheriff or other
5 person appointed by the governor for that purpose, or by a judge of
6 the supreme, ~~district, or superior court, or other magistrate or dis-~~
7 ~~trict court, district associate judge, or judicial magistrate~~ in the order
8 named, but such officer or person shall at all times be subject to the
9 direction of the governor.

1 SEC. 235. Section seven hundred forty-three point four (743.4),
2 Code 1971, is amended to read as follows:

3 **743.4 Unlawful assemblages—dispersion.** When persons to the
4 number of twelve or more, armed with dangerous weapons, or persons
5 to the number of thirty or more, whether armed or not, are unlaw-
6 fully or riotously assembled in any city or town, any judge, sheriff,
7 and his deputies if they be present, the mayor, alderman, marshal,
8 ~~constables, and justices of the peace and judicial magistrates~~ of such

9 city or town must go among the persons assembled, or as near them
10 as may be safe, and command them, in the name of the state, imme-
11 diately to disperse.

1 SEC. 236. Section seven hundred forty-six point seven (746.7),
2 Code 1971, is amended to read as follows:

3 746.7 **Taking before magistrate.** If such arrest is made during the
4 night, the officer may keep the person arrested in confinement until
5 the next morning, unless bail be given, and if made within the juris-
6 diction of a police court, he must be taken before such court, unless
7 the judge is absent.

1 SEC. 237. Section seven hundred forty-eight point one (748.1),
2 Code 1971, is amended to read as follows:

3 748.1 **"Magistrate" defined.** The term "magistrate" includes:

4 1. All judges of the supreme, district, superior, or municipal courts,
5 throughout the state.

6 2. All justices of the peace, mayors, and judges of the police court,
7 within their respective counties all judges of the supreme and district
8 courts and all district associate judges and judicial magistrates.

1 SEC. 238. Section seven hundred forty-eight point three (748.3),
2 Code 1971, is amended by striking subsection two (2).

1 SEC. 239. Section seven hundred fifty-one point forty (751.40),
2 Code 1971, is amended to read as follows:

3 751.40 **Appeal by claimant.** Any person appearing as aforesaid
4 may, when the proceedings are not before a *district* judge of the dis-
5 trict court, appeal to the a district court judge from said judgment or
6 forfeiture, as to the whole or any part of said property, and the
7 procedure on appeal, except as herein modified, shall be as upon other
8 appeals from judicial magistrates' judgments.

1 SEC. 240. Section seven hundred fifty-four point one (754.1), Code
2 1971, is amended to read as follows:

3 754.1 **Definition.** A complaint or preliminary information is a
4 statement in writing, under oath or affirmation, made before a magis-
5 trate, or in his absence before the district court clerk or his deputy, of
6 the commission or threatened commission of a public offense, and ac-
7 cusing someone thereof. *Provided, however, that this section shall*
8 *not apply to the uniform traffic citations and complaints under section*
9 *fifty-one (51) of this Act.*

1 SEC. 241. Section seven hundred fifty-four point three (754.3),
2 Code 1971, is amended to read as follows:

3 754.3 **Filing—issuing warrant.** When a preliminary information
4 is made before a magistrate, or *district court clerk or his deputy*,
5 charging the commission of some designated public offense triable on
6 indictment in the county in which such magistrate, or *district court*
7 *clerk or his deputy*, has local jurisdiction, by some person named there-
8 in, he may issue a warrant for the arrest of such person.

9 Whenever the preliminary information or complaint charges a mis-
10 demeanor the magistrate, or *district court clerk or his deputy*, may
11 in his discretion issue a *summons citation* instead of a warrant of
12 arrest. The *summons citation* shall set forth substantially the nature
13 of the offense and shall command the person against whom the com-
14 plaint was made to appear before the magistrate issuing the *summons*

15 *citation* at a time and place stated therein.

16 The *summons citation* may be served in the same manner as an orig-
17 inal notice in a civil action.

18 If the person named in the *summons citation* is actually served as
19 provided herein and fails without good cause to appear as commanded
20 by the *summons citation*, he shall be considered in contempt of court
21 and may be punished by a fine of not more than twenty dollars. Upon
22 such failure to appear, the magistrate, *or district court clerk or his*
23 *deputy*, shall issue a warrant of arrest for the offense originally
24 charged, and institute proceedings in contempt as provided by chap-
25 ter 665.

26 If after issuing a *summons citation* the magistrate, *or district court*
27 *clerk or his deputy*, becomes satisfied that the person to whom such
28 *summons citation* has been directed will not appear, he may at once
29 issue a warrant of arrest without waiting for the date mentioned in
30 the *summons citation*. *A warrant or citation issued by a clerk or*
31 *deputy shall be returnable before a magistrate for the county, or in*
32 *his absence, before the nearest magistrate, whether the warrant is for*
33 *a felony as under section 757.2 or for a misdemeanor.*

1 SEC. 242. Section seven hundred fifty-four point five (754.5), Code
2 1971, is amended to read as follows:

3 754.5 **Directed to peace officer—contents.** The warrant must be
4 directed to any peace officer in the state; give the name of the defend-
5 ant, if known to the magistrate, *or district court clerk or his deputy*;
6 if unknown, may designate him by any name, and must state by name
7 or general description an offense which authorizes a warrant to issue,
8 the time of issuing it, the county, city, town, village, or township
9 where issued, and be signed by the magistrate, *or district court clerk*
10 *or his deputy*, with his name of office.

1 SEC. 243. Section seven hundred fifty-four point six (754.6), Code
2 1971, is amended to read as follows:

3 754.6 **Order for bail—endorsed on warrant.** If the offense stated
4 in the warrant be a misdemeanor, the magistrate, *or district court*
5 *clerk or his deputy*, issuing it must make an endorsement thereon as
6 follows: "Let the defendant, when arrested, be admitted to bail in the
7 sum of dollars", stating the amount in which bail
8 may be taken.

1 SEC. 244. Section seven hundred fifty-eight point one (758.1),
2 Code 1971, is amended to read as follows:

3 758.1 **Disposition of prisoner.** When an arrest is made without a
4 warrant, the person arrested shall, without unnecessary delay, be
5 taken before the nearest ~~or most accessible~~ magistrate in the county
6 ~~in which the arrest is made~~, *available magistrate*, and the grounds on
7 which the arrest was made shall be stated to the magistrate by affi-
8 davit, subscribed and sworn to by the person making the statement,
9 in the same manner as upon a preliminary information, as nearly as
10 may be.

1 SEC. 245. Section seven hundred fifty-eight point three (758.3),
2 Code 1971, is amended to read as follows:

3 758.3 **Transfer for convenience.** If the magistrate finds that it
4 will be more convenient for the witnesses on the part of the state that
5 such trial or examination should be had before some other magistrate

6 in the county, he shall, by a written order, commit the person ar-
 7 rested to a peace officer to be by him taken before the other magis-
 8 trate, together with the order of commitment and affidavits, unless
 9 the person arrested give bail, when authorized, for his appearance, as
 10 in case of arrest under a warrant.

1 SEC. 246. Section seven hundred sixty point four (760.4), Code
 2 1971, is amended to read as follows:

3 **760.4 Discharge ordered—costs.** If it appear that there is no just
 4 reason to fear the commission of the offense alleged to have been
 5 threatened, the person complained of must be discharged, and the
 6 complainant may be ordered to pay the costs of the proceeding if the
 7 magistrate regards the complaint as unfounded and frivolous, and,
 8 unless when the proceeding is before a judge of the supreme, district,
 9 or superior court, may issue execution therefor; and when the pro-
 10 ceeding is before a judge of the supreme, district, or superior court,
 11 he shall transmit the complaint, affidavits, warrant, and order to the
 12 clerk of the district court of the county, who shall file the same, make
 13 a memorandum thereof in the judgment docket, and issue execution
 14 therefor immediately.

1 SEC. 247. Section seven hundred sixty point seven (760.7), Code
 2 1971, is amended by striking the section and inserting in lieu thereof
 3 the following:

4 “The undertaking, together with the complaints, affidavits, if any,
 5 and other papers in the proceeding must be filed by the magistrate
 6 with the clerk of district court of the county to stand trial in the dis-
 7 trict court subject to the provisions of sections seven hundred sixty
 8 point ten (760.10) and seven hundred sixty point eleven (760.11).”

1 SEC. 248. Section seven hundred sixty-one point two (761.2), Code
 2 1971, is amended to read as follows:

3 **761.2 Change of venue—grounds magistrate.** Before any evidence
 4 is heard, the defendant may have a change of venue, upon filing an
 5 affidavit that the magistrate is prejudiced against him, or is a mate-
 6 rial witness for either party, or that the defendant cannot obtain jus-
 7 tice before him, as affiant verily believes.

1 SEC. 249. Section seven hundred sixty-two point one (762.1), Code
 2 1971, is amended by striking the section and inserting in lieu thereof
 3 the following:

4 **762.1 To whom tried.** Judicial magistrates and district associate
 5 judges must hear, try and determine all nonindictable offenses. Dis-
 6 trict judges may transfer any nonindictable offenses pending before
 7 them to the nearest judicial magistrate or district associate judge.

1 SEC. 250. Section seven hundred sixty-two point two (762.2),*
 2 Code 1971, is amended to read as follows:

3 **762.2 Information, complaint.** Criminal actions for the commis-
 4 sion of a public offense must be commenced before a justice of the
 5 peace magistrate by an information or complaint, subscribed and
 6 sworn to, and filed with the justice magistrate.

1 SEC. 251. Section seven hundred sixty-two point six (762.6), Code
 2 1971, is amended to read as follows:

*See also §281 hereof.

3 **762.6 Warrant of arrest.** Immediately upon the filing of such
4 information, the ~~justice magistrate, or in his absence, the district~~
5 ~~court clerk or deputy~~ may, in his discretion, issue a warrant for the
6 arrest of the defendant, directed in the same manner as a warrant of
7 arrest upon a preliminary information, which may be served in like
8 manner.

1 SEC. 252. Section seven hundred sixty-two point seven (762.7),
2 Code 1971, is amended to read as follows:

3 **762.7 Service of warrant.** The officer who receives the warrant
4 must serve the same by arresting the defendant, if in his power, and
5 bringing him without unnecessary delay before the ~~justice who issued~~
6 ~~the same magistrate.~~ *The magistrate may fix bail and in his absence*
7 *the district court clerk or deputy may do so.*

1 SEC. 253. Section seven hundred sixty-two point fourteen (762.14),
2 Code 1971, is amended to read as follows:

3 **762.14 Change allowed—transmission of papers.** If such affidavit
4 be filed, the change of place of trial must be allowed, and the ~~justice~~
5 ~~magistrate~~ must immediately transmit all the original papers, and a
6 transcript of all his docket entries in the case, to the next nearest
7 ~~justice in the township magistrate,~~ unless said ~~justice magistrate~~ be
8 a party to the action, or is related to either party by consanguinity,
9 or affinity within the fourth degree, or where he has been attorney
10 for either party in the action or proceeding; and in such case the ~~jus-~~
11 ~~tice magistrate~~ before whom such action or proceeding is commenced
12 shall transmit all the original papers, together with a transcript of
13 all his docket entries, to the next nearest ~~justice in the county magis-~~
14 ~~trate~~ against whom none of the above objections exist, who shall pro-
15 ceed with the case as provided in this chapter, but no more than one
16 change of place of trial in the same case shall be allowed.

1 SEC. 254. Section seven hundred sixty-two point fifteen (762.15),
2 Code 1971, is amended by striking the section and inserting in lieu
3 thereof the following:

4 **762.15 Jury trial.** Either party in a criminal action shall be en-
5 titled to jury trial by filing with the magistrate a written jury de-
6 mand within ten days after the information or complaint is filed, or
7 at least two days before the trial if the action is tried before ten days
8 elapses. Failure to make a jury demand in the manner prescribed
9 herein constitutes a waiver of jury. If demand is made, the action
10 shall be tried by a jury of six members.

1 SEC. 255. Section seven hundred sixty-two point sixteen (762.16),
2 Code 1971, is amended by striking the section and inserting in lieu
3 thereof the following:

4 **762.16** If trial by jury is demanded, the magistrate shall notify
5 the sheriff who shall furnish a bailiff at that time and place to act as
6 officer of the court.

1 SEC. 256. Section seven hundred sixty-two point seventeen
2 (762.17), Code 1971, is amended by striking the section and inserting
3 in lieu thereof the following:

4 **762.17** If a trial by jury is demanded, the magistrate shall notify
5 the clerk of the time and place of trial. The clerk shall thereupon
6 select by lot fourteen names from the district court jury panel se-

7 lected pursuant to section six hundred nine point nineteen (609.19)
8 of the Code. The clerk shall notify the jurors of the time and place
9 for trial.

1 SEC. 257. Section seven hundred sixty-two point eighteen (762.18),
2 Code 1971, is amended by striking the section and inserting in lieu
3 thereof the following:

4 762.18 Challenges. The same challenges may be taken by either
5 party to any individual juror as on the trial of an indictment for a
6 misdemeanor, but no challenge to the panel is allowed.

1 SEC. 258. Section seven hundred sixty-two point nineteen (762.19),
2 Code 1971, is amended by striking the section and inserting in lieu
3 thereof the following:

4 762.19 Sections seven hundred seventy-nine point four (779.4)
5 through seven hundred seventy-nine point sixteen (779.16), inclusive,
6 of the Code, relating to trial juries, shall apply to trials under this
7 chapter.

1 SEC. 259. Section seven hundred sixty-two point twenty (762.20),
2 Code 1971, is amended by striking the section and inserting in lieu
3 thereof the following:

4 762.20 If for any reason the magistrate's panel as chosen by the
5 clerk becomes insufficient to obtain a jury, he may direct the officer
6 of the court to summon any bystander or others who may be compe-
7 tent, and against whom no sufficient cause of challenge appears, to
8 act as jurors.

1 SEC. 260. Section seven hundred sixty-two point twenty-seven
2 (762.27), Code 1971, is amended to read as follows:

3 762.27 Retirement for consideration—oath. If they do not im-
4 mediately agree, they must retire with the officer, who shall take the
5 following oath: "You do swear that you will keep the jury together
6 in some private and convenient place, ~~without food or drink, water~~
7 ~~excepted, unless otherwise ordered by the court;~~ that you will not
8 permit any person to speak to them, nor speak to them yourself, un-
9 less it be to ask them if they have agreed upon a verdict, and that you
10 will return them into court when they have so agreed."

1 SEC. 261. Section seven hundred sixty-two point thirty-one
2 (762.31), Code 1971, is amended to read as follows:

3 762.31 Judgment—rules. When the defendant pleads guilty or is
4 convicted, ~~either by the justice or by a jury, the justice~~ *the magistrate*
5 shall render judgment thereon of fine or imprisonment, as the case
6 may require, being governed by the rules prescribed for the district
7 court, as far as the same are applicable, in rendering such judgment.

1 SEC. 262. Section seven hundred sixty-two point thirty-two
2 (762.32), Code 1971, is amended to read as follows:

3 762.32 Imprisonment for nonpayment of fine. A judgment that
4 the defendant pay a fine may also direct that he be imprisoned until
5 the fine is satisfied, *pursuant to section 789.17.*

1 SEC. 263. Section seven hundred sixty-two point thirty-three
2 (762.33), Code 1971, is amended to read as follows:

3 762.33 Defendant discharged. When the defendant is acquitted,
4 ~~either by the justice or by a jury,~~ he must be immediately discharged.

1 SEC. 264. Section seven hundred sixty-two point thirty-five
2 (762.35), Code 1971, is amended to read as follows:

3 762.35 Appeal. In either case the prosecuting witness may appeal
4 from such judgment to ~~the a~~ district court judge, by giving notice
5 thereof as provided in this chapter with reference to appeals by de-
6 fendant, and the fact of the giving of such notice shall be entered by
7 the* justice magistrate on his record. *The same procedure shall obtain*
8 *as upon an appeal by the defendant.*

1 SEC. 265. Section seven hundred sixty-two point forty-one
2 (762.41), Code 1971, is amended to read as follows:

3 762.41 Payment to sheriff. If the defendant be committed for not
4 paying a fine, he may pay it to the sheriff of the county, but to no
5 other person, who must in like manner, within thirty days after the
6 receipt thereof, pay it into the county treasury.

1 SEC. 266. Section seven hundred sixty-two point forty-two
2 (762.42), Code 1971, is amended to read as follows:

3 762.42 Receipt for fine. If the fine, or any part thereof, is paid to
4 the justice magistrate or sheriff, he must execute duplicate receipts
5 therefor, one of which he must file without delay with the county
6 auditor.

1 SEC. 267. Section seven hundred sixty-two point forty-three
2 (762.43), Code 1971, is amended by striking the section and inserting
3 in lieu thereof the following:

4 762.43 Appeal. An appeal may only be taken by the defendant
5 and only upon a judgment of conviction. Execution of the judgment
6 shall be stayed upon the filing with the clerk of the district court an
7 appeal bond with surety approved by the clerk, in the sum specified in
8 the judgment. The defendant may take an appeal, by giving notice
9 orally to the magistrate that he appeals, or by delivering to the magis-
10 trate not later than ten days thereafter, a written notice of his appeal,
11 and in either case the magistrate must make an entry on its docket of
12 the giving of such notice. Payment of fine or service of a sentence of
13 imprisonment does not waive the right to appeal, nor render the ap-
14 peal moot. When an appeal is taken, the magistrate shall forward to
15 the appropriate district court clerk a copy of the docket entries in
16 his court, together with copies of the complaint, warrant, motions,
17 pleadings or other papers in the case. A district judge shall promptly
18 hear the appeal upon the record thus filed without further evidence.
19 If the original action was tried before a district judge acting as a
20 judicial magistrate, the appeal shall be to a different district judge.
21 The judge shall decide the appeal without regard to technicalities or
22 defects. Judgment shall be rendered as though the case were being
23 originally tried.

1 SEC. 268. Section seven hundred sixty-two point forty-four
2 (762.44), Code 1971, is amended by striking the section and inserting
3 in lieu thereof the following:

4 762.44 No judgment of conviction of a district court judge shall
5 be appealed to the supreme court except by discretionary review as
6 provided in section seventy-three (73) of this Act.

*According to enrolled Act.

1 SEC. 269. Section seven hundred sixty-three point four (763.4),
2 Code 1971, is amended to read as follows:

3 **763.4 Form of bail bond.** Bail is put in by a written undertaking,
4 executed by one or more sufficient sureties (with or without the de-
5 fendant, in the discretion of the court, clerk, or magistrate), accepted
6 by the court, clerk, or magistrate taking the same, and may be sub-
7 stantially in the following form:

8 County of

9 An order having been made on the day of, A.D.,
10 by A..... B....., a justice of the peace (or other magistrate), of
11 the township of, (or as the case may be) (official title)
12 that C..... D..... be held to answer upon a charge of (stating
13 briefly the nature of the offense), upon which he has been duly ad-
14 mitted to bail, in the sum of dollars.

15 We, E..... F..... and G..... H....., hereby undertake
16 that the said C..... D....., shall appear at the district court of
17 the county of, on the day of (month),
18 19..... (year) (which date shall not be more than twenty days after
19 perfection of the undertaking), and answer said charge, and submit
20 to the orders and judgment of said court, and not depart without
21 leave of the same, or, if he fail to perform either of these conditions,
22 that we will pay to the state of Iowa the sum of dollars (in-
23 serting the sum in which the defendant is admitted to bail).

24 E..... F.....
25 G..... H.....

26 Accepted by me as, in the township of, in the
27 county of, this day of, A. D.....
28 I..... J..... (with official title).

1 SEC. 270. Chapter seven hundred sixty-six (766), Code 1971, is
2 amended by adding the following new section:

3 **"Forfeiture—traffic violations.** The provisions of sections seven
4 hundred sixty-six point two (766.2) through seven hundred sixty-six
5 point six (766.6), inclusive, shall not apply to traffic violations."

1 SEC. 271. Section seven hundred sixty-six point two (766.2),
2 Code 1971, is amended by striking the section and inserting in lieu
3 thereof the following:

4 **766.2 Notice.** Where forfeiture is entered the magistrate shall
5 within ten days file all official entries in relation thereto in the office
6 of the clerk; and thereupon, it shall be the duty of the clerk to direct
7 the sheriff to give ten days notice in writing to the defendant and his
8 sureties to show cause, if any, why judgments should not be entered
9 for the amount of such bail or the amount of money deposited instead
10 of bail.

1 SEC. 272. Section seven hundred sixty-nine point two (769.2),
2 Code 1971, is amended by striking the section and inserting in lieu
3 thereof the following:

4 "The county attorney may file with a magistrate or clerk an infor-
5 mation charging a person with an indictable offense."

1 SEC. 273. Chapter seven hundred seventy-four (774), Code 1971,
2 is amended by adding the following new section:

3 **Transfer of misdemeanors.** District judges may transfer any in-

4 dictable misdemeanors pending before them to the nearest full-time
5 judicial magistrate or district associate judge.

1 SEC. 274. Section seven hundred seventy-nine point eleven
2 (779.11), Code 1971, is amended to read as follows:

3 **779.11 Peremptory challenges—number.** If the offense charged
4 in the indictment or information is or may be punishable with death
5 or imprisonment for life, the state and defendant shall each have the
6 right to peremptorily challenge eight jurors and shall strike two
7 jurors.

8 If the offense charged be any other felony, ~~or if it be a misde-~~
9 ~~meanor involving a violation of the statutes relative to intoxicating~~
10 ~~liquors~~, the state and the defendant shall each have the right to per-
11 emptorily challenge four jurors and shall strike two jurors.

12 If the offense charged be a misdemeanor ~~other than that specified~~
13 ~~above~~, the state and the defendant shall each have the right to per-
14 emptorily challenge two jurors and shall strike two jurors.

1 SEC. 275. Section seven hundred ninety-three point one (793.1),
2 Code 1971, is amended to read as follows:

3 **793.1 Office of appeal—who may appeal.** The mode of reviewing
4 in the supreme court any judgment, action, or decision of the district
5 court *by a magistrate* in a criminal case *which is an indictable offense*
6 is by appeal. Either the defendant or state may appeal.

1 SEC. 276. Sections one hundred thirteen point nine (113.9), one
2 hundred sixty point fourteen (160.14), three hundred fifty-five point
3 nine (355.9), six hundred sixty-five point two (665.2), seven hun-
4 dred seventeen point seven (717.7), seven hundred thirty-three point
5 two (733.2), and seven hundred fifty-four point two (754.2), Code
6 1971, are amended by striking from such sections the words “justice
7 of the peace” or “justices of the peace” and inserting in lieu thereof
8 the words “judicial magistrate” or “judicial magistrates” as indicated.

1 SEC. 277. Sections three hundred thirty-six point two (336.2) and
2 three hundred thirty-six point three (336.3), Code 1971, are amended
3 by striking from such sections the words “before a justice of the
4 peace” or “before justices of the peace”.

1 SEC. 278. Sections three hundred twenty-one point one hundred
2 ninety (321.190) and five hundred fifty-eight point twenty (558.20),
3 Code 1971, are amended by striking from such sections the words
4 “justice of the peace” and inserting in lieu thereof the words “judicial
5 magistrate or district associate judge”.

1 SEC. 279. Sections seven hundred fifty-one point twenty (751.20),
2 seven hundred fifty-two point four (752.4), and seven hundred sixty-
3 two point three (762.3),* Code 1971, are amended by striking from
4 such sections the words “justice of the peace” or “justices of the
5 peace” and inserting in lieu thereof the words “magistrate” or “mag-
6 istrates” as indicated.

1 SEC. 280. Sections three hundred thirty-seven point twelve
2 (337.12) and seven hundred thirty-three point two (733.2), Code 1971,
3 are amended by striking from such sections the word “justice” or

*See also §281 hereof.

4 "justices" and inserting in lieu thereof the words "judicial magistrate"
5 or "judicial magistrates" as indicated.

1 SEC. 281. Sections seven hundred sixty-one point twenty-nine
2 (761.29), seven hundred sixty-two point two (762.2),** seven hundred
3 sixty-two point three (762.3),† seven hundred sixty-two point four
4 (762.4), seven hundred sixty-two point five (762.5), seven hundred
5 sixty-two point nine (762.9), seven hundred sixty-two point ten
6 (762.10), seven hundred sixty-two point eleven (762.11), seven hun-
7 dred sixty-two point twelve (762.12), seven hundred sixty-two point
8 thirteen (762.13), seven hundred sixty-two point twenty-five (762.25),
9 seven hundred sixty-two point twenty-eight (762.28), seven hundred
10 sixty-two point twenty-nine (762.29), seven hundred sixty-two point
11 thirty (762.30), seven hundred sixty-two point thirty-four (762.34),
12 seven hundred sixty-two point thirty-eight (762.38), and seven hun-
13 dred sixty-two point thirty-nine (762.39), Code 1971, are amended by
14 striking from such sections the word "justice" or "justices" and in-
15 sserting in lieu thereof the words "magistrate" or "magistrates" as
16 indicated.

1 SEC. 282. Sections forty-nine point one hundred fifteen (49.115),
2 sixty-five point nine (65.9), one hundred eighty-eight point twenty-
3 nine (188.29), three hundred thirty-six point four (336.4), four hun-
4 dred twenty point sixteen (420.16), four hundred twenty point thirty-
5 four (420.34), six hundred four point one (604.1), six hundred five
6 point nineteen (605.19) through six hundred five point twenty-three
7 (605.23), inclusive, six hundred twenty-six point fifty-seven (626.57),
8 six hundred twenty-six point seventy-six (626.76), six hundred twenty-
9 six point one hundred two (626.102), six hundred forty-eight point six
10 (648.6), six hundred forty-eight point seven (648.7), six hundred
11 forty-eight point eight (648.8), six hundred forty-eight point eleven
12 (648.11), six hundred forty-eight point twelve (648.12), six hundred
13 forty-eight point thirteen (648.13),* six hundred forty-eight point
14 fourteen (648.14), six hundred forty-eight point twenty-one (648.21),
15 six hundred fifty-seven point five (657.5), seven hundred eighteen
16 point twenty-three (718.23), seven hundred sixty-one point fifteen
17 (761.15), seven hundred sixty-two point thirty-six (762.36), seven
18 hundred sixty-two point thirty-seven (762.37), seven hundred sixty-
19 two point forty (762.40), seven hundred sixty-two point forty-five
20 (762.45) through seven hundred sixty-two point fifty-two (762.52),
21 inclusive, seven hundred sixty-six point four (766.4), seven hundred
22 sixty-nine point thirty-three (769.33), seven hundred sixty-nine point
23 thirty-four (769.34), and chapters three hundred sixty-seven (367),
24 six hundred one (601), six hundred two (602), six hundred three
25 (603), and seven hundred fifty-three (753), Code 1971, are repealed.

1 SEC. 283. **Effective date.** The provisions of this Act shall take
2 effect as provided in this section.

3 1. The provisions of sections twelve (12) through nineteen (19),
4 inclusive, of this Act relating to the powers and duties of county judi-
5 cial magistrate appointing commissions shall take effect on July 1,
6 1972.

7 2. The provisions of sections six (6) and seven (7) of this Act re-

*See also §215 hereof.

**See also §250 hereof.

†See also §279 hereof.

8 lating to the powers and duties of judicial nominating commissions
 9 shall take effect on July 1, 1972.
 10 3. The remaining sections of this Act, except for those expressly
 11 providing otherwise, shall take effect on July 1, 1973.

Approved April 20, 1972.

CHAPTER 1125

GRAND JURORS

S. F. 1195

AN ACT relating to the drawing of grand jurors.

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

1 SECTION 1. Section six hundred nine point twenty-seven (609.27),
 2 Code 1971, is amended by adding the following new paragraph:
 3 "If any county has less than twelve election precincts, one or more
 4 persons may be drawn as a grand juror from any election precinct in
 5 the county, provided that at least one person shall be selected as a
 6 grand juror from each election precinct in the county."

1 SEC. 2. Section six hundred nine point twenty-five (609.25), Code
 2 1971, as amended by chapter two hundred sixty-five (265), Acts of the
 3 Sixty-fourth General Assembly, First Session, is amended to read as
 4 follows:

5 609.25 Grand jury panel. A grand jury panel of twelve persons
 6 shall be drawn by the said commissioners from the grand jury box on
 7 or before the last secular Monday of December preceding the new
 8 calendar year, and shall be drawn in the same manner and under the
 9 same conditions, except as otherwise provided, as are specified for the
 10 drawing of said petit jury panel. Such grand jury panel shall consti-
 11 tute the panel from which to select the grand jurors for one year.
 12 A majority of the judges of the district court may order a second
 13 panel of twelve persons to be drawn in like manner from which a
 14 second grand jury may be selected. Such second grand jury shall
 15 serve on matters assigned to it by the foreman of the first grand jury
 16 and it shall be served by the same clerk and staff, but otherwise it
 17 shall be governed by the same law as in the case of the original grand
 18 jury panel and grand jury.

Approved April 22, 1972.

CHAPTER 1126

LIMITATION OF CIVIL ACTIONS

S. F. 1057

AN ACT relating to exceptions to the time limits during which certain civil actions must be brought.

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

1 SECTION 1. Section six hundred fourteen point six (614.6), Code
 2 1971, is amended by striking the section and inserting in lieu thereof
 3 the following: