

CHAPTER 1032**PROCEDURES ADMINISTERED BY CLERK OF COURT**

S.F. 2212

AN ACT concerning the administration of clerk of court offices.

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

Section 1. Section 6B.4, unnumbered paragraph 2, Code Supplement 1999, is amended to read as follows:

The chief judge of the judicial district shall select by lot six persons from the list, two persons who are owner-operators of agricultural property when the property to be condemned is agricultural property; two persons who are owners of city property when the property to be condemned is other than agricultural property; and two persons from each of the remaining two representative groups, who shall constitute a compensation commission to assess the damages to all property to be taken by the applicant and located in the county, and shall name a chairperson from the persons selected. A person shall not be selected as a member of the compensation commission if the person possesses any interest in the proceeding which would cause the person to render a biased decision. ~~The clerk of the district court applicant~~ shall send, by ordinary mail, a list of those persons selected to the ~~applicant and to the~~ owner of the property at the owner's last known address and shall file proof of the mailing with the sheriff. The list shall be provided prior to the mailing, by any party, of a notice of assessment under section 6B.8. If the ~~clerk of the district court applicant~~ is unable to locate an address for the owner of the property, the list shall be published once in a newspaper of general circulation in the county. ~~The applicant shall reimburse the clerk of the district court for the cost of mailing and publication.~~

Sec. 2. Section 450.24, Code 1999, is amended to read as follows:
450.24 APPRAISERS.

In each county the court shall, on or before January 15 of ~~each~~ the year an appointment is required, appoint three competent residents and freeholders of the county to act as appraisers of the real property within its jurisdiction which is charged or sought to be charged with an inheritance tax. The appraisers shall serve for ~~one year~~ four years, and until their successors are appointed and qualified. They shall each take an oath to faithfully and impartially perform the duties of the office, but shall not be required to give bond. They shall be subject to removal at any time at the discretion of the court. The court may also in its discretion, either before or after the appointment of the regular appraisers, appoint other appraisers to act in any given case. Vacancies occurring otherwise than by expiration of term shall be filled by appointment of the court. A person interested in any manner in the estate to be appraised shall not serve as an appraiser of that estate.

Sec. 3. Section 624.20, Code 1999, is amended to read as follows:
624.20 SATISFACTION OF JUDGMENT.

Where a judgment is set aside or satisfied by execution or otherwise, the clerk shall at once enter a memorandum thereof on the column left for that purpose in the judgment docket. However, the clerk may enter satisfaction of judgment if the amount of the judgment that is unsatisfied is one dollar or less.

Sec. 4. Section 804.21, subsection 6, Code 1999, is amended to read as follows:

6. This section does not prevent the release of the arrested person pending initial appearance upon the furnishing of bail in the amount endorsed on the warrant. The initial appearance of a person so released shall be scheduled for a time not more than ~~ten~~ thirty days after the date of release.

Sec. 5. Section 804.22, unnumbered paragraph 2, Code 1999, is amended to read as follows:

This section and the rules of criminal procedure do not affect the provisions of chapter 805 authorizing the release of a person on citation or bail prior to initial appearance. The initial appearance of a person so released shall be scheduled for a time not more than ~~ten~~ thirty days after the date of release.

Sec. 6. Section 811.6, subsection 1, Code 1999, is amended to read as follows:

1. A defendant released pursuant to this chapter shall appear at arraignment, trial, judgment, or such other proceedings where the defendant's appearance is required. If the defendant fails to appear at the time and place when the defendant's personal appearance is lawfully required, or to surrender in execution of the judgment, the court must direct an entry of the failure to be made of record, and the undertaking of the defendant's bail, or the money deposited, is thereupon forfeited. As a part of the entry, except as provided in R.Cr.P. 53, the court shall direct the ~~sheriff~~ clerk of the district court of the county to give ten days' notice in writing to the defendant and the defendant's sureties to appear and show cause, if any, why judgment should not be entered for the amount of bail. If such appearance is not made, judgment shall be entered by the court. If appearance is made, the court shall set the case down for immediate hearing as an ordinary action.

Sec. 7. Section 910.9, Code 1999, is amended to read as follows:

910.9 COLLECTION OF PAYMENTS — PAYMENT BY CLERK OF COURT.

An offender making restitution pursuant to a restitution plan of payment shall make the payment monthly to the clerk of court of the county from which the offender was sentenced, unless the restitution plan of payment provides otherwise. If the restitution plan authorizes payment to an entity other than the clerk of court, that entity shall regularly file a partial or full satisfaction of judgment with the clerk of court concerning amounts collected by that entity.

The clerk of court shall maintain a record of all receipts and disbursements of restitution payments and shall disburse all moneys received to the victims designated in the plan of restitution. If there is more than one victim, disbursements to the victims shall be on the basis of the victim's percentage of the total owed by the offender to all victims, except that the clerk of court may decide the allocation of payments owed to a victim of twenty twenty-five dollars or less.

Fines, penalties, and surcharges, crime victim compensation program reimbursement, public agency restitution, court costs including correctional fees claimed by a sheriff pursuant to section 356.7, court-appointed attorney's fees, and expenses for public defenders, shall not be withheld by the clerk of court until all victims have been paid in full. Payments to victims shall be made by the clerk of court at least quarterly. Payments by a clerk of court shall be made no later than the last business day of the quarter, but may be made more often at the discretion of the clerk of court. The clerk of court receiving final payment from an offender, shall notify all victims that full restitution has been made, ~~and a copy of the notice shall be sent to the sentencing court.~~ Each office or individual charged with supervising an offender who is required to perform community service as full or partial restitution shall keep records to assure compliance with the portions of the plan of restitution and restitution plan of payment relating to community service and, when the offender has complied fully with the community service requirement, notify the sentencing court.

Approved March 31, 2000