

CHAPTER 65

ADDITIONAL SECURITY AND DISCHARGE OF SURETIES

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65.1 Definitions.

As used in this chapter, unless the context otherwise requires, “book”, “list”, “record”, or “schedule” kept by a county auditor, assessor, treasurer, recorder, sheriff, or other county officer means the county system as defined in section 445.1.

2000 Acts, ch 1148, §1

65.1A Additional security.

Whenever the governor shall deem it advisable that the bonds of any state officer shall be increased and the security enlarged, or a new bond given, the governor shall notify said officer of the fact, the amount of new or additional security to be given, and the time when the same shall be executed; which said new security shall be approved and filed as provided by law.

[R60, §660; C73, §772; C97, §1280; C24, 27, 31, 35, 39, §1080; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §65.1]

C2001, §65.1A

[P] Approval and filing of bonds, §64.19, 64.23

65.2 New bond.

Any officer or board who has the approval of another officer’s bond, when of the opinion that the public security requires it, upon giving ten days’ notice to show cause to the contrary, may require the officer to give additional security by a new bond, within a reasonable time to be prescribed.

[C51, §418, 419; R60, §649, 650; C73, §773; C97, §1281; C24, 27, 31, 35, 39, §1081; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §65.2]

[P] Approval, §64.19

65.3 Effect.

If a requisition made under either section 65.1A or section 65.2 be complied with, both the old and the new security shall be in force; if not, the office shall become and be declared vacant, and the fact be certified to the proper officer, to be recorded in the election book or township record.

[C51, §420; R60, §651, 661; C73, §774; C97, §1282; C24, 27, 31, 35, 39, §1082; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §65.3]

65.4 Sureties on bonds of public officers.

When any surety on the bond of a public officer desires to be relieved of obligation, the surety may petition the approving officer or board for relief, stating the grounds therefor.

[C51, §421; R60, §652; C73, §775; C97, §1283; C24, 27, 31, 35, 39, §1083; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §65.4]

[P] Approving officers, §64.19

65.5 Notice.

The surety shall give the principal at least twenty-four hours' notice of the presenting and filing of the petition, with a copy thereof. At the expiration of this notice the approving officer may hear the matter, or may postpone it, as justice requires.

[C51, §422; R60, §653; C73, §776; C97, §1284; C24, 27, 31, 35, 39, §1084; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §65.5]

65.6 Subpoenas.

The approving officer may issue subpoenas in the officer's official name for witnesses, compel them to attend and testify, in the same way an officer authorized to take depositions may.

[C51, §427; R60, §658; C73, §780; C97, §1288; C24, 27, 31, 35, 39, §1085; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §65.6]

[P] Enforcing attendance, §622.84, 622.102

65.7 Hearing — order — effect.

If, upon the hearing, there appears substantial ground for apprehension, the approving officer or board may order the principal to give a new bond and to supply the place of the petitioning surety within a reasonable time to be prescribed, and, upon such new bond being given, the petitioning surety upon the former bond shall be declared discharged from liability on the same for future acts, which order of discharge shall be entered in the proper election book, but the bond will continue binding upon those who do not petition for relief.

[C51, §424; R60, §655; C73, §777; C97, §1285; C24, 27, 31, 35, 39, §1086; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §65.7]

65.8 Failure to comply.

If the new bond is not given as required, the office shall be declared vacant, and the order to that effect entered in the proper election book.

[C51, §425; R60, §656; C73, §778; C97, §1286; C24, 27, 31, 35, 39, §1087; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §65.8]

65.9 Repealed by 72 Acts, ch 1124, § 282.**65.10 Sureties on other bonds.**

When the principal on the bond has been appointed by a judge or court or is under the jurisdiction of a court, the petition for release must be presented to said court and the release shall be made subject to the orders of said court.

Such petition for release may be presented either by the principal or the surety on the bond.

Sureties on other bonds required by law who desire to be released of their obligation may proceed in the manner required for release in case of bonds of public officers.

The provisions of this section shall not apply to sureties on bonds given to secure the performance of contracts for public works, nor to sureties on appearance bonds in criminal cases.

[C51, §421; R60, §652; C73, §775; C97, §1283; S13, §1177-b; C24, 27, 31, 35, 39, §1089; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §65.10]

[P] Release of obligation, §65.4

65.11 Return of premium by surety.

When a surety is released as heretofore provided, the surety shall refund to the party entitled thereto the premium paid, if any, less a pro rata part thereof for the time said bond has been in force.

[S13, §1177-b; C24, 27, 31, 35, 39, §1090; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §65.11]