

FINAL REPORT
SUPREME COURT RULES STUDY COMMITTEE

January, 1985

The Legislative Council established the Supreme Court Rules Study Committee with the charge of studying the procedure for submitting court rules to the Legislative Council and the Committees on Judiciary. The members of the Committee were:

Senator Donald Doyle, Chairperson
Senator Thomas Mann, Jr.
Senator Douglas Ritsema
Representative Philip Brammer
Representative Virgil Corey
Representative Jack Holveck

The Committee met December 20, 1984, elected Senator Doyle as the permanent chairperson of the Committee, and adopted committee rules requiring only a majority vote of those present to carry any action, including an action of recommendation to the Legislative Council and the General Assembly.

The Committee took the following actions related to the procedures for submitting court rules to the Legislative Council and the Committees on Judiciary and for publishing the rules:

A. The Committee approved the timing requirements for the submission of court rule changes to the Legislative Council and the Committees on Judiciary, as contained in LSB 1027S and as agreed to by the Supreme Court.

B. The Committee agreed with the Supreme Court's recommendation that the court rules be reinserted into the next publication of the Code, and requested that a letter be sent on behalf of the Committee to the Legislative Council recommending that the Council concur in the Supreme Court's recommendation that the court rules be published in the 1987 Code.

C. The Committee approved a change to section 602.4202 of the Code, contained in LSB 1027S, which would delete the requirement that court rule changes submitted to the Legislative Council must be enrolled by the General Assembly and filed with the Secretary of State.

D. The Committee requested that the Legislative Service Bureau provide both the Supreme Court and the Deputy Code Editor with immediate notification in writing, if possible, of Legislative Council action on all court rule changes submitted to the Council.

E. The Committee approved an amendment to section 14.21 of the Code requiring the Code Editor to consult with the Superintendent of Printing in order to assure that court rule changes are printed and distributed in a timely manner as required by the Code.

F. The Committee requested that any changes to court rules involving small claims forms be submitted to the Legislative Council as are changes to the rules of civil procedure.

G. The Committee approved an amendment to section 602.4104, subsection 3 of the Code which would delete the requirement that court rules relating to the submission of Supreme Court cases en banc be submitted to the Legislative Council.

The Committee took the following actions related to LSB 1027S, which was submitted to the Committee by the Legislative Service Bureau as the redraft of Senate File 2360, as amended, passed, and reprinted by the Senate in 1984:

A. The Committee agreed to the removal of section 20 from the bill which relates to county responsibility for certain criminal prosecution fees and costs.

B. The Committee amended section 37 relating to the payment of fines by striking the second sentence and modifying the third sentence.

The Committee took the following actions relating to proposed Supreme Court amendments offered for the Committee's review by Ms. Nancy Shimanek, the Executive Assistant to the Chief Justice:

A. The amendment relating to the elimination of the requirement that a copy of the mental health referee's report of commitment or discharge be sent to the chief judge received unanimous consent to be inserted into the controversial Code Editor's bill.

B. The amendment relating to an erroneous Code reference to section 602.23 received unanimous consent to be inserted into the noncontroversial Code Editor's bill. (This correction was found to already have been made in the 1985 Code.)

C. The amendment relating to magistrate jurisdiction of first offense drunk driving failed to receive the approval of the Committee.

D. The amendment relating to the temporary employment of uncertified court reporters received unanimous consent to be inserted into LSB 1027S.

E. The amendment relating to the retention of court reporters was amended by adding the words "be entitled to" after the word

"shall". Following amendment, the proposal received unanimous consent to be inserted into LSB 1027S.

F. The amendment relating to the authorization of contempt powers for juvenile court referees received unanimous consent to be drafted as a Judiciary Committee Study Bill.

G. The amendment relating to the authorization of the clerk of the district court to accept bond or security received unanimous consent to be drafted as a Judiciary Committee Study Bill.

H. The amendment relating to the addition of required information on deferred judgments received unanimous consent to be inserted into LSB 1027S.

I. The amendment allowing the rollover of jury and witness fee appropriations received unanimous consent to be inserted into LSB 1027S.

J. The amendment relating to statewide collective bargaining failed to receive the approval of the Committee.

K. The amendment clarifying the public employer bargaining responsibilities relating to local employees prior to their becoming state employees received unanimous consent to be inserted into LSB 1027S.

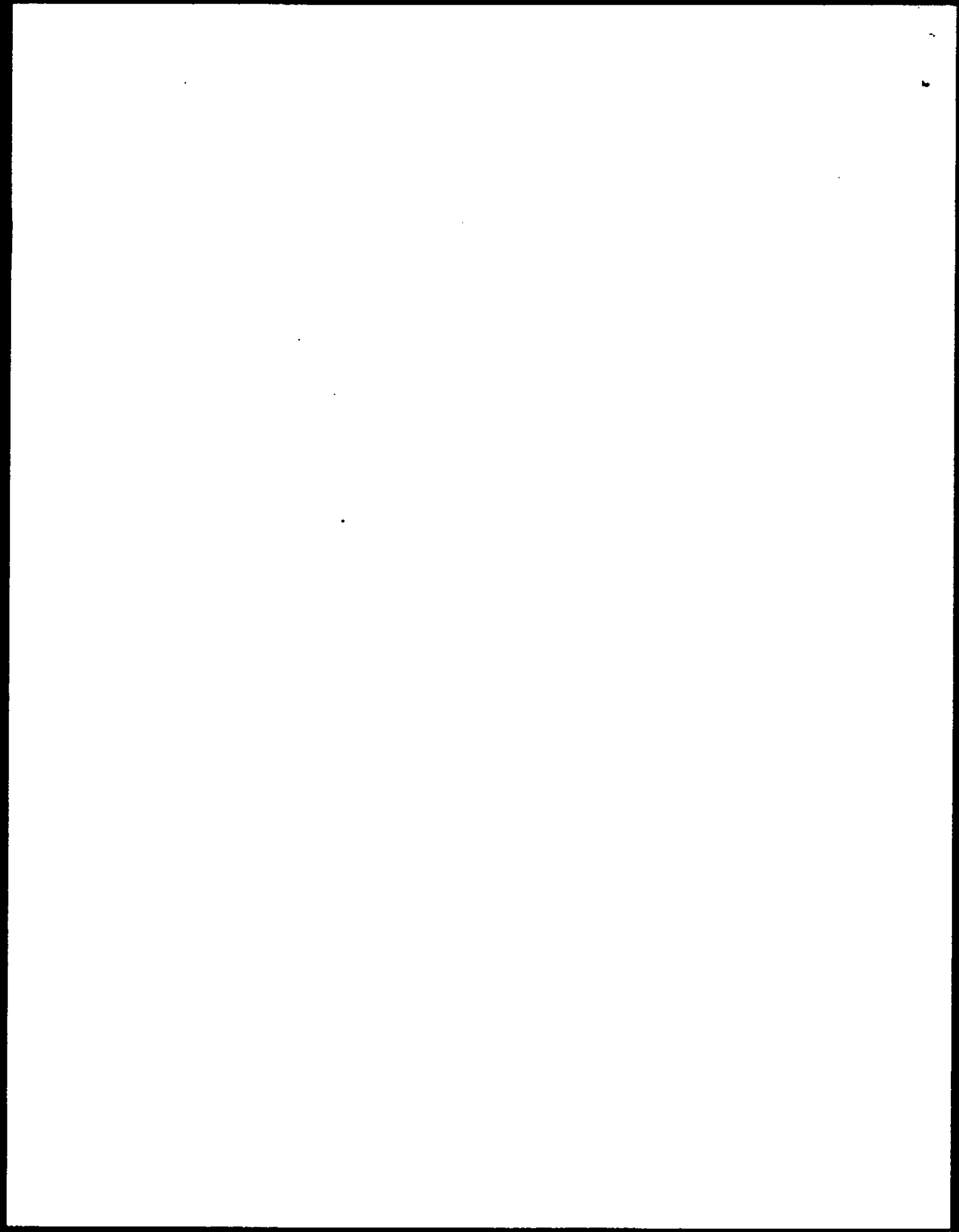
L. The amendment relating to the reorganization of the jury management system received unanimous consent to be drafted as a Judiciary Committee Study Bill.

M. The amendment relating to appellate procedures received unanimous consent to be drafted as a Judiciary Committee Study Bill.

N. The amendment relating to the elimination of deferred judgments on simple misdemeanors received unanimous consent to be drafted as a Judiciary Committee Study Bill.

The Committee's final action was to request the Legislative Service Bureau to redraft LSB 1027S, as amended by the Committee, and to forward the redrafted copy of the bill to the Legislative Council and the Committees on Judiciary, with the Committee's recommendation of do pass. The Committee informally requested that the proposals approved for drafting as study bills be drafted by the Legislative Service Bureau and forwarded to the Committees on Judiciary for consideration, without recommendation.

The redrafted copy of LSB 1027S, as approved by the Committee, is attached to this final report.



SENATE FILE _____

BY COMMITTEE ON JUDICIARY

Passed Senate, Date _____ Passed House, Date _____

Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____

Approved _____

A BILL FOR

1 An Act making corrections and other changes relating to court
2 reorganization, court fees, administrative closures under
3 chapter 601A, the ability to pay a criminal fine, the
4 judicial retirement system, and other court procedures.

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

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1 Section 1. Section 2.42, subsection 16, Code 1985, is
2 amended to read as follows:

3 16. Authority to review proposed and delay the effective
4 dates of rules and forms submitted by the supreme court
5 pursuant to section 602.4202.

6 Sec. 2. Section 14.21, unnumbered paragraph 2, Code 1985,
7 is amended to read as follows:

8 ~~Commencing July 17, 1977,~~ the The Code editor shall cause to
9 be compiled, indexed and published in loose-leaf form the Iowa
10 court rules, which shall consist of all rules of civil
11 procedure, rules of criminal procedure, rules of appellate
12 procedure, and supreme court rules. The Code editor, in
13 consultation with the superintendent of printing, shall cause
14 to be printed and distributed supplements to the compilation
15 on or before the effective date of either new rules, or
16 amendments to or the repeal of existing rules. All expenses
17 incurred by the Code editor under this paragraph shall be
18 defrayed under section 14.22. There shall be established a
19 price for the compilation of rules, and a separate price for
20 each supplement. The price of the compilation and of
21 supplements shall represent the costs of compiling and
22 indexing, the amounts charged for printing and distribution
23 and a cost for labor determined jointly by the legislative
24 council and rules review committee in consultation with the
25 state printer. On request a single copy of each compilation
26 and of each supplement shall be distributed free of charge to
27 each of the persons or agencies referred to in section 18.97,
28 subsections 1, 2, 5, 6, 7, 8 and 16.

29 Sec. 3. Section 331.506, subsection 2, paragraph b, Code
30 1985, is amended to read as follows:

31 b. Witness fees and mileage in trials of criminal actions
32 prosecuted under county ordinance, as certified by the county
33 attorney.

34 Sec. 4. Section 331.510, subsection 2, Code 1985, is
35 amended by striking the subsection.

1 Sec. 5. Section 601A.16, subsection 6, Code 1985, is
2 amended by adding the following new unnumbered paragraph:

3 NEW UNNUMBERED PARAGRAPH. This section does not authorize
4 administrative closures if an investigation is warranted.

5 Sec. 6. Section 602.1302, Code 1985, is amended by adding
6 the following new subsection:

7 NEW SUBSECTION. 4. A revolving fund is created in the
8 state treasury for the payment of jury and witness fees and
9 mileage by the department. The department shall deposit any
10 reimbursements to the state for the payment of jury and
11 witness fees and mileage in the revolving fund. Notwith-
12 standing section 8.33, unencumbered and unobligated receipts
13 in the revolving fund at the end of a fiscal year do not
14 revert to the general fund of the state. The department shall
15 on or before February 1 file a financial accounting of the
16 moneys in the revolving fund with the legislative fiscal
17 bureau. The accounting shall include an estimate of
18 disbursements from the revolving fund for the remainder of the
19 fiscal year and for the next fiscal year.

20 Sec. 7. Section 602.1303, subsections 7 and 8, Code 1985,
21 are amended to read as follows:

22 7. A county or city shall pay the costs of its depositions
23 and transcripts ~~and the court fees and costs provided by law~~
24 in criminal actions prosecuted by that county or city and
25 shall pay the court fees and costs provided by law in criminal
26 actions prosecuted by that county or city under county or city
27 ordinance. A county or city shall pay witness fees and
28 mileage in trials of criminal actions prosecuted by the county
29 or city under county or city ordinance.

30 8. A county shall pay the fees and expenses allowed under
31 sections 815.2 and 815.3, ~~and shall pay the fees and expenses~~
32 ~~allowed under sections 815.5 and 815.6 with respect to~~
33 ~~witnesses for the prosecution.~~

34 Sec. 8. Section 602.4104, subsection 3, Code 1985, is
35 amended to read as follows:

1 3. The supreme court shall prescribe rules to provide for
2 the submission of cases to the entire bench or to the separate
3 divisions. ~~These rules are subject to section 602.4202.~~

4 Sec. 9. Section 602.4202, Code 1985, is amended by
5 striking the section and inserting in lieu thereof the
6 following:

7 602.4202 RULE-MAKING PROCEDURE.

8 1. The supreme court shall submit a rule or form
9 prescribed by the supreme court under section 602.4201 or pur-
10 suant to any other rule-making authority specifically made
11 subject to this section to the legislative council and shall
12 at the same time report the rule or form to the chairpersons
13 and ranking members of the senate and house committees on
14 judiciary. The legislative service bureau shall make
15 recommendations to the supreme court on the proper style and
16 format of rules and forms required to be submitted to the
17 legislative council under this subsection.

18 2. A rule or form submitted as required under subsection 1
19 takes effect sixty days after submission to the legislative
20 council, or at a later date specified by the supreme court,
21 unless the legislative council, within sixty days after
22 submission and by a majority vote of its members, delays the
23 effective date of the rule or form to a date as provided in
24 subsection 3.

25 3. The effective date of a rule or form submitted during
26 the period of time beginning February 15 and ending February
27 14 of the next calendar year may be delayed by the legislative
28 council until May 1 of that next calendar year.

29 4. A rule or form submitted as required under subsection 1
30 and effective on or before July 1 shall be bound with the Acts
31 of the general assembly meeting in regular session in the
32 calendar year in which the July 1 falls.

33 5. If the general assembly enacts a bill changing a rule
34 or form, the general assembly's enactment supersedes a
35 conflicting provision in the rule or form as submitted by the

1 supreme court.

2 Sec. 10. Section 602.6603, subsection 4, Code 1985, is
3 amended by striking the subsection and inserting in lieu
4 thereof the following:

5 4. If a regularly appointed court reporter becomes
6 disabled, or if a vacancy occurs in a regularly appointed
7 court reporter position, the judge may appoint a competent
8 uncertified shorthand reporter for a period of time of up to
9 six months, upon verification by the chief judge that a
10 diligent but unsuccessful search has been conducted to appoint
11 a certified shorthand reporter to the position and, in a
12 disability case, that the regularly appointed court reporter
13 is disabled. An uncertified shorthand reporter shall not be
14 reappointed to the position unless the reporter becomes a
15 certified shorthand reporter within the period of appointment
16 under this subsection.

17 Sec. 11. Section 602.6603, Code 1985, is amended by adding
18 the following new subsection:

19 NEW SUBSECTION. 8. If a judge dies, resigns, retires, is
20 removed from office, becomes disabled, or fails to be retained
21 in office and the judicial vacancy is eligible to be filled, a
22 court reporter appointed by the judge is entitled to serve as
23 a court reporter, as directed by the chief judge or the chief
24 judge's designee, until the successor judge appoints a
25 successor court reporter. The court reporter shall be paid
26 the reporter's regular salary during the period of time until
27 a successor court reporter is appointed or until the currently
28 appointed court reporter is reappointed.

29 Sec. 12. Section 602.8102, subsection 45, Code 1985, is
30 amended by striking the subsection and inserting in lieu
31 thereof the following:

32 45. Report monthly to the office for planning and
33 programming the following information related to each con-
34 viction in the district court for a felony, an aggravated
35 misdemeanor, or a serious misdemeanor under section 321.281,

1 subsection 2, paragraph "a":

2 a. The name of the convicted offender.

3 b. The statutory citation and character of the offense of
4 which the offender was convicted.

5 c. The sentence imposed on the convicted offender.

6 Sec. 13. Section 602.8103, Code 1985, is amended by adding
7 the following new subsection:

8 NEW SUBSECTION. 6. Accept a check, share draft, draft, or
9 written order on a bank, savings and loan association, credit
10 union, corporation, or person as payment of a support
11 obligation which is payable to the clerk, in accordance with
12 procedures established by the clerk to assure that such
13 negotiable instruments will not be dishonored.

14 Sec. 14. Section 602.8105, subsection 1, paragraph a, Code
15 1985, is amended to read as follows:

16 a. For filing and docketing a petition other than for
17 modification of a dissolution decree filed within one hundred
18 eighty days of the date of the entering of the dissolution
19 decree, or an appeal, or writ of error and-docketing-them,
20 thirty-five dollars. Four dollars of the fee shall be
21 deposited in the court revenue distribution account
22 established under section 602.8108, and thirty-one dollars of
23 the fee shall be paid into the state treasury. Of the amount
24 paid to the state treasury, one dollar shall be deposited in
25 the judicial retirement fund established in section 602.9104
26 to be used to pay retirement benefits of the judicial
27 retirement system, and the remainder shall be deposited in the
28 general fund of the state. In counties having a population of
29 one hundred thousand or over, an additional five dollars shall
30 be charged and collected, to be known as the journal
31 publication fee and used for the purposes provided for in
32 section 618.13.

33 Sec. 15. Section 602.8105, subsection 1, paragraph b, Code
34 1985, is amended to read as follows:

35 b. For payment in advance of various services and

1 docketing procedures, excluding those for small claims at
2 trial or on appeal and simple misdemeanors at trial or on
3 appeal, twenty-five dollars.

4 Sec. 16. Section 602.8105, subsection 1, paragraph c, Code
5 1985, is amended by striking the paragraph and inserting in
6 lieu thereof the following:

7 c. In small claims actions at trial, in addition to the
8 filing fee specified in section 631.6, a consolidated service
9 fee of four dollars payable in advance.

10 Sec. 17. Section 602.8105, subsection 1, paragraph j, Code
11 1985, is amended to read as follows:

12 j. In criminal cases, the same fees for the same services
13 as in civil cases, to be paid by the county or city
14 initiating, which has the duty to prosecute the criminal
15 action, payable as provided in section 602.8109. When
16 judgment is rendered against the defendant, costs collected
17 from the defendant shall be paid to the county or city
18 initiating which has the duty to prosecute the criminal action
19 to the extent necessary for reimbursement for fees paid.
20 However, the fees which are payable by the county to the clerk
21 of the district court for services rendered in criminal
22 actions prosecuted under state law and the court costs taxed
23 in connection with the trial of those criminal actions or
24 appeals from the judgments in those criminal actions are
25 waived.

26 Sec. 18. Section 602.8105, subsection 1, Code 1985, is
27 amended by adding the following new lettered paragraphs and
28 relettering the subsequent paragraph:

29 NEW LETTERED PARAGRAPH. p. For filing and docketing a
30 transcript of judgment from another county, two dollars.

31 NEW LETTERED PARAGRAPH. q. For entering a judgment by
32 confession, two dollars.

33 NEW LETTERED PARAGRAPH. r. For the administrative costs
34 of collecting and distributing support payments payable to the
35 clerk of the district court under section 598.22, to be paid

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1 annually by the person obligated to pay the support and to be
2 billed and collected by the clerk separately from, in addition
3 to, and after both current and accrued support payments have
4 been collected by the clerk, twenty-five dollars.

5 Sec. 19. Section 602.8106, subsection 1, Code 1985, is
6 amended to read as follows:

7 1. Notwithstanding section 602.8105, the fee for the
8 filing and docketing of a complaint or information for a
9 simple misdemeanor ~~shall be eight~~ is ten dollars, ~~provided~~
10 that. However, a fee for filing and docketing a complaint or
11 information shall not be collected in cases of overtime
12 parking.

13 Sec. 20. Section 602.8106, subsection 4, Code 1985, is
14 amended to read as follows:

15 4. All fees and costs for the filing of a complaint or
16 information or upon forfeiture of bail received from a
17 magistrate shall be distributed by the clerk as follows:

18 a. One-half shall be remitted monthly by the clerk to the
19 treasurer of state to be credited to the general fund of the
20 state.

21 b. ~~One-fourth~~ One-fifth shall be deposited in the court
22 revenue distribution account established under section
23 602.8108.

24 c. ~~One-fourth~~ Three-tenths shall be remitted monthly by
25 the clerk to the treasurer of state to be credited to the
26 judicial retirement fund established under section 602.9104.

27 Sec. 21. Section 602.11101, subsection 4, Code 1985, is
28 amended by adding the following new unnumbered paragraph:

29 NEW UNNUMBERED PARAGRAPH. Until July 1, 1985 the county
30 shall remain responsible for the compensation of juvenile
31 court referees. Effective July 1, 1985 the state shall assume
32 the responsibility for the compensation of juvenile court
33 referees.

34 Sec. 22. Section 602.11101, subsection 5, Code 1985, is
35 amended by adding the following new unnumbered paragraphs:

1 NEW UNNUMBERED PARAGRAPH. Until July 1, 1986 the county
2 shall remain responsible for the compensation of and operating
3 costs for court employees not presently designated for state
4 financing and for miscellaneous costs of the judicial
5 department related to furnishings, supplies, and equipment
6 purchased, leased, or maintained for the use of judicial
7 officers, referees, and their staff. Effective July 1, 1986
8 the state shall assume the responsibility for the compensation
9 of and operating costs for court employees presently
10 designated for state financing and for miscellaneous costs of
11 the judicial department related to furnishings, supplies, and
12 equipment purchased, leased, or maintained for the use of
13 judicial officers, referees, and their staff. However, the
14 county shall at all times remain responsible for the provision
15 of suitable courtrooms, offices, and other physical facilities
16 pursuant to section 602.1303, subsection 1, including paint,
17 wall covering, and fixtures in the facilities.

18 NEW UNNUMBERED PARAGRAPH. Until July 1, 1986 the county
19 shall remain responsible for the compensation of and operating
20 costs for probate referees and judicial hospitalization
21 referees and their staffs. Effective July 1, 1986 the state
22 shall assume the responsibility for the compensation of and
23 operating costs for probate referees and judicial
24 hospitalization referees and their staffs.

25 Sec. 23. Section 602.11101, Code 1985, is amended by
26 adding the following new subsection:

27 NEW SUBSECTION. 7. The county shall remain responsible
28 for the court-ordered costs of conciliation procedures under
29 section 598.16.

30 Sec. 24. Section 602.11102, Code 1985, is amended to read
31 as follows:

32 602.11102 ACCRUED EMPLOYEE RIGHTS.

33 1. Persons who were paid salaries by the counties or
34 judicial districts immediately prior to becoming state
35 employees as a result of this Act chapter shall not forfeit

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1 accrued vacation, accrued sick leave, or longevity, except as
2 provided in this section.

3 2. As a part of its rule-making authority under section
4 602.11101, the supreme court, after consulting with the state
5 comptroller, shall prescribe rules to provide for the
6 following:

7 a. Each person referred to in subsection 1 shall have to
8 the person's credit as a state employee commencing on the date
9 of becoming a state employee the number of accrued vacation
10 days that was credited to the person as a county employee as
11 of the end of the day prior to becoming a state employee.

12 b. Each person referred to in subsection 1 shall have to
13 the person's credit as a state employee commencing on the date
14 of becoming a state employee the number of accrued days of
15 sick leave that was credited to the person as a county
16 employee as of the end of the day prior to becoming a state
17 employee. However, the number of days of sick leave credited
18 to a person under this subsection and eligible to be taken
19 when sick or eligible to be received upon retirement shall not
20 respectively exceed the maximum number of days, if any, or the
21 maximum dollar amount as provided in section 79.23 that state
22 employees generally are entitled to accrue or receive
23 according to ~~laws-and~~ rules in effect as of the date the
24 person becomes a state employee.

25 c. Commencing on the date of becoming a state employee,
26 each person referred to in subsection 1 is entitled to claim
27 the person's most recent continuous period of service in full-
28 time county employment as full-time state employment for
29 purposes of determining the number of days of vacation which
30 the person is entitled to earn each year. The actual vacation
31 benefit, including the limitation on the maximum accumulated
32 vacation leave, shall be determined as provided in section
33 79.1 according to ~~laws-and~~ rules in effect for state employees
34 of comparable longevity, irrespective of any greater or lesser
35 benefit as a county employee.

1 d. Notwithstanding paragraphs "b" and "c", for the period
2 beginning July 1, 1984, and ending June 30, 1986, court
3 reporters who become state employees as a result of this Act
4 chapter are not subject to the sick leave and vacation accrual
5 limitations generally applied to state employees. However,
6 court reporters are subject to the maximum dollar limitation
7 upon retirement as provided in section 79.23.

8 Sec. 25. Section 602.11103, Code 1985, is amended to read
9 as follows:

10 602.11103 LIFE, AND HEALTH, AND DISABILITY INSURANCE.

11 Persons who were covered by county employee life insurance
12 and accident and health insurance plans prior to becoming
13 state employees as a result of this Act chapter shall be
14 permitted to apply prior to becoming state employees for life
15 insurance and health and accident insurance plans that are
16 available to state employees so that those persons do not
17 suffer a lapse of insurance coverage as a result of this Act
18 chapter. The supreme court, after consulting with the state
19 comptroller, shall prescribe rules and distribute application
20 forms and take other actions as necessary to enable those
21 persons to elect to have insurance coverage that is in effect
22 on the date of becoming state employees. The actual insurance
23 coverage available to a person shall be determined by the
24 plans that are available to state employees, irrespective of
25 any greater or lesser benefits as a county or judicial
26 district employee.

27 Commencing on the date of becoming a state employee, each
28 person referred to in this section is entitled to claim the
29 person's most recent continuous period of service in full-time
30 county or judicial district employment as full-time state
31 employment for purposes of determining disability benefits as
32 provided in section 79.20 according to rules in effect for
33 state employees of comparable longevity, irrespective of any
34 greater or lesser benefit as a county or judicial district
35 employee.

1 Sec. 26. Section 602.11108, Code 1985, is amended to read
2 as follows:

3 602.11108 COLLECTIVE BARGAINING.

4 A person who becomes a state employee as a result of this
5 Act chapter is a public employee, as defined in section 20.3,
6 subsection 3, for purposes of chapter 20. The person may
7 bargain collectively on and after July 1, 1983 as provided by
8 law for a court employee. However, if the person is subject
9 to a collective bargaining agreement negotiated prior to July
10 1, 1983, the person is entitled to the rights and benefits
11 obtained by the person pursuant to that contract after July 1,
12 1983, until that contract expires. If the person is subject
13 to a collective bargaining agreement negotiated by a public
14 employer other than the state court administrator on or after
15 July 1, 1983, the person is not entitled to any rights or
16 benefits obtained by the person pursuant to that contract
17 after becoming a state employee.

18 Commencing one year prior to each category of employees
19 becoming state employees as a result of this chapter, the
20 state court administrator shall assume the position of public
21 employer of those employees of that category for the sole
22 purpose of negotiating a collective bargaining agreement with
23 those employees to be effective upon the date those employees
24 became state employees as a result of this chapter.

25 Sec. 27. Section 602.11110, Code 1985, is amended to read
26 as follows:

27 602.11110 JUDGESHIPS FOR ELECTION DISTRICTS 5A AND 5C.

28 As soon as practicable after January 1, 1985, the supreme
29 court administrator shall recompute the number of judgeships
30 to which judicial election districts 5A and 5C are entitled.
31 Notwithstanding section 602.6201, subsection 2, the seventeen
32 incumbent district judges in judicial election district 5A on
33 December 31, 1984 may reside in either judicial election
34 district 5A or 5C beginning January 1, 1985. The supreme
35 court administrator shall apportion to judicial election

1 district 5C those incumbent district judges who were appointed
2 to replace district judges residing in Polk county or who were
3 appointed to fill newly created judgeships while residing in
4 Polk county. The incumbent district judges residing in Polk
5 county on January 1, 1985 who are not so apportioned to
6 judicial election district 5C shall be apportioned to judicial
7 election district 5A but shall be reapportioned to judicial
8 election district 5C, in the order of their seniority as
9 district judges, as soon as the first vacancies occur in
10 judicial election district 5C due to death, resignation,
11 retirement, removal, or failure of retention. Such a
12 reapportionment constitutes a vacancy in judicial election
13 district 5A for purposes of section 602.6201. Notwithstanding
14 section 602.6201, subsection 2, the seventeen incumbent
15 district judges in judicial election district 5A on December
16 31, 1984 shall stand for retention in the judicial election
17 district to which the district judges are apportioned or
18 reapportioned under this section. Commencing on January 1,
19 1985, vacancies within judicial election districts 5A and 5C
20 shall be determined and filled under section 602.6201,
21 subsections 4 through 8. For purposes of the recomputations,
22 the supreme court administrator shall determine the average
23 case filings for the latest available three-year period by
24 reallocating the actual case filings during the three-year
25 period to judicial election districts 5A and 5C as if they
26 existed throughout the three-year period.

27 Sec. 28. Section 631.6, subsection 1, Code 1985, is
28 amended to read as follows:

29 1. The docket fee for a small claims action is ten eleven
30 dollars. Other fees imposed for small claims shall be the
31 same as those required in regular actions in district court,
32 four. Four dollars of the docket fee shall remain be
33 deposited in the county-treasury-for-the-use-of-the-county
34 court revenue distribution account established under section
35 602.8108 and six seven dollars of the fee shall be paid into

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1 the state treasury. Of the amount paid into the state
2 treasury, two dollars shall be deposited in the judicial
3 retirement fund established in section 602.9104 to be used to
4 pay retirement benefits of the judicial retirement system, and
5 the remainder shall be deposited in the general fund of the
6 state. A consolidated service fee for small claims is imposed
7 in section 602.8105, subsection 1, paragraph "c".

8 Sec. 29. Section 631.6, unnumbered paragraph 2, Code 1985,
9 is amended to read as follows:

10 All fees and costs collected in small claims actions, other
11 than the seven dollars of the docket fee to be paid into the
12 state treasury, shall be deposited in the court revenue
13 distribution account established under section 602.8108,
14 except that the fee specified in subsection 4 of this section
15 shall be remitted to the secretary of state.

16 Sec. 30. Section 666.6, Code 1985, is amended to read as
17 follows:

18 666.6 REPORT OF FORFEITED BONDS.

19 The clerk of the district court shall make an annual report
20 in writing to the ~~supreme court on the first Monday in~~
21 treasurer of state and the state court administrator no later
22 than January 15 of all forfeited recognizances in the clerk's
23 office, of all fines, penalties, and forfeitures imposed in
24 the district court, in what cause or proceeding, when and for
25 what purpose, against whom and for what amount, rendered,
26 whether the fines, penalties, forfeitures, and recognizances
27 which have been paid, remitted, canceled, or otherwise
28 satisfied, if so, when, how, and in what manner, and if not
29 been paid, remitted, canceled, or otherwise satisfied, what
30 steps have been taken to enforce the collection of the fines,
31 penalties, forfeitures, and recognizances during the previous
32 calendar year.

33 ~~The report shall be full, true, and complete with reference~~
34 ~~to the matters contained in the report and all things required~~
35 ~~by this section to be reported, and the report shall be under~~

1 ~~oath--A-clerk-failing-to-make-the-report-as-required-by-this~~
2 ~~section-is-guilty-of-a-simple-misdemeanor-~~

3 Sec. 31. Section 805.6, subsection 1, paragraph a, Code
4 1985, is amended to read as follows:

5 a. The commissioner of public safety and the state
6 conservation director, acting jointly, shall adopt a uniform,
7 combined citation and complaint which shall be used for
8 charging all traffic violations in Iowa under state law or
9 local regulation or ordinance, and which shall be used for
10 charging all other violations which are designated by section
11 805.8 to be scheduled violations. The court costs in
12 scheduled violation cases are the same as the fee for the
13 filing and docketing of simple misdemeanor cases, as provided
14 in section 602.8106, subsection 1. This subsection does not
15 prevent the charging of any of those violations by
16 information, by private complaint filed under chapter 804, or
17 by a simple notice of fine where permitted by section 321.236,
18 subsection 1. Each uniform citation and complaint shall be
19 serially numbered and shall be in quintuplicate, and the
20 officer shall deliver the original and a copy to the court
21 where the defendant is to appear, two copies to the defendant,
22 and a copy to the law enforcement agency of the officer. The
23 court shall forward the copy of the uniform citation and
24 complaint in accordance with section 321.207 when applicable.

25 PARAGRAPH DIVIDED. The uniform citation and complaint
26 shall contain spaces for the parties' names; the address of
27 the alleged offender; the registration number of the
28 offender's vehicle; the information required by section 805.2;
29 a promise to appear as provided in section 805.3 and a place
30 where the cited person may sign the promise to appear; a list
31 of the scheduled fines prescribed by section 805.8, either
32 separately or by group, and a statement that of the court
33 costs payable in scheduled offense violation cases, whether or
34 not a court appearance is required or is demanded,--are-eight
35 dollars; a brief explanation of sections 805.9 and 805.10; and

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1 a space where the defendant may sign an admission of the
2 violation when permitted by section 805.9; and the uniform
3 citation and complaint shall require that the defendant appear
4 before a court at a specified time and place. The uniform
5 citation and complaint also may contain a space for the
6 imprint of a credit card, and may contain any other
7 information which the commissioner of public safety and the
8 state conservation director may determine.

9 Sec. 32. Section 805.6, subsection 1, paragraph c,
10 subparagraphs. (1), (2), and (3), Code 1985, are amended to
11 read as follows:

12 (1) If the offense is one to which a scheduled fine is
13 applicable, an amount equal to one and one-half times the
14 scheduled fine plus ~~eight-dollars~~ court costs.

15 (2) If the violation charged involved or resulted in an
16 accident or injury to property and the total damages are less
17 than two hundred fifty dollars, the amount of fifty dollars
18 ~~and-eight-dollars~~ plus court costs.

19 (3) If the violation is for any offense for which a court
20 appearance is mandatory, the amount of one hundred dollars
21 plus ~~eight-dollars~~ court costs.

22 Sec. 33. Section 805.9, Code 1985, is amended to read as
23 follows:

24 805.9 ADMISSION OF SCHEDULED VIOLATIONS.

25 1. In cases of scheduled violations, the defendant, before
26 the time specified in the citation and complaint for
27 appearance before the court, may sign the admission of
28 violation on the citation and complaint and deliver or mail
29 the citation and complaint, together with the minimum fine for
30 the violation, plus ~~eight-dollars~~ court costs, to a scheduled
31 violations office in the county. The office shall, if the
32 offense is a moving violation under chapter 321, forward a
33 copy of the citation and complaint and admission to the
34 department of transportation as required by section 321.207.
35 In this case the defendant is not required to appear before

1 the court. The admission constitutes a conviction.

2 2. A defendant charged with a scheduled violation by
3 information may obtain two copies of the information from the
4 court and, before the time the defendant is required to appear
5 before the court, deliver or mail the copies, together with
6 the defendant's admission, fine, and ~~eight-dollars~~ court
7 costs, to the scheduled violations office in the county. The
8 procedure, fine, and costs are the same as when the charge is
9 by citation and complaint, with the admission and the number
10 of the defendant's operator's or chauffeur's license placed
11 upon the information, when the violation involves the use of a
12 motor vehicle.

13 3. When section 805.8 and this section are applicable but
14 the officer does not deem it advisable to release the
15 defendant and no court in the county is in session:

16 a. If the defendant wishes to admit the violation, the
17 officer may release the defendant upon observing the person
18 mail the citation and complaint, admission, and minimum fine,
19 together with ~~eight-dollars~~ court costs, to a traffic
20 violations office in the county, in an envelope furnished by
21 the officer. The admission constitutes a conviction and
22 judgment in the amount of the scheduled fine plus ~~eight~~
23 ~~dollars~~ court costs. The officer may allow the defendant to
24 use a credit card pursuant to rules adopted under section
25 805.14 by the department of public safety or to mail a check
26 in the proper amount in lieu of cash. If the check is not
27 paid by the drawee for any reason, the defendant may be held
28 in contempt of court. The officer shall advise the defendant
29 of the penalty for nonpayment of the check.

30 b. If the defendant does not comply with paragraph "a" of
31 ~~this-subsection~~, the officer may release the defendant upon
32 observing the defendant mail to a court in the county the
33 citation and complaint and one and one-half times the minimum
34 fine together with ~~eight-dollars~~ court costs, or in lieu of
35 one and one-half times the fine and the court costs, a

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1 guaranteed arrest bond certificate as provided in section
2 321.1, subsection 70, as bail together with the following
3 statement signed by the defendant:

4 "I agree that either (1) I will appear pursuant to this
5 citation or (2) if I do not appear in person or by counsel to
6 defend against the offense charged in this citation the court
7 is authorized to enter a conviction and render judgment
8 against me for the amount of one and one-half times the
9 scheduled fine plus eight-dollars court costs."

10 c. If the defendant does not comply with paragraph "a" or
11 "b", or when section 804.7 is applicable, the officer may
12 arrest and confine the defendant if authorized by the latter
13 section, and proceed according to chapter 804.

14 4. A defendant who admits a scheduled violation may appear
15 before court. The procedure, costs, and fine, without
16 suspension of the fine, after the hearing are the same as in
17 the traffic violations office.

18 5. A defendant charged with a scheduled violation who does
19 not fully comply with subsection 1, 2, 3, or 4 of this section
20 before the time required to appear before the court must, at
21 that time, appear before the court. If the defendant admits
22 the violation, the procedure, costs, and fine, without
23 suspension of the fine, after the hearing are the same before
24 the court as before the traffic violations office with-eight
25 ~~dollars-court-costs~~, and are without prejudice, when
26 applicable, to proceedings under section 321.487.

27 6. The ~~eight-dollars-in~~ court costs imposed by this
28 section are the total costs collectible from a defendant upon
29 either an admission of a violation without hearing, or upon a
30 hearing pursuant to subsection 4. ~~Fees-shall-not-be-imposed~~
31 ~~upon-or-collected-from-a-defendant-for-the-purposes-specified~~
32 ~~in-section-602:81057-subsection-17-paragraph-"i"-,"j"-or-"t"-~~

33 Sec. 34. Section 815.13, Code 1985, is amended to read as
34 follows:

35 815.13 PAYMENT OF PROSECUTION COSTS.

1 The county or city which has the duty to prosecute a
2 criminal action shall pay the costs of depositions taken on
3 behalf of the prosecution, the costs of transcripts requested
4 by the prosecution, and in criminal actions prosecuted by the
5 county or city under county or city ordinance the fees that
6 are payable to the clerk of the district court for services
7 rendered, and the court costs taxed in connection with the
8 trial of the action or appeals from the judgment. The county
9 or city shall pay witness fees and mileage in trials of
10 criminal actions prosecuted by the county or city under county
11 or city ordinance. These fees and costs are recoverable by
12 the county or city from the defendant unless the defendant is
13 found not guilty or the action is dismissed, in which case the
14 state shall pay the witness fees and mileage in cases
15 prosecuted under state law.

16 Sec. 35. Section 907.4, Code 1985, is amended to read as
17 follows:

18 907.4 DEFERRED JUDGMENT DOCKET.

19 Any deferment of judgment under section 907.3 shall be
20 reported promptly by the clerk of the district court to the
21 supreme court administrator who shall maintain a permanent
22 record thereof of the deferment including the name and date of
23 birth of the defendant, the district court docket number, the
24 nature of the offense, and the date of the deferment. Before
25 granting deferment in any case, the court shall request of the
26 supreme court administrator a search of the deferred judgment
27 docket and shall consider any prior record of a deferment of
28 judgment against the defendant. The permanent record provided
29 for in this section ~~shall constitute~~ is a confidential record
30 exempted from public access under section 22.7 and shall be
31 available only to justices of the supreme court, judges of the
32 court of appeals, district judges, district associate judges,
33 and judicial magistrates, and county attorneys requesting
34 information pursuant to this section or the designee of such a
35 justice, judge, magistrate, or county attorney.

1 Sec. 36. NEW SECTION. 909.7 ABILITY TO PAY FINE
2 PRESUMED.

3 A defendant is presumed to be able to pay a fine. However,
4 if the defendant proves to the satisfaction of the court that
5 the defendant cannot pay the fine, the defendant shall not be
6 sentenced to confinement for the failure to pay the fine.

7 Sec. 37. REPEALS.

8 1. Sections 247.29 through 247.31, Code 1985, are
9 repealed.

10 2. Section 602.9110, Code 1985, is repealed.

11 Sec. 38. Section 22 of this Act applies retroactively to
12 July 1, 1983.

13 EXPLANATION

14 This bill makes corrections and other changes relating to
15 the court reorganization and court fee legislation enacted in
16 1983.

17 Sections 1, 8, and 9 make several technical changes in the
18 statutes on submission of rules by the supreme court to the
19 general assembly. A substantive change is made to the date to
20 which the legislative council may delay the effect of such a
21 rule. A rule submitted between February 15 and February 14 of
22 the next calendar year may be delayed until May 1 of the next
23 calendar year.

24 Section 2 charges the Code editor and the superintendent of
25 printing with the responsibility of printing and distributing
26 supplements to the Iowa court rules by the effective dates of
27 rule changes contained in the supplements.

28 Sections 3, 7, 17, and 34 waive the court fees and costs
29 payable by the county in criminal actions prosecuted under
30 state law and provide that the counties and cities remain
31 responsible for court fees and costs in criminal actions pro-
32 secuted under county or city ordinance.

33 Sections 4, 12, and 37 repeal certain reporting require-
34 ments relating to county expenses for criminal prosecutions
35 and county criminal statistics and substitute a requirement to

1 report criminal convictions to the office for planning and
2 programming.

3 Section 5 amends chapter 601A to state that administrative
4 closures are not authorized if an investigation is warranted.

5 Section 6 creates a revolving jury and witness fee fund not
6 subject to reversion at the end of a fiscal year.

7 Sections 10 and 11 provide for an interim appointment of a
8 court reporter who is not certified and for retention of a
9 court reporter when a judgeship becomes vacant until a
10 successor court reporter is appointed or the current court
11 reporter is reappointed.

12 Section 13 authorizes the receipt of checks and certain
13 other negotiable instruments by the clerk of the district
14 court as payments of support obligations.

15 Section 14 makes the \$35 filing and docketing fee inap-
16 plicable to petitions for modification of a dissolution decree
17 within 180 days of the date of the entering of the decree.

18 Section 15 makes the \$25 advance fee for various services
19 inapplicable to simple misdemeanor cases at trial, in order to
20 conform to current fee collection practices. The section also
21 makes the \$25 fee inapplicable to small claims on appeal and
22 simple misdemeanors on appeal.

23 Section 16 abolishes the separate services fees for small
24 claims at trial and establishes a consolidated fee of \$4,
25 payable in advance.

26 Section 18 creates two small district court fees, in
27 addition to the \$25 advance fee, for filing and docketing a
28 transcript of judgment from another county, and for entering a
29 judgment by confession. The section also adds an
30 administrative fee for the collection and distribution of
31 support obligations, collectible after all support obligations
32 have been paid.

33 Sections 19, 20, 31, 32, and 33 raise the fee from \$8 to
34 \$10 for the filing and docketing of a complaint or information
35 for a simple misdemeanor and for court costs in scheduled

1 violation cases. One additional dollar is to be remitted to
2 the treasurer of state for deposit in the general fund of the
3 state and the second additional dollar is to be credited to
4 the judicial retirement fund.

5 Section 21 requires the state to assume the costs of
6 juvenile court referees, effective July 1, 1985.

7 Section 22 requires the state to assume certain personnel
8 and miscellaneous costs of the judicial department, effective
9 July 1, 1986. The section also requires the state to assume
10 the costs of probate referees and judicial hospitalization
11 referees, effective July 1, 1986. Section 38 makes the sec-
12 tion retroactively effective to July 1, 1983.

13 Section 23 requires the counties to continue to pay the
14 costs of court-ordered marital conciliation.

15 Section 24 amends the transition provision on accrued em-
16 ployee rights to provide that county and judicial district
17 employees who become state employees under the court
18 reorganization are limited to both the maximum number of sick
19 days allowed other state employees, should the state reimpose
20 such a limitation, and to the maximum dollar amount in sick
21 leave payable upon retirement, currently \$2,000. The section
22 also provides that the limitation on the maximum accumulated
23 vacation leave, currently two times the annual rate of
24 accrual, applies to the new state employees. The section also
25 subjects court reporters to the same sick leave retirement
26 amount, currently \$2,000, as applied to other state employees.

27 Section 25 extends the same disability benefits to the new
28 state employees as to other comparable state employees.

29 Section 26 provides that the state court administrator may
30 collectively bargain with a category of employees prior to the
31 date on which they become state employees under the court
32 reorganization, with the agreement to be effective on the date
33 when the employees become state employees.

34 Section 27 provides rules for the apportionment and reten-
35 tion of district judges in new judicial election districts 5A

1 and 5C.

2 Sections 28 and 29 raise the small claims docket fee from
3 \$10 to \$11 and provide that \$4 of the \$11 small claims docket
4 fee is to be deposited in the court revenue distribution
5 account rather than the county treasury and that one addi-
6 tional dollar of the docket fee paid to the state is to be
7 deposited in the judicial retirement fund.

8 Section 30 deletes the requirement that the clerk of the
9 district court annually report all fines, penalties, and
10 forfeitures imposed and collected; the clerks' monthly reports
11 required under section 602.8108 contain this information.
12 Unpaid fines, penalties, and forfeiture must still be reported
13 annually. The section also deletes the criminal penalty.

14 Section 35 requires records of deferred judgments to
15 include the defendants' dates of birth.

16 Section 36 establishes a presumption of ability to pay a
17 criminal fine and requires a defendant to prove inability to
18 pay a fine, in which case the defendant cannot be confined for
19 failure to pay.

20 Section 37 also repeals the prohibition on the receipt of
21 an annuity by a member of the judicial retirement system while
22 that member is serving as a state officer or employee.

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