



SENATE FILE 2342

AN ACT

RELATING TO THE APPOINTMENT OF DISTRICT ASSOCIATE JUDGES AND
MAGISTRATES.

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

Section 1. Section 602.6301, Code 2005, is amended to read
as follows:

602.6301 NUMBER AND APPORTIONMENT OF DISTRICT ASSOCIATE
JUDGES.

There shall be one district associate judge in counties
having a population of more than thirty-five thousand and less
than eighty thousand; two in counties having a population of
eighty thousand or more and less than one hundred twenty-five
thousand; three in counties having a population of one hundred
twenty-five thousand or more and less than ~~two~~ one hundred
seventy thousand; four in counties having a population of ~~two~~
one hundred seventy thousand or more and less than two hundred
~~thirty-five~~ fifteen thousand; five in counties having a

population of two hundred ~~thirty-five~~ fifteen thousand or more and less than two hundred ~~seventy~~ sixty thousand; six in counties having a population of two hundred ~~seventy~~ sixty thousand or more and less than three hundred five thousand; and seven in counties having a population of three hundred five thousand or more and less than three hundred fifty thousand; eight in counties having a population of three hundred fifty thousand or more and less than three hundred ninety-five thousand; nine in counties having a population of three hundred ninety-five thousand or more and less than four hundred forty thousand; ten in counties having a population of four hundred forty thousand or more and less than four hundred eighty-five thousand; and one additional judge for every population increment of thirty-five thousand which is over four hundred eighty-five thousand in such counties. However, a county shall not lose a district associate judgeship solely because of a reduction in the county's population. If the formula provided in this section results in the allocation of an additional district associate judgeship to a county, implementation of the allocation shall be subject to prior approval of the supreme court and availability of funds to the judicial branch. A district associate judge appointed pursuant to section 602.6302 or 602.6307 shall not be counted for purposes of this section and the reduction of a district associate judge pursuant to section 602.6303 also shall not be counted for purposes of this section.

Sec. 2. NEW SECTION. 602.6303 APPOINTMENT OF MAGISTRATES IN LIEU OF DISTRICT ASSOCIATE JUDGE.

1. The chief judge of the judicial district may designate by order of substitution that three magistrates be appointed pursuant to this section in lieu of the appointment of a district associate judge under section 602.6304, subject to the following limitations:

a. The substitution shall not result in the judicial district receiving more magistrates than are authorized under the magistrate formula in section 602.6401.

b. The substitution shall be approved by the supreme court.

c. A majority of district judges in that judicial election district, or in the case of an appointment involving more than one judicial election district in the same judicial district, a majority of the district judges in each judicial election district, must vote in favor of the substitution and find that the substitution will provide more timely and efficient performance of judicial business within that judicial election district.

2. An order of substitution shall not take effect unless a copy of the order is received by the chairperson of the county magistrate appointing commission or commissions no later than May 31 of the year in which the substitution is to take effect. The order shall designate the county of appointment for each magistrate. A copy of the order shall also be sent to the state court administrator.

3. For a county in which a substitution order is in effect, the number of district associate judges actually appointed pursuant to section 602.6304 shall be reduced by one for each substitution order in effect.

4. Except as provided in subsections 1 through 3, a substitution shall not increase or decrease the number of district associate judges authorized by this article.

5. If a majority of the district judges in a judicial election district determine that a substitution is no longer desirable, then all three magistrate positions shall be terminated. However, a reversion pursuant to this subsection shall not take effect until the terms of the three magistrates expire. Upon the termination of the magistrate positions created under this section, an appointment shall be made to reestablish the term of office for a district associate judge as provided in sections 602.6304 and 602.6305.

Sec. 3. NEW SECTION. 602.6307 APPOINTMENT OF DISTRICT ASSOCIATE JUDGE IN LIEU OF FULL-TIME ASSOCIATE JUVENILE JUDGE.

1. The chief judge of a judicial district may designate by order of substitution that a district associate judge be appointed pursuant to this section in lieu of a full-time associate juvenile judge appointed under section 602.7103B, subject to the following limitations:

a. An existing full-time juvenile court judgeship has become vacant or is anticipated to become vacant within one hundred twenty days of an order of substitution.

b. The supreme court approves the substitution upon a determination that the substitution will provide a more timely and efficient performance of judicial business within that judicial election district without diminishing the efficiency and performance of the juvenile court.

2. If a district associate judge is substituted for a full-time associate juvenile judge pursuant to this section, the judicial district shall make every effort to grant the juvenile court docket priority over other dockets including granting the highest scheduling priority to juvenile court proceedings involving child custody, termination of parental rights, and child in need of assistance cases.

3. If the chief judge determines the substitution order is no longer desirable, then the order shall be terminated. However, a reversion pursuant to this subsection, irrespective of cause, shall not take effect until the substitute district associate judge fails to be retained in office at a judicial election or otherwise leaves office, whether voluntarily or involuntarily, and the office becomes vacant.

Sec. 4. Section 602.6401, subsection 1, Code Supplement 2005, is amended to read as follows:

1. Two hundred six magistrates shall be apportioned among the counties as provided in this section. Magistrates appointed pursuant to section 602.6303 or 602.6402 shall not be counted for purposes of this section.

Sec. 5. Section 602.6403, subsection 1, Code 2005, is amended to read as follows:

1. By June 1 of each year in which magistrates' terms expire, the county magistrate appointing commission shall appoint, except as otherwise provided in section 602.6302, the number of magistrates apportioned to the county by the state court administrator under section 602.6401, the number of magistrates required pursuant to substitution orders in effect under section 602.6303, and may appoint an additional magistrate when allowed by section 602.6402. The commission

shall not appoint more magistrates than are authorized for the county by this article.



JEFFREY M. LAMBERTI
President of the Senate



CHRISTOPHER C. RANTS
Speaker of the House

I hereby certify that this bill originated in the Senate and is known as Senate File 2342, Eighty-first General Assembly.



MICHAEL E. MARSHALL
Secretary of the Senate

Approved April 20, 2006



THOMAS J. VILSACK
Governor