

House File 956 - Enrolled

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AN ACT

RELATING TO JUDICIAL BRANCH ADMINISTRATION, INCLUDING JUDICIAL OFFICER RESIDENCY, JUDICIAL OFFICER RETIREMENT AGE, REMOTE PROCEEDINGS, COURT REPORTER SUPERVISION AND DUTIES, AND CIVIL PLEADINGS AVAILABILITY, AND INCLUDING APPLICABILITY PROVISIONS.

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

DIVISION I

JUDICIAL OFFICER RESIDENCY

Section 1. Section 602.6201, subsection 2, Code 2025, is amended to read as follows:

2. A district judge must be a resident of the judicial election district or a resident of a county contiguous with the judicial election district in which appointed before assuming office and ~~must be a resident of the judicial election district~~ during the entire term of office. Subject to the provision for reassignment of judges under section 602.6108, a district judge shall serve in the district of the judge's ~~residence~~ appointment while in office, regardless of the number of judgeships to which the district is entitled under the formula prescribed by the supreme court in subsection 3.

Sec. 2. Section 602.6305, subsections 1 and 3, Code 2025, are amended to read as follows:

1. District associate judges shall serve initial terms and shall stand for retention in office within the judicial election districts of their ~~residences~~ appointment at the judicial election under sections 46.16 through 46.24.

3. A district associate judge must be a resident of the judicial election district or a resident of a county contiguous with the judicial election district in which the office is held before assuming office and during the entire term of office. A district associate judge shall serve within the judicial district in which appointed, as directed by the chief judge, and is subject to reassignment under section 602.6108.

Sec. 3. Section 602.6404, subsection 1, Code 2025, is amended to read as follows:

1. A magistrate shall be a resident of the ~~county of appointment~~ judicial election district or a resident of a county contiguous to the ~~county of appointment~~ judicial election district in which appointed during the magistrate's term of office. A magistrate shall serve within the judicial district in which appointed, as directed by the chief judge, provided that the chief judge may assign a magistrate to hold court outside of the county or counties of appointment for the orderly administration of justice. A magistrate is subject to reassignment under section 602.6108.

Sec. 4. Section 602.7103C, subsections 1 and 3, Code 2025, are amended to read as follows:

1. Full-time associate juvenile judges shall serve terms and shall stand for retention in office within the judicial election districts of their ~~residences~~ appointment as provided under sections 46.16 through 46.24.

3. A full-time associate juvenile judge must be a resident of the judicial election district or a resident of a county contiguous with the judicial election district in which the office is held before assuming office and during the entire term of office. A full-time associate juvenile judge shall serve within the judicial district in which appointed, as directed by the chief judge, and is subject to reassignment under section 602.6108.

Sec. 5. Section 633.20C, subsections 1 and 3, Code 2025, are amended to read as follows:

1. Full-time associate probate judges shall serve terms and shall stand for retention in office within the judicial election districts of their ~~residences~~ appointment as provided under sections 46.16 through 46.24.

3. A full-time associate probate judge must be a resident

of the judicial election district or a resident of a county contiguous with the judicial election district in which the office is held before assuming office and during the entire term of office. A full-time associate probate judge shall serve within the judicial district in which appointed, as directed by the chief judge, and is subject to reassignment under section 602.6108.

Sec. 6. REPEAL. Section 602.11110, Code 2025, is repealed.

DIVISION II

JUDICIAL OFFICER RETIREMENT AGE

Sec. 7. Section 46.14, subsection 1, Code 2025, is amended to read as follows:

1. Each judicial nominating commission shall carefully consider the individuals available for judge, and within sixty days after receiving notice of a vacancy shall certify to the governor and the chief justice the proper number of nominees, in alphabetical order. Such nominees shall be chosen by the affirmative vote of a majority of the full statutory number of commissioners upon the basis of their qualifications and without regard to political affiliation. Nominees shall be members of the bar of Iowa, shall be residents of the state or district of the court or a county contiguous with the district to which they are nominated, and shall be of such age that they will be able to serve an initial and one regular term of office to which they are nominated before reaching the age of ~~seventy-two~~ seventy-eight years. Absence of a commissioner or vacancy upon the commission shall not invalidate a nomination. The chairperson of the commission shall promptly certify the names of the nominees, in alphabetical order, to the governor and the chief justice by sending by electronic mail the certification to the governor and chief justice or the governor's and chief justice's designees on the day of the nomination.

Sec. 8. Section 602.1610, subsection 1, paragraphs a, b, and c, Code 2025, are amended to read as follows:

a. ~~The mandatory retirement age is seventy-five years for all justices of the supreme court and district judges holding office on July 1, 1965.~~

b. The mandatory retirement age is ~~seventy-two~~ seventy-eight years for all justices of the supreme court, judges of the court of appeals, and district judges ~~appointed to office after July 1,~~

1965.

~~e.~~ b. The mandatory retirement age is ~~seventy-two~~ seventy-eight years for all district associate judges, associate juvenile judges, associate probate judges, and judicial magistrates.

Sec. 9. Section 602.6305, subsection 2, Code 2025, is amended to read as follows:

2. A person does not qualify for appointment to the office of district associate judge unless the person is at the time of appointment licensed to practice law in Iowa and will be able, measured by the person's age at the time of appointment, to complete the initial term of office prior to reaching age ~~seventy-two~~ seventy-eight. A nominee to the office of district associate judge must reside in the judicial election district to which the nominee is nominated or in a contiguous county to the judicial election district to which the nominee is nominated.

Sec. 10. Section 602.6404, subsection 2, Code 2025, is amended to read as follows:

2. A person is not qualified for appointment as a magistrate unless the person files a certified application form, to be provided by the supreme court, with the chairperson of the county magistrate appointing commission. A person is not qualified for appointment as a magistrate if at the time of appointment the person has reached age ~~seventy-two~~ seventy-eight.

Sec. 11. Section 602.7103C, subsection 2, Code 2025, is amended to read as follows:

2. A person does not qualify for appointment to the office of full-time associate juvenile judge unless the person is at the time of appointment licensed to practice law in Iowa and will be able, measured by the person's age at the time of appointment, to complete the initial term of office prior to reaching age ~~seventy-two~~ seventy-eight. A nominee to the office of full-time associate juvenile judge must reside in the judicial election district to which the nominee is nominated or in a contiguous county to the judicial election district to which the nominee is nominated.

Sec. 12. Section 602.9202, subsection 4, Code 2025, is amended to read as follows:

4. "Senior judge retirement age" means ~~seventy-eight~~ eighty-four years of age or, if the senior judge is reappointed

as a senior judge for an additional one-year term upon attaining ~~seventy-eight~~ eighty-four years of age, and then to a succeeding one-year term, pursuant to section 602.9203, ~~eighty~~ eighty-six years of age.

Sec. 13. Section 602.9203, subsection 5, paragraph b, Code 2025, is amended to read as follows:

b. A senior judge may be reappointed to a one-year term upon attaining ~~seventy-eight~~ eighty-four years of age and to a succeeding one-year term, at the discretion of the supreme court, if the judicial officer meets the requirements of subsection 2.

Sec. 14. Section 633.20C, subsection 2, Code 2025, is amended to read as follows:

2. A person does not qualify for appointment to the office of full-time associate probate judge unless the person is at the time of appointment licensed to practice law in Iowa and will be able, measured by the person's age at the time of appointment, to complete the initial term of office prior to reaching age ~~seventy-two~~ seventy-eight. A nominee to the office of full-time associate probate judge must reside in the judicial election district to which the nominee is nominated or in a contiguous county to the judicial election district to which the nominee is nominated.

Sec. 15. APPLICABILITY. This division of this Act applies to judicial officers retiring on or after July 1, 2025.

DIVISION III

MISCELLANEOUS JUDICIAL ADMINISTRATION

Sec. 16. Section 602.1612, subsection 4, Code 2025, is amended by striking the subsection.

Sec. 17. Section 602.3201, Code 2025, is amended to read as follows:

602.3201 Requirement of certification — use of title.

A person shall not engage in the profession of shorthand reporting unless the person is certified pursuant to this chapter, or otherwise exempted pursuant to section 602.6603, subsection 4 3. Only a person who is certified by the board may assume the title of certified shorthand reporter, or use the abbreviation C.S.R., or any words, letters, or figures to indicate that the person is a certified shorthand reporter.

Sec. 18. Section 602.6105, subsection 1, Code 2025, is amended to read as follows:

1. Courts shall be held at the places in each county maintaining space for the district court as designated by the chief judge of the judicial district, or held by remote means of communication, except that the determination of actions, special proceedings, and other matters not requiring a jury may be done at some other place in the district with the consent of the parties. For the purposes of this subsection, contiguous counties which have entered into an agreement to share costs pursuant to section 331.381, subsection 16, paragraph "b", shall be considered as one unit for the purpose of conducting all matters except as otherwise provided in this subsection.

Sec. 19. Section 602.6603, Code 2025, is amended to read as follows:

602.6603 Court reporters.

1. a. Each district judge shall appoint a The chief judge of a judicial district or the chief judge's designee shall have the authority to supervise, schedule, and assign duties to all court reporters in the judicial district.

b. Notwithstanding paragraph "a", a judge presiding over a proceeding that must be reported shall have the authority to supervise the work of a court reporter while the court reporter is actively engaged in reporting that proceeding.

c. The chief judge of a judicial district may delegate the authority set forth in paragraph "a" to the district court administrator or the district court administrator's designee.

2. The judges of a judicial district shall appoint a court reporter, subject to approval of the chief judge of the judicial district or the chief judge's designee. A court reporter may be assigned to a district judge or the district associate judge subject to subsection 1. A court reporter who shall, upon the request of a party in a civil or criminal case, report the evidence and proceedings in the case, and perform all duties as provided by law.

~~2. Each district associate judge may appoint a court reporter, subject to the approval of the chief judge of the judicial district.~~

~~3. If a chief judge of a judicial district determines that it is necessary to employ an additional court reporter because of an extraordinary volume of work, or because of the temporary illness or incapacity of a regular court reporter, the chief judge may~~

~~appoint a temporary court reporter who shall serve as required by the chief judge.~~

~~4.~~ 3. If a regularly appointed court reporter becomes disabled, or if a vacancy occurs in a regularly appointed court reporter position, the chief judge or the chief judge's designee may appoint a competent, uncertified shorthand reporter for a period of time of up to one year, upon verification by the chief judge that a diligent but unsuccessful search has been conducted to appoint a certified shorthand reporter to the position and, in a disability case, that the regularly appointed court reporter is disabled. An uncertified shorthand reporter shall not be reappointed to the position unless the reporter becomes a certified shorthand reporter within the period of appointment under this subsection.

~~5.~~ 4. Except as provided in subsection 4 3, a person shall not be appointed to the position of court reporter of the district court unless the person has been certified as a shorthand reporter by the board of examiners under article 3.

~~6.~~ 5. Each court reporter shall take an oath faithfully to perform the duties of office, which shall be filed in the office of the clerk of district court.

~~7.~~ 6. A court reporter may be removed for cause with due process by the ~~judicial officer~~ judges making the appointment, subject to the approval of the chief judge or the chief judge's designee.

~~8.~~ 7. If a judge dies, resigns, retires, is removed from office, becomes disabled, or fails to be retained in office and the judicial vacancy is eligible to be filled, the court reporter appointed by the judge shall serve as a court reporter, as directed by the chief judge or the chief judge's designee, ~~until the successor judge appoints a successor court reporter. The court reporter shall receive the reporter's regular salary and benefits during the period of time until a successor court reporter is appointed or until the currently appointed court reporter is reappointed.~~

Sec. 20. Section 602.8102, subsection 9, Code 2025, is amended to read as follows:

9. Enter in the appearance docket a memorandum of the date of filing of all petitions, demurrers, answers, motions, or papers of any other description in the cause. A pleading of any

description is considered filed when the clerk entered the date the pleading was received on the pleading and ~~the pleading shall not be taken from the clerk's office until the memorandum is made.~~ The memorandum shall be made within two business days of a new petition or order being filed, and as soon as practicable for all other pleadings. Thereafter, when a demurrer or motion is sustained or overruled, a pleading is made or amended, or the trial of the cause, rendition of the verdict, entry of judgment, issuance of execution, or any other act is done in the progress of the cause, a similar memorandum shall be made of the action, including the date of action and the number of the book and page of the record where the entry is made. The appearance docket is an index of each suit from its commencement to its conclusion.

Sec. 21. Section 602.9206, subsection 1, Code 2025, is amended to read as follows:

1. Section 602.1612 does not apply to a senior judge but does apply to a retired senior judge. During the tenure of a senior judge, if the judge is able to serve, the judge may be assigned by the supreme court to temporary judicial duties on courts of this state without salary for an aggregate of thirteen weeks out of each twelve-month period, and for additional weeks with the judge's consent. A senior judge shall not be assigned to judicial duties on the supreme court unless the judge has been appointed to serve on the supreme court prior to retirement. While serving on temporary assignment, a senior judge has and may exercise all of the authority of the office to which the judge is assigned, shall continue to be paid the judge's annuity as senior judge, shall be reimbursed for the judge's actual expenses to the extent expenses of a district judge are reimbursable under section 602.1509, ~~may, if permitted by the assignment order, appoint a temporary court reporter, who shall be paid the remuneration and reimbursement for actual expenses provided by law for a reporter in the court to which the senior judge is assigned,~~ and, if assigned to the court of appeals or the supreme court, shall be given the assistance of a law clerk and a secretary designated by the court administrator of the judicial branch from the court administrator's staff. Each order of temporary assignment shall be filed with the clerks of court at the places where the senior judge is to serve.

PAT GRASSLEY
Speaker of the House

AMY SINCLAIR
President of the Senate

I hereby certify that this bill originated in the House and is known as House File 956, Ninety-first General Assembly.

MEGHAN NELSON
Chief Clerk of the House

Approved _____, 2025

KIM REYNOLDS
Governor

unofficial