

FILED MAR 25 1971

See Judiciary 4/22

SENATE FILE

428

By COMMITTEE ON JUDICIARY

Passed Senate, Date 4-14-71

Passed House, Date _____

Vote: Ayes 35 Nays 14

Vote: Ayes _____ Nays _____

Approved _____

Motion to reconsider tabled 4/14

A BILL FOR

1 An Act to provide a unified trial court having district
2 court judges and district court magistrates, and dis-
3 trict court associate judges during transition; to dis-
4 continue courts inferior to the district court; and to
5 establish traffic violations offices within the district
6 court to receive uniform traffic violation penalties.

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

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1 UNIFIED TRIAL COURT

2 Section 1. UNIFIED TRIAL COURT. Effective January 1,
3 1973, there shall be one trial court in the state of Iowa,
4 known as "Iowa District Court". The Iowa district court shall
5 have general and original jurisdiction of all actions, pro-
6 ceedings, and remedies, civil, criminal, probate, and juvenile,
7 and shall have and exercise all the power usually possessed
8 and exercised by trial courts of general jurisdiction.

9 Sec. 2. JUDICIAL OFFICERS. To the extent provided in
10 this Act, the judicial power of the Iowa district court shall
11 be exercised by Iowa district judges and Iowa district magis-
12 trates, and, during the transition to the unified trial court,
13 by Iowa district associate judges.

14 DISTRICT JUDGES

15 Sec. 3. DISTRICT JUDGES. Iowa district judges shall
16 possess the full jurisdiction of the Iowa district court,
17 including the jurisdiction of district magistrates and district
18 associate judges. While exercising the jurisdiction possessed
19 by district magistrates, district judges shall be deemed
20 district magistrates. They may hold court at any place where
21 a district magistrate may do so, and shall employ district
22 magistrates' practice and procedure, except that all entries
23 shall be made in the records of the district court clerk.
24 Either party in a criminal action shall be entitled to jury
25 trial by filing with the clerk a written jury demand within
26 ten days after the information is filed, or at least two days
27 before the trial if the action is tried before ten days
28 elapses, and appeals shall be governed by the laws relating
29 to appeals from judgments and orders of district judges.

30 Sec. 4. Section six hundred four point three (604.3),
31 Code 1971, is amended by striking the section and inserting
32 in lieu thereof the following:

33 604.3 PROBATE ORDERS. Iowa district judges shall have
34 statewide jurisdiction to enter orders in probate matters
35 not requiring notice and hearing, although the judge is not

1 a judge of or present in the district in which the probate
2 matter is pending. Such orders shall be made in conformity
3 with the rules of the district in which the probate matter
4 is pending.

5 Sec. 5. Section six hundred thirty-three point three
6 (633.3), Code 1971, is amended by striking subsection nine
7 (9) and inserting in lieu thereof the following:

8 9. Court--the Iowa district court sitting in probate and
9 includes any Iowa district judge.

10 Sec. 6. Section six hundred four point nine (604.9), Code
11 1971, is amended as follows:

12 604.9 PLACE OF HOLDING COURT. Courts must be held at
13 the places provided by law, except for the determination of
14 actions, special proceedings, and other matters not requiring
15 a jury, when they may ~~7-by-consent-of-the-parties-therein,~~
16 be held at some other place in the county or, with the con-
17 sent of the parties, in the district.

18 DISTRICT MAGISTRATES

19 Sec. 7. APPOINTMENT AND TERMINATION. The district judges
20 of each district, sitting en banc, shall, by majority vote,
21 appoint Iowa district magistrates in such number and at such
22 locations in the district as will assure prompt service in
23 all counties. The judges may similarly terminate the appoint-
24 ment of any district magistrate, appoint another district
25 magistrate, fill vacancies, and increase or reduce the number
26 of district magistrates. The appointment of each district
27 magistrate shall be subject to confirmation by majority vote
28 of the district judicial nominating commission of the judicial
29 district within thirty days, failing which the appointment
30 shall be of no effect. Upon the request of the district
31 judges, the statistician of the judicial department shall
32 furnish them with written data to assist them in determining
33 the number, location, and compensation of district magistrates
34 for the area involved. The district magistrates appointed
35 initially shall take office January 1, 1973. District magis-

1 trates shall be officers of the state.

2 Before assuming office, a district magistrate shall sub-
3 scribe and file in the office of the clerk of the district
4 court of the county of his residence his oath of office to
5 uphold and support the Constitutions of the United States
6 of America and state of Iowa, the laws enacted pursuant
7 thereto, and the laws and ordinances of the political
8 subdivisions of the state of Iowa.

9 Annually, the chief justice of the supreme court shall
10 cause a school of instruction to be conducted for district
11 magistrates, which each district magistrate shall attend un-
12 less excused by the chief justice for good cause.

13 Sec. 8. QUALIFICATIONS, AGE. A district magistrate shall
14 be an elector of the judicial district of appointment, shall
15 be less than seventy-two years of age, and shall cease to
16 hold office upon attaining that age. He shall be admitted
17 to the practice of law in Iowa or shall have passed a
18 magistrate's qualification test administered by the chief
19 justice of the supreme court.

20 Sec. 9. SALARY, EXPENSES. Each district magistrate shall
21 receive a salary payable monthly from the general or court
22 fund of the county or counties regularly served by him and
23 also his actual and necessary expenses in the performance
24 of his duties while away from the city or town of his
25 residence, in accordance with section six hundred five point
26 two (605.2) of the Code. The district judges appointing a
27 district magistrate shall determine and certify to the proper
28 county auditor the annual salary to which he is entitled.
29 In the absence of a finding by such judges of unusual
30 circumstances, including the proportion of the magistrate's
31 time required by his duties, a district magistrate regularly
32 serving an area shall receive a salary as follows:

33	<u>Population of Area</u>	<u>Salary</u>
34	Under 20,000	\$3,600
35	20,000 to 29,999	\$4,800

1	30,000 to 39,999	\$6,000
2	40,000 to 49,999	\$7,200
3	50,000 or over	\$8,400

4 However, no district magistrate shall receive an annual
5 salary in excess of fifty percent of the salary of a district
6 judge. If a district magistrate regularly serves an area
7 including more than a single county, the district judges shall
8 prorate his salary and expenses among the counties served
9 in proportion to his volume of work therein.

10 Sec. 10. JURISDICTION, VENUE. District magistrates shall
11 have jurisdiction of nonindictable misdemeanors, including
12 traffic and ordinance violations, preliminary hearings, search
13 warrant proceedings, and small claims. They shall also have
14 the powers specified in section seven hundred forty-eight
15 point two (748.2) of the Code. They shall have power to act
16 any place within the judicial district of appointment, and
17 venue shall be the same as in other district court proceedings.

18 Sec. 11. PLACES OF HOLDING COURT. District magistrates
19 shall hold court at the county seats in facilities which shall
20 be provided by the boards of supervisors, and at such other
21 places as directed; but if court is held in a city or town
22 outside the county seat, such city or town shall furnish suit-
23 able facilities and equipment and a bailiff. District magis-
24 trates may hold court anywhere in the district, as directed.

25 Sec. 12. PROCEDURE. The criminal procedure before district
26 magistrates shall be as provided in chapters seven hundred
27 fifty-one (751), seven hundred fifty-four (754) through seven
28 hundred sixty-three (763), inclusive, seven hundred sixty-
29 five (765), seven hundred sixty-six (766), and seven hundred
30 sixty-eight (768) of the Code, with trial to the magistrate
31 and right of appeal. The civil procedure before district
32 magistrates shall be as provided in small claims rules
33 promulgated by the supreme court under sections six hundred
34 eighty-four point eighteen (684.18) and six hundred eighty-
35 four point nineteen (684.19) of the Code.

1 Sec. 13. DOCKETS, JUDGMENTS, COSTS. The clerk of the
2 district court of the county in which a district magistrate
3 resides shall furnish him a docket, in which the district
4 magistrate shall enter all proceedings except small claims.
5 Such docket shall be indexed and shall contain in each case
6 the title and nature of the action; place of hearing;
7 appearances; and notations of the documents filed with the
8 district magistrate, of the proceedings in the case and orders
9 made, of the verdict and judgment, including costs of any
10 satisfaction of the judgment, of whether the judgment was
11 certified to the clerk of the district court, of whether an
12 appeal was taken, and of the amount of the appeal bond. Costs
13 shall be those of the district court. If the judgment and
14 costs are not fully and immediately satisfied in criminal
15 cases, the district magistrate shall promptly certify a copy
16 of the judgment to the clerk of the district court indicating
17 thereon the portion unsatisfied; and the clerk shall index
18 and file the judgment, whereupon it shall be a judgment of
19 the district court without recording.

20 Sec. 14. APPEALS. Appeals from judgments of district
21 magistrates may be taken orally at the conclusion of the trial
22 or hearing or by filing with the district magistrate a written
23 notice of appeal within twenty days after the judgment is
24 rendered. In civil cases an appeal may be taken by any party.
25 In criminal cases an appeal may only be taken by the defendant.
26 In civil cases the magistrate shall note the notice of appeal
27 on the original notice first filed, or if the notice of appeal
28 is in writing promptly file it with the clerk. In criminal
29 cases the district magistrate shall promptly file with the
30 clerk of the district court a transcript of the entries in
31 his docket and cause all exhibits offered in evidence to be
32 delivered to the clerk. In civil cases, within twenty days
33 after an appeal is taken, unless extended by order of a dis-
34 trict judge or by stipulation of the parties, any party may
35 file with the clerk a transcript of the official report, if

1 any, and in the event the report was made electronically,
2 the tape or other medium on which the proceedings were
3 preserved shall be filed as part of the record; a district
4 judge shall promptly hear the appeal upon the record thus
5 filed without further evidence; and the judge shall decide
6 the appeal without regard to technicalities or defects which
7 have not prejudiced the substantial rights of the parties,
8 and may affirm, reverse, or modify the judgment or render
9 judgment as the magistrate should have rendered. In criminal
10 cases, promptly but not sooner than ten days after the
11 magistrate files the transcript with the clerk, the appeal
12 shall be tried de novo by a district judge, or by a jury if
13 written jury demand is filed with the the clerk by either
14 party before the transcript is filed or within ten days
15 thereafter; and judgment shall be rendered as though the case
16 were being originally tried. Execution of a judgment of a
17 district magistrate shall be stayed upon the filing with the
18 clerk of the district court an appeal bond with surety approved
19 by the clerk, in the sum specified in the judgment. The laws
20 relating to appeals to the supreme court from judgments and
21 orders of a district judge shall apply to judgments and orders
22 of district judges on appeals from district magistrates.

23 Sec. 15. FUNDS, REPORTS. Each month each district magis-
24 trate shall file with the proper county treasurer a sworn,
25 itemized statement, by case, of all funds received and dis-
26 bursed, and at least monthly shall remit to the persons en-
27 titled thereto all funds received by him. Fines and forfeited
28 bail shall be remitted to the city or town which was the
29 plaintiff, or to the proper county if the state was the
30 plaintiff. All fees and costs not thus disposed of shall
31 be remitted monthly by the district magistrate to the proper
32 county treasurer or treasurers.

33 Sec. 16. COURTS ABOLISHED, TRANSITION. All mayor's courts,
34 justice of the peace courts, police courts, superior courts,
35 and municipal courts, and offices connected therewith, are

1 abolished as of January 1, 1973. Promptly after December
2 31, 1972, the officials of these courts shall file all
3 documents and books pertaining to their offices with the clerk
4 of the district court of their counties. District judges
5 shall assign to district magistrates the pending cases within
6 district magistrates' jurisdiction, and such cases shall then
7 be pending before those district magistrates. All other
8 pending cases shall be pending in the district court of the
9 county, and the clerk of that court shall within thirty days
10 give written notice of that fact by ordinary mail to the
11 parties or their attorneys of record at their last known
12 addresses.

13 Sec. 17. MAGISTRATES NOT HOLDING OFFICE. When a district
14 magistrate ceases to hold office, his docket and all records
15 relating to his office shall be promptly deposited with the
16 clerk of the district court who issued the docket.

17 DISTRICT ASSOCIATE JUDGES AND THEIR REPORTERS
18 AND DEPUTY CLERKS AND SHERIFFS

19 Sec. 18. DISTRICT ASSOCIATE JUDGES. The regular judges
20 of the municipal courts in Iowa who are in office on December
21 31, 1972, and who are less than seventy-two years of age on
22 January 1, 1973, shall become Iowa district associate judges
23 on the latter date. The boards of supervisors shall enlarge
24 the district court facilities accordingly and shall have
25 authority to build, remodel, purchase, and lease real and
26 personal property and equipment for such purpose, subject
27 to chapter seventy-five (75) and sections three hundred thirty-
28 two point seven (332.7) and three hundred thirty-two point
29 eight (332.8) of the Code, where applicable.

30 Sec. 19. TERM, RETENTION. District associate judges shall
31 stand for retention in office at the judicial election in
32 1974, and every four years thereafter, under sections forty-
33 six point seventeen (46.17) through forty-six point twenty-
34 four (46.24), inclusive, of the Code. The term of office
35 of the judges who are retained in office at the judicial

1 election shall extend for four years after January first next
2 following the election, and the term of office of the judges
3 who are not retained in office at such a judicial election
4 shall extend until January first next following such election.
5 District associate judges shall cease to hold office upon
6 attaining age seventy-two.

7 Sec. 20. VACANCIES. A vacancy in the office of district
8 associate judge after December 31, 1972, shall not be filled
9 except as provided in this section. Instead, a district judge
10 shall be appointed for the district pursuant to chapter forty-
11 six (46) of the Code, if the district is entitled to an
12 additional district judge under the formula in section six
13 hundred four point eight (604.8), subsection two (2), of the
14 Code; otherwise a district magistrate shall be appointed under
15 section seven (7) of this Act, if needed to assure prompt
16 service.

17 In applying such formula to a particular district, combined
18 civil and criminal filings for any year after 1972 shall be
19 adjusted as follows:

20 1. As to any district, the annual number of filings in
21 the district of civil and criminal cases within the jurisdic-
22 tion of district magistrates shall be deducted except those
23 appealed under section fourteen (14) of this Act.

24 2. As to a district having a district associate judge
25 or judges remaining when the computation is being made, a
26 number of filings shall also be deducted ascertained as
27 follows: the number of district associate judges so remaining
28 shall be multiplied by the 1972 per municipal court judge
29 filings in the state of the sum of (a) special actions, (b)
30 equitable, forcible entry and detainer, and ordinary actions,
31 in which the amount in controversy exceeded one hundred
32 dollars, and (c) indictable criminal cases.

33 Whenever a district is entitled to the appointment of a
34 district judge and a district associate judge receives the
35 appointment, a district judge shall be appointed to fill the

1 vacancy so created in the office of district associate judge,
2 notwithstanding subsection two (2) of section six hundred
3 four point eight (604.8) of the Code. But thereafter the
4 provisions of section six hundred four point eight (604.8)
5 shall govern the number of district judges to which the dis-
6 trict is entitled.

7 Sec. 21. SALARY, EXPENSES, RETIREMENT. The annual salary
8 of each district associate judge, payable monthly from the
9 general fund of the state of Iowa, shall be eighty percent
10 of the salary provided by statute for a district judge. Dis-
11 trict associate judges shall also receive from the state their
12 actual and necessary expenses in the performance of their
13 duties away from the city of their residence, in accordance
14 with section six hundred five point two (605.2) of the Code.
15 District associate judges who are members of the judicial
16 retirement system under chapter six hundred five A (605A)
17 of the Code shall remain members thereof; but the state of
18 Iowa, instead of the city and county, shall deduct four per-
19 cent from their salaries for the judicial retirement fund
20 and shall contribute the public's portion to the judicial
21 retirement fund.

22 Sec. 22. JURISDICTION, PROCEDURE, APPEALS. District as-
23 sociate judges shall have the jurisdiction possessed by dis-
24 trict magistrates. While exercising such jurisdiction, dis-
25 trict associate judges shall be deemed to be district magis-
26 trates, shall hold court as directed at any place that a dis-
27 trict magistrate may do so, and shall employ magistrates'
28 practice and procedure except that all entries shall be made
29 in the records of the district court clerk and either party
30 in a criminal action shall be entitled to jury trial upon
31 filing with the clerk a written jury demand within ten days
32 after the information is filed or at least two days before
33 the trial of the action is tried before ten days elapses.
34 District associate judges shall also have the jurisdiction
35 possessed by district judges for the prosecution of indictable

1 misdemeanors and in civil matters where the amount in con-
2 troversy does not exceed two thousand dollars, except in
3 juvenile proceedings, unless otherwise authorized, and further
4 except in probate matters, actions for dissolution of marriage,
5 alimony and separate maintenance, and in actions directly
6 affecting the title of real estate. A district associate
7 judge may, by order of the chief judge of the district,
8 enrolled in the records of the clerk of the district court,
9 temporarily exercise any of the jurisdiction of a district
10 judge during the time and as to the specific matters or classes
11 of matters specified in that order. While exercising
12 jurisdiction other than that of a magistrate, district
13 associate judges shall employ district judges' practice and
14 procedure. District associate judges shall have power to
15 act at any place within their respective judicial districts,
16 and venue shall be the same as in other district court
17 proceedings. The laws relating to appeals to the supreme
18 court from judgments or orders of district judges shall apply
19 to all judgments or orders of district associate judges,
20 whether rendered as district associate judges or as district
21 magistrates.

22 Sec. 23. REPORTERS. Each district associate judge may
23 appoint a shorthand reporter. The laws relating to district
24 judges' shorthand reporters, their compensation, and their
25 duties shall govern so far as applicable, including laws re-
26 lating to their expenses out of the city of their residence.
27 Their compensation shall be paid by the county of residence
28 of the particular district associate judge.

29 Sec. 24. CLERKS AND BAILIFFS, TRANSITION. Elective clerks
30 and elective bailiffs of municipal courts who are in office
31 on December 31, 1972, and municipal court deputy clerks and
32 deputy bailiffs who are in office on that date, shall on
33 January 1, 1973, become deputies of the district court clerks
34 and sheriffs respectively, in the counties of their residence.
35 The boards of supervisors shall enlarge the district court

1 clerks' and sheriffs' facilities accordingly, and shall have
2 authority to build, remodel, purchase, and lease real and
3 personal property and equipment for such purpose, subject
4 to chapter seventy-five (75) and sections three hundred thirty-
5 two point seven (332.7) and three hundred thirty-two point
6 eight (332.8) of the Code, where applicable. The compensation
7 and other benefits of the individuals who so become deputies
8 shall not be reduced after December 31, 1972, from the amount
9 on that date, but shall be paid by the counties of their
10 residence; provided, that if the salary of any deputy equals
11 or exceeds the salary of the district court clerk or sheriff
12 of whom he is deputy, then the salary of the particular
13 district court clerk or sheriff shall be increased so as to
14 exceed the salary of the deputy by the sum of two hundred
15 dollars per year.

16 The individuals who were elective municipal court clerks
17 and bailiffs on December 31, 1972, and who were municipal
18 court deputy clerks and deputy bailiffs on that date, may
19 as deputies of the district court clerks and sheriffs be sus-
20 pended, demoted, or discharged by the district court clerks
21 and sheriffs only for neglect of duty, disobedience of orders,
22 misconduct, or failure to properly perform duties, by pursuing
23 the procedure provided by sections three hundred sixty-five
24 point nineteen (365.19) through three hundred sixty-five point
25 twenty-six (365.26), inclusive, of the Code; and in these
26 cases the district court clerk or sheriff shall be deemed
27 to be the person having the appointing power, the county
28 auditor shall perform the functions of the mayor or city
29 manager, the board of supervisors shall perform the functions
30 of the civil service commission, and the county attorney shall
31 perform the functions of the city attorney or solicitor.

32 As vacancies occur after December 31, 1972, in the number
33 of any deputy district court clerks or deputy sheriffs in
34 counties having a municipal court on December 31, 1972, as
35 a result of resignations, retirements, deaths, or discharges

1 for cause, the boards of supervisors may adjust the number
2 of deputies if so indicated by workload, pursuant to section
3 three hundred forty-one point one (341.1) of the Code; but
4 the total number of district court deputy clerks or deputy
5 sheriffs in such counties shall not otherwise be reduced
6 notwithstanding section three hundred sixty-five point twenty-
7 eight (365.28) of the Code, until the district court deputy
8 clerks or deputy sheriffs brought into the offices from the
9 municipal courts cease to hold office in the particular county.

10 A municipal court bailiff who on December 31, 1972, is
11 a member of the retirement system provided by chapter four
12 hundred eleven (411) of the Code shall continue to be such
13 a member thereafter; and that chapter shall continue to apply
14 to him notwithstanding this Act, with the county in question
15 deducting from his compensation his contributions to the re-
16 tirement fund and the city in question contributing the
17 public's portion to such fund.

18 TRAFFIC VIOLATIONS OFFICE AND FINES

19 Sec. 25. UNIFORM SUMMONS. The Iowa commissioner of pub-
20 lic safety shall adopt, obtain, and distribute at cost to
21 state and local law enforcement agencies a uniform, combined
22 traffic charge and summons, which shall be used for charging
23 all traffic violations in Iowa under state law or municipal
24 ordinance, unless the defendant is charged by information
25 or section thirty-two (32) of this Act is applicable. Each
26 summons shall be serially numbered and shall be in
27 quadruplicate, and the officer shall deliver the original
28 and a copy to the court where the defendant is to appear,
29 a copy to the defendant, and a copy to the law enforcement
30 agency of the officer. The summons shall contain, among other
31 things, spaces for the parties' names and for the information
32 required by section three hundred twenty-one point four hundred
33 eighty-five (321.485), subsection two (2) of the Code; a place
34 where the defendant may sign the promise to appear referred
35 to in section three hundred twenty-one point four hundred

1 eighty-six (321.486); a list of the minimum fines prescribed
2 by section twenty-seven (27) of this Act, either separately
3 or by groups; a brief explanation of sections twenty-eight
4 (28) and twenty-nine (29) of this Act; and a space where the
5 defendant may sign an admission of the violation when such
6 section twenty-eight (28) is applicable. Every summons shall
7 require the defendant to appear before a court at a specified
8 time and place. Notwithstanding section three hundred twenty-
9 one point four hundred eighty-five (321.485), subsection two
10 (2), the officer may arrest the defendant although a summons
11 is used to charge the violation, if authorized by section
12 seven hundred fifty-five point four (755.4) of the Code.

13 Sec. 26. TRAFFIC VIOLATIONS OFFICES. Each district court
14 clerk's office shall constitute a traffic violations office
15 of the district court. Additional traffic violations offices
16 may be established at other locations, as needed, if authorized
17 by the chief judge of the district.

18 Sec. 27. SCHEDULED VIOLATIONS. The minimum fine for all
19 convictions of the following violations, whether of state
20 law or municipal ordinance, shall be:

- 21 1. Violation of school or other stop sign or of traffic
22 signal, ten dollars.
- 23 2. Failure to yield right-of-way, ten dollars.
- 24 3. Illegal parking, except under section thirty-two (32)
25 hereof, two dollars.
- 26 4. Registration card or plate violation, four dollars.
- 27 5. Improper lights, ten dollars.
- 28 6. Prohibited turn, ten dollars.
- 29 7. Improper muffler, ten dollars.
- 30 8. Other defective equipment, ten dollars.
- 31 9. Excess speed up to ten miles per hour over the legal
32 limit, ten dollars.
- 33 10. Excess speed ten to twenty miles per hour over the
34 legal limit, twenty dollars.
- 35 11. Improper turning, fifteen dollars.

- 1 12. Following too closely, ten dollars.
- 2 13. Motor running unattended, ten dollars.
- 3 14. Driving illegal direction, ten dollars.
- 4 15. Failure to dim lights, ten dollars.
- 5 16. Violation of restricted license, ten dollars.
- 6 17. Failure to give half-of-way, fifteen dollars.
- 7 18. Failure to signal passing or turning, ten dollars.
- 8 19. Stopping on traveled portion, twenty dollars.
- 9 20. Violation of height, length, or width, twenty dollars.
- 10 Such violations shall be called scheduled violations.
- 11 Sec. 28. ADMISSION OF SCHEDULED VIOLATIONS.
- 12 1. In cases of scheduled violations, the defendant, before
- 13 the time specified in the summons for appearance before the
- 14 court, may sign the admission of violation on the summons
- 15 and deliver or mail the summons, together with the minimum
- 16 fine for the violation, plus four dollars costs, to a traffic
- 17 violations office in the county. The office shall, if the
- 18 offense is a moving violation, forward a copy of the summons
- 19 and admission to the commissioner of public safety as required
- 20 by section three hundred twenty-one point two hundred seven
- 21 (321.207) of the Code. Thereupon the defendant shall not
- 22 be required to appear before the court. The admission shall
- 23 constitute a conviction.
- 24 2. A defendant charged with a schedule violation by in-
- 25 formation may obtain two copies of the information from the
- 26 court and, before the time he is required to appear before
- 27 the court, deliver or mail such copies, together with his
- 28 admission, fine, and four dollars costs, to the traffic viola-
- 29 tions office in the county. The procedure, fine, and costs
- 30 shall be the same as when the charge is by summons, with the
- 31 admission and the number of the defendant's operator's or
- 32 chauffeur's license placed upon the information.
- 33 3. When sections twenty-seven (27) and twenty-eight (28)
- 34 of this Act are applicable but the officer does not deem it
- 35 advisable to release the defendant and no readily accessible

1 traffic violations office or court in the county is in ses-
2 sion:

3 a. If the defendant wishes to admit the violation, the
4 officer may release the defendant upon observing him mail
5 the summons, admission, and minimum fine, together with four
6 dollars costs, to a traffic violations office in the county,
7 in an envelope furnished by the officer.

8 b. If the defendant does not comply with paragraph "a"
9 of this subsection, the officer may release the defendant
10 upon observing him mail to a court in the county the summons
11 and twice the minimum fine together with four dollars costs,
12 or in lieu of twice the fine and the costs, a guaranteed
13 arrest bond certificate as provided in subsection seventy
14 (70) of section three hundred twenty-one point one (321.1),
15 together with the following statement signed by the defendant:

16 "I agree that either (1) I will appear pursuant to this
17 summons, or (2) if I do not so appear that I hereby admit
18 the violation charged in the summons and complaint and consent
19 to entry of judgment of conviction for twice the minimum fine
20 together with four dollars costs and to application of the
21 enclosed funds or bail in satisfaction of such fine and costs."

22 c. If the defendant does not comply with paragraph "a"
23 or "b", or in any event when section seven hundred fifty-five
24 point four (755.4) of the Code is applicable, the officer
25 may arrest and confine the defendant if authorized by the
26 latter section, and proceed with him according to chapter
27 seven hundred fifty-seven (757) or seven hundred fifty-eight
28 (758) of the Code.

29 4. Any defendant who admits a scheduled violation may
30 nevertheless appear before the court. The procedure, costs,
31 and fine, without suspension, after the hearing shall be the
32 same as in the traffic violations office.

33 5. A defendant charged with a scheduled violation who
34 does not fully comply with subsection one (1), two (2), three
35 (3), or four (4) of this section before the time required

1 to appear before the court must, at that time, appear before
2 the court. If such defendant admits the violation, the
3 procedure and fine, without suspension, after the hearing
4 shall be the same before the court as before the traffic
5 violations office but with regular court costs, without
6 prejudice, when applicable, to proceedings under section three
7 hundred twenty-one point four hundred eighty-seven (321.487)
8 of the Code.

9 Sec. 29. REQUIRED COURT APPEARANCE. Section twenty-eight
10 (28) of this Act shall not apply to a scheduled violation:

11 1. When the officer charges that the violation has hazard-
12 ous or aggravated, as because of highway conditions,
13 visibility, traffic, accident, injuries, repetition, or other
14 circumstances; or

15 2. When the officer charges that the defendant when ap-
16 prehended did not have his operator's or chauffeur's license
17 or permit with him or had no license or permit.

18 In such cases, the defendant shall appear before the court
19 and regular procedure shall apply. If an information is used
20 the officer shall endorse thereon, "Not for traffic violations
21 office." If a summons is used, the officer shall strike out
22 the space in which the defendant may admit the violation be-
23 fore a traffic violations office. A summons or information
24 containing a charge under subsections one (1) and two (2)
25 shall not itself constitute substantive proof of the charge.

26 Sec. 30. OTHER PENALTIES. When section twenty-eight (28)
27 of this Act does not apply to a scheduled violation or when
28 the defendant denies a scheduled violation, if the defendant
29 is found guilty the penalty shall be the minimum fine, with-
30 out suspension, prescribed in section twenty-seven (27) of
31 this Act together with regular court costs, unless it appears
32 that the violation was hazardous or aggravated, in which event
33 the punishment shall be increased accordingly within the
34 limits of law.

35 Sec. 31. DISPOSITION OF TRAFFIC FINES AND COSTS. Fines

1 collected for all traffic violations shall be remitted to
2 the treasurer of the city or town which was the plaintiff
3 or to the treasurer of the proper county if the state was
4 the plaintiff. One-half the costs collected by traffic
5 violations offices shall be remitted monthly to the state
6 treasurer and be credited to the general fund of the state;
7 the other half shall be remitted monthly to the county
8 treasurer and be credited to the general fund of the county.

9 ✓ Sec. 32. PARKING METER VIOLATIONS. Section three hundred
10 twenty-one point two hundred thirty-six (321.236), subsection
11 one (1), Code 1971, is amended by adding thereto the follow-
12 ing:

13 "Parking meter violations which are denied shall be charged
14 and proceed before a court the same as other traffic
15 violations. Parking violations which are admitted:

16 a. May be charged upon a simple notice of a fine not
17 exceeding five dollars payable to the city or town clerk,
18 if authorized by ordinance.

19 b. Notwithstanding any such ordinance, may be charged
20 and proceed before a traffic violations office or a court,
21 as the case may be, the same as other traffic violations."

22 Sec. 33. Section seven hundred fifty-three point two
23 (753.2), Code 1971, is amended by adding the following:

24 "Traffic violations committed by a defendant while a peace
25 officer is in fresh pursuit may be prosecuted in any county
26 through which pursuit is made, irrespective of where committed.
27 Upon written consent of the defendant and the officer who
28 apprehended him, traffic violations may be prosecuted in any
29 county in the state irrespective of where committed, and in
30 such event the documents in the case shall be sent to the
31 court or traffic violations office designated by the defendant
32 and the officer."

33 SMALL CLAIMS

34 Sec. 34. SMALL CLAIMS COURT. Effective January 1, 1973,
35 there shall be a small claims court which shall be a division

1 of the district court.

2 Sec. 35. JURISDICTION OF THE SMALL CLAIMS COURT. The
3 small claims court shall have jurisdiction over civil actions
4 in which the amount in controversy in money or value is less
5 than three hundred dollars, exclusive of interest and costs.
6 Small claims shall be commenced, heard, and determined in
7 district court in accordance with sections thirty-four (34)
8 through forty-five (45) of this Act, inclusive. Other statutes
9 and rules relating to civil proceedings shall apply, but only
10 insofar as not inconsistent with this Act. Small claims on
11 file for ninety days and not determined shall be dismissed
12 without prejudice unless prior thereto a party secures an
13 order of continuance to a date certain after notice and
14 hearing, upon a ground stated in rule two hundred fifteen
15 point one (215.1) of the rules of civil procedure. Contested
16 claims in an amount of a small claim may be heard and
17 determined under this Act and actions therefor may be commenced
18 hereunder; if commenced as a regular civil action or under
19 the statutes relating to probate proceedings, they shall be
20 transferred to the small claims docket and proceed accordingly.
21 Civil actions coming within this Act but commenced as a regular
22 action shall not be dismissed but shall be transferred to
23 the small claims docket and proceed accordingly. Civil and
24 probate actions not coming within this Act but commenced
25 hereunder shall be dismissed without prejudice except for
26 defendants who have appeared, as to whom such actions shall
27 be transferred to the combination or probate docket, as
28 appropriate and proceed accordingly.

29 Sec. 36. COMMENCEMENT OF ACTIONS. All actions shall be
30 commenced by the filing of an original notice with the clerk
31 and by the mailing by the clerk of a copy of the original
32 notice to each defendant at his last known address, as stated
33 in the original notice, by restricted certified mail, return
34 receipt to the clerk requested. Instead of the mailing, the
35 plaintiff may, after filing the original notice with the

1 clerk, cause a copy of same to be served on all or some
 2 defendants in the manner provided in the rules of civil
 3 procedure pertaining to the commencement of actions. The
 4 clerk shall maintain a book known as the small claims docket,
 5 which shall contain as to small claims the matters contained
 6 in the combination docket as to the regular civil actions.

7 Sec. 37. ORIGINAL NOTICE--FORM. The original notice must
 8 be mailed or otherwise served not less than ten nor more than
 9 twenty days prior to the hearing date. The original notice
 10 and copies shall be signed by the plaintiff, either in person
 11 or by attorney, and shall be in substantially the following
 12 form:

13 IN THE DISTRICT COURT OF IOWA
 14 IN AND FOR.....COUNTY
 15)
 16 Plaintiff(s))
 17)
 18)
 19 Address of each plaintiff)
 20)
 21 vs) SMALL CLAIM NO.
 22)
 23 Defendant(s))
 24)
 25)
 26)
 27 Address of each defendant)

28 ORIGINAL NOTICE
 29 To the above named defendant(s):
 30 YOU ARE HEREBY NOTIFIED that the above named plaintiff(s)
 31 demands of you.....
 32 (1. If demand is for money, state amount;
 33
 34 2. If demand is for something else, state briefly what is
 35

1 demanded and its value in money; 3. If both money and some-
 2 based on.....
 3 thing else are demanded, state both 1 and 2)
 4 and that unless you
 5 (state briefly the basis for the demand)
 6 appear and defend before the above named court at.....
 7 (Place)
 8 in....., Iowa, at.....o'clock... ..M.
 9 (City or Town)
 10 on the.....day of....., 19... judgment will
 11 be rendered against you for the relief demanded, together with
 12 interest and court costs.

13
 14 Plaintiff(s)

15 Sec. 38. DUTIES OF CLERK. The clerk shall furnish forms
 16 of original notice. At the time of filing, the clerk shall
 17 enter on the original notice and the copies to be served,
 18 the file number, and the time and place of hearing, which
 19 shall be a time when small claims are scheduled to be heard
 20 not less than ten nor more than twenty days after the date
 21 on which the notice will be mailed or otherwise served. The
 22 clerk shall mail a copy of the original notice to each de-
 23 fendant by restricted certified mail, return receipt to the
 24 clerk requested, except for defendants whom the plaintiff
 25 wishes to serve under the rules of civil procedure pertain-
 26 ing to commencement of actions.

27 Sec. 39. FEES AND COSTS. Fees and costs shall be one-
 28 half of fees and costs in regular civil actions in district
 29 court.

30 Sec. 40. PLEADINGS AND MOTIONS. Except as provided in
 31 section thirty-seven (37) and section forty-one (41) of this
 32 Act, there shall be no written pleadings or motions unless
 33 the court in the interest of justice requires them, in which
 34 event they shall be similar in form to the original notice.

35 Sec. 41. PROCEDURE.

1 1. The rules of civil procedure pertaining to action,
2 joinder of actions and parties and rule seventy-five of the
3 rules of civil procedure shall be applicable to small claims
4 actions, except that rule twenty-nine shall not apply to
5 actions originating as small claims actions.

6 2. In small claims actions, if a party joins a small claim
7 with one which is not a small claim, the court shall:

8 a. Order the small claim to be heard under this division
9 and dismiss the other claim without prejudice, or

10 b. As to parties who have appeared or are existing parties,
11 either (1) order the small claim to be heard under the
12 procedures specified in this Act and the other claim to be
13 tried by regular procedure or (2) order both claims to be
14 tried by regular procedure.

15 3. In small claims actions, a counterclaim, cross claim,
16 or intervention in the amount of a small claim shall be in
17 writing and similar in form to the original notice, and shall
18 be entitled original notice of counterclaim, of cross claim,
19 or of intervention, as the case may be. A copy shall be filed
20 for each existing party. New parties may be brought in without
21 order and shall be served with notice as provided in section
22 thirty-six (36) and section thirty-seven (37) of this Act;
23 and if notice is to be served by mail the clerk shall collect
24 the costs of mailing before filing the pleading. The clerk
25 shall furnish forms of such pleadings. No counterclaim is
26 necessary to assert an offset arising out of the subject to
27 the plaintiff's claim.

28 4. In small claims actions, a counterclaim, cross claim,
29 or intervention in a greater amount than that of a small claim
30 shall be in the form of a regular pleading. A copy shall
31 be filed for each existing party. New parties, when permitted
32 by order, may be brought in under rule thirty-four of the
33 rules of civil procedure and shall be given notice under the
34 rules of civil procedure pertaining to announcement of actions.
35 The court shall either order such counterclaim, cross claim,

1 or intervention to be tried by regular procedure and the other
2 claim to be heard under this division, or order the entire
3 action to be tried by regular procedure.

4 5. In regular action, when a party joins a small claim
5 with one which is not a small claim, regular procedure shall
6 apply to both unless the court transfers the small claim to
7 the small claims docket for hearing under this division.

8 6. In regular actions, a counterclaim, cross claim, or
9 intervention in the amount of a small claim shall be pleaded,
10 tried, and determined by regular procedure, unless the court
11 transfers the small claim to the small claims docket for hear-
12 ing under this division.

13 7. Pleadings which are not in correct form under this
14 section shall be ordered amended so as to be in correct form;
15 but a small claim which is proceeding under this Act need
16 not be amended although in the form of a regular pleading.

17 8. Copies of any papers filed by the parties which are
18 not required to be served, shall be mailed or delivered by
19 the clerk as provided in rule eighty-two of the rules of civil
20 procedures.

21 Sec. 42. PROPER NOTICE DETERMINED. At the time for hear-
22 ing the court or clerk shall first determine that proper
23 notice has been given a party before proceeding further as
24 to him, unless he has appeared or is an existing party, and
25 also that the action is properly brought as a small claim.

26 Sec. 43. FAILURE TO APPEAR--EFFECT. Unless good cause
27 to the contrary appears, if the parties fail to appear at
28 the time of hearing the claim shall be dismissed without
29 prejudice by the court or clerk; if the plaintiff fails to
30 appear but the defendant appears, the claim shall be dismissed
31 with prejudice by the court or clerk; and if the plaintiff
32 appears but the defendant fails to appear, judgment shall
33 be rendered against the defendant by the court, or by the
34 clerk if the relief to be granted is readily ascertainable.
35 The filing by the plaintiff of a verified account, or an

1 instrument in writing for the payment of money with an
2 affidavit the same is genuine, shall constitute an appearance
3 by plaintiff for the purpose of this rule. At the request
4 of either party, the court shall grant such party one
5 continuance to a day certain.

6 Sec. 44. HEARING. The time for appearance shall be the
7 time for hearing, unless a continuance has been granted under
8 section forty-three (43) of this Act. The hearing shall be
9 to the court, shall be simple and informal, and shall be con-
10 ducted by the court itself, without regard to technicalities
11 of procedure; but the decision must be based on substantial
12 evidence. The court shall swear the parties and their wit-
13 nesses, and examine them in such way as to bring out the
14 truth. The parties may participate, either personally or
15 by attorney. The court may continue the hearing from time
16 to time if justice requires. The proceedings shall not be
17 reported unless a party provides a reporter at his own expense
18 or the parties by agreement cause the proceedings to be
19 electronically reported, but there shall be no delay for such
20 purpose.

21 Sec. 45. ENTRY OF JUDGMENT.

22 1. The judgment shall be entered in a space on the original
23 notice first filed, and the clerk shall immediately enter
24 the judgment in the small claims docket and district court
25 lien book, without recording. Such relief shall be granted
26 as is appropriate. The court may enter judgment for
27 installment payments to be made directly by the party obligated
28 to the party entitled thereto; and in such event execution
29 shall not issue as long as such payments are made but execution
30 shall issue for the full unpaid balance of the judgment upon
31 the filing of an affidavit of default. When entered on the
32 small claims docket and district court lien book, a small
33 claims judgment shall constitute a lien to the same extent
34 as regular judgments entered on the district court judgment
35 docket and lien book; but if a small claims judgment requires

1 installment payments, it shall not be enforceable until an
 2 affidavit of default is filed, whereupon it shall constitute
 3 a lien for the full unpaid balance of the judgment.

4 2. Unless the hearing is reported, minutes of the testi-
 5 mony of each witness and of any stipulations of the parties
 6 shall likewise be entered on the original notice first filed
 7 and the exhibits or copies thereof shall be attached to the
 8 original notice or be filed, until released by the court.

9 COORDINATING AMENDMENTS

10 Sec. 46. Section fourteen point ten (14.10), subsection
 11 three (3), Code 1971, is amended as follows:

12 3. The secretary of state shall prepare and deliver to
 13 the Code editor for insertion in the session laws a correct
 14 list of state officers and deputies, judges of the supreme,
 15 district, superior, and municipal courts and district courts
 16 including district associate judges, and members of the general
 17 assembly.

18 Sec. 47. Section sixteen point twenty-four (16.24), sub-
 19 sections five (5) and sixteen (16), Code 1971, are amended
 20 as follows:

21 5. ~~To each judge of the supreme, district,~~
 22 ~~superior, and municipal courts of Iowa~~ To
 23 each judge of the supreme and district court
 24 and each district associate judge..... 1 copy

25 16. To the clerk of the district court, the county
 26 attorney, the county auditor, the county recorder, county
 27 assessor, the county treasurer, the sheriff, and the county
 28 superintendent of each county in the state, ~~to the clerk of~~
 29 ~~each superior or municipal court in the state, and also for~~
 30 ~~use in each court room of the district, superior, or municipal~~
 31 court and also for use in each courtroom of the district
 32 court..... 1 copy

33 Sec. 48. Section sixteen point twenty-five (16.25), sub-
 34 sections five (5), six (6), and twelve (12), Code 1971, are
 35 amended as follows:

1 5. To the office of each judge of the
 2 ~~supreme7-district7-superior7-and-municipal~~
 3 ~~courts7-and-of-the-federal~~ and district
 4 courts, district associate judges, and to each
 5 judge of the federal courts in Iowa..... 1 copy

6 6. To the office of each clerk of the
 7 federal courts in this state, and of the
 8 ~~supreme7-district7-superior-and-municipal~~
 9 ~~courts-of-this-state~~ and district courts
 10 of this state..... 1 copy

11 12. To each court room of the district7
 12 ~~superior7-and-municipal~~ courts..... 1 copy

13 Sec. 49. Section thirty-nine point twenty-one (39.21),
 14 Code 1971, is repealed. This section shall take effect July
 15 1, 1971.

16 Sec. 50. Section forty-three point three (43.3), Code
 17 1971, is amended as follows:

18 43.3 OFFICES AFFECTED BY PRIMARY. Candidates of all
 19 political parties for all offices which are filled at a regular
 20 biennial election by direct vote of the people7 ~~except-the-~~
 21 ~~office-of-judge-of-the-supreme-and-district courts7~~ shall
 22 be nominated at a primary election at the time and in the
 23 manner hereinafter directed.

24 Sec. 51. Section forty-six point twenty (46.20), Code
 25 1971, is amended as follows:

26 46.20 DECLARATION OF CANDIDACY. At least ninety days
 27 prior to the judicial election preceding expiration of his
 28 initial or regular term of office, a judge of the supreme
 29 court or district court including district associate judges
 30 may file a declaration of candidacy with the secretary of
 31 state, whereupon such judge shall stand for retention or
 32 rejection at that election. If a judge fails to file such
 33 declaration, his office shall be vacant at the end of his
 34 term. District associate judges filing such a declaration
 35 shall stand for retention in the judicial district of their

1 residence.

2 Sec. 52. Section forty-six point twenty-one (46.21), Code
3 1971, is amended as follows:

4 46.21 CONDUCT OF ELECTIONS. At least fifty-five days
5 prior to each judicial election, the secretary of state shall
6 certify to the county auditor of each county a list of the
7 judges of the supreme court and district court including
8 district associate judges to be voted on in such county at
9 that election. The auditor shall place the names upon the
10 ballot in the order in which they appear in the certificate,
11 unless only one county is voting thereon. The secretary of
12 state shall rotate the names in the certificate by county,
13 or the auditor shall rotate them upon the ballot by precinct
14 if only one county is voting thereon. The names of all judges
15 to be voted on shall be placed upon one ballot, which shall
16 be in substantially the following form:

17 STATE OF IOWA

18 JUDICIAL BALLOT

19 (Date)

20 VOTE ON ALL NAMES BY PLACING AN X IN THE APPROPRIATE BOX
21 AFTER EACH NAME.

22 SUPREME COURT

23 Shall the following judges of the Supreme Court be retained
24 in office?

25 JOHN DOE	YES _____	NO _____
26 RICHARD ROE	YES _____	NO _____

27 DISTRICT COURT

28 Shall the following judge or associate judge of the Dis-
29 trict Court be retained in office?

30 JOHN SMITH	YES _____	NO _____

31 Sec. 53. Section forty-six point twenty-four (46.24),
32 Code 1971, is amended as follows:

33 46.24 RESULTS OF ELECTION. A judge of the supreme court
34 or district court including district associate judge must
35 receive more affirmative than negative votes to be retained

1 in office. When the poll is closed, the election judges shall
2 publicly canvass the vote forthwith. The board of super-
3 visors shall canvass the returns at its meeting on Monday
4 after the election, and shall promptly certify the number
5 of affirmative and negative votes on each judge to the
6 secretary of state.

7 The state board of canvassers shall, at the time of can-
8 vassing the vote cast at a general election, open and canvass
9 all of the returns for the judicial election. Each judge
10 of the supreme court or district court including district
11 associate judge who has received more affirmative than negative
12 votes shall receive from the state board of canvassers an
13 appropriate certificate so stating.

14 Sec. 54. Section forty-nine point one hundred six (49.106),
15 Code 1971, is amended as follows:

16 49.106 MAY COMMIT DISORDERLY PERSON. Any ~~constable-or~~
17 ~~special~~ policeman may forthwith arrest such person and bring
18 him before the judges of election, and they, by a warrant
19 under their hands, may commit him to the jail of the county
20 for a term not exceeding twenty-four hours, but they shall
21 permit him to vote.

22 Sec. 55. Section forty-nine point one hundred sixteen
23 (49.116), Code 1971, is amended as follows:

24 49.116 PRESERVING ORDER. All special policemen and
25 constables are authorized and required to preserve order and
26 peace at all places of election, and such special policemen,
27 ~~constables~~, and all other persons are authorized and required
28 to obey the lawful orders and commands of said judges of
29 election given to prevent violations of this chapter.

30 Sec. 56. Section fifty point twenty-one (50.21), Code
31 1971, is amended as follows:

32 50.21 ABSTRACTS OF VOTES--CERTIFICATES OF ELECTION. The
33 tally lists shall be opened in the presence of all the can-
34 vassers, and an abstract of votes made and signed by them,
35 and the result declared, and a certificate of election signed

1 by them giving the candidates elected. If the mayor shall
2 have been a candidate at such election, ~~a-justice-of-the-peace~~
3 a qualified elector of the city not a candidate of the county,
4 selected by the clerk, shall act with him in making the
5 canvass.

6 Sec. 57. Section fifty point twenty-five (50.25), Code
7 1971, is amended by striking subsection seven (7).

8 Sec. 58. Section sixty-two point four (62.4), Code 1971,
9 is amended as follows:

10 62.4 SHERIFF TO ATTEND. The court or presiding judge
11 may direct the attendance of the sheriff or a ~~constable~~ deputy
12 when necessary.

13 Sec. 59. Section sixty-two point twenty-five (62.25),
14 Code 1971, is amended by striking the section and inserting
15 in lieu thereof the following:

16 "A transcript of the judgment may be filed and recorded
17 in the office of the clerk of the district court and shall
18 have the effect of a judgment of that court and execution
19 may issue thereon."

20 Sec. 60. Section sixty-four point one (64.1), Code 1971,
21 is amended by striking subsection four (4) and inserting in
22 lieu thereof the following:

23 "Judges of the supreme and district courts, district as-
24 sociate judges, and district magistrates."

25 Sec. 61. Section sixty-four point eight (64.8), Code 1971,
26 is amended as follows:

27 64.8 COUNTY OFFICERS. The bonds of the following county
28 officers, viz.: Clerks of the district courts, county at-
29 torneys, recorders, auditors, superintendents of schools,
30 sheriffs, ~~justices-of-the-peace, and constables,~~ and assessors
31 shall each be in a penal sum to be fixed by the board of
32 supervisors.

33 Sec. 62. Section sixty-four point nine (64.9), Code 1971,
34 is amended as follows:

35 64.9 MINIMUM BONDS OF COUNTY OFFICERS. Bonds of members

1 of the board of supervisors, clerks of the district courts,
2 county auditors, sheriffs, and county attorneys shall not
3 be in less sum than five thousand dollars each~~7-and-these~~
4 ~~of-justices-and-constables7-not-less-than-five-hundred-dollars~~
5 each.

6 Sec. 63. Section sixty-four point twenty-three (64.23),
7 subsection five (5), Code 1971, is amended as follows:

8 5. For members of the board of supervisors, ~~and-for~~
9 ~~justices-of-the-peace7~~ with the clerk of the district court.

10 Sec. 64. Section sixty-four point twenty-four (64.24),
11 subsection two (2), Code 1971, is amended as follows:

12 2. In the record kept by the county auditor, the official
13 bonds of all county officers, elective or appointive, ~~justices~~
14 ~~of-the-peace7~~ and township clerks~~7-and-constables~~.

15 Sec. 65. Section sixty-eight point one (68.1), Code 1971,
16 is amended as follows:

17 68.1 IMPEACHMENT DEFINED. An impeachment is a written
18 accusation against the governor, or a judge of the supreme~~7~~
19 ~~or district7-or-superior~~ court, or other state officer, by
20 the house of representatives before the senate, of a mis-
21 demeanor or malfeasance in office.

22 Sec. 66. Section sixty-nine point eight (69.8), subsection
23 four (4), Code 1971, is amended as follows:

24 4. COUNTY OFFICES. In county offices, ~~including-justices~~
25 ~~of-the-peace-and-constables7~~ by the board of supervisors.

26 Sec. 67. Section seventy-eight point one (78.1), Code
27 1971, is amended as follows:

28 78.1 GENERAL AUTHORITY. The following officers are em-
29 powered to administer oaths and to take affirmations:

30 1. ~~Judges-of-the-supreme7-district7-superior7-municipal7~~
31 ~~and-police-courts7~~ Judges of the supreme and district courts,
32 district associate judges, and district magistrates.

33 2. Official court reporters of district~~7-superior7-and~~
34 ~~municipal~~ courts in taking depositions under appointment or
35 by agreement of counsel.

1 3. Clerks and deputy clerks of the supreme and district-
2 superior ~~7-police7-and-municipal~~ courts.

3 4. ~~---Justices-of-the-peace-within-the-county-of-their~~
4 residence.

5 4. 5. Notaries public within the county of their
6 appointment, and within any county in which they have filed
7 with the clerk of the district court of said county a certi-
8 fied copy of their certificate of appointment.

9 5. 6. Examiners appointed by the state commerce commission
10 under the provisions of section 474.19.

11 6. 7. Certified shorthand reporters.

12 Sec. 68. Section seventy-nine point thirteen (79.13),
13 Code 1971, is amended as follows:

14 79.13 PARTICULARS REQUIRED. The board of supervisors
15 shall not approve any claim for mileage or other traveling
16 expenses presented by any peace officer including the sheriff
17 and his deputies ~~and-municipal-court-bailiffs-and-deputy~~
18 **bailiffs** ~~7~~, unless the destinations, and number of miles covered
19 in each trip are given, or, in the case of extended trips,
20 unless railroad, hotel, and other traveling expenses, ex-
21 cepting meals, are verified by receipts.

22 Sec. 69. Section eighty-five point sixty-two (85.62),
23 unnumbered paragraph one (1), Code 1971, is amended as follows:

24 85.62 PEACE OFFICERS. Any policeman (except those pen-
25 sioned under the policemen's pension fund created by law),
26 any sheriff, marshal, ~~constable~~ **7**, state highway patrolman,
27 conservation officer, and any and all of their deputies and
28 any and all other legally appointed or elected law-enforcing
29 officers, who shall sustain an injury while performing the
30 duties of a law-enforcing officer and from causes arising
31 out of and in the course of his official duty, or employment
32 as a law-enforcing officer, become temporarily or permanently
33 physically disabled or if said injury results in death shall
34 be entitled to compensation for all such injuries or disability
35 together with statutory medical, nursing, hospital, surgery

1 and funeral expenses, and where the officer is paid from
2 public funds said compensation shall be paid out of the gen-
3 eral fund of the state.

4 Sec. 70. Section ninety-eight point five (98.5), Code
5 1971, is amended as follows:

6 98.5 VIOLATION. Any minor under eighteen years of age
7 refusing to give information as required by section 98.4 shall
8 be guilty of a misdemeanor. Said minor shall be certified
9 by the magistrate ~~or-justice-of-the-peace~~ before whom the
10 case is tried, to the juvenile court of the county for such
11 action as said court shall deem proper.

12 If any minor having been convicted of violating section
13 98.4 shall give information which shall lead to the arrest
14 of the person or persons having violated any of the provisions
15 of section 98.2 and shall give evidence as a witness in any
16 proceedings that may be prosecuted against said person or
17 persons, the court in its discretion may suspend sentence
18 against the offending minor.

19 Sec. 71. Section one hundred fifteen point four (115.4),
20 Code 1971, is amended as follows:

21 115.4 WHO ELIGIBLE. No person shall be appointed to the
22 position of shorthand reporter of any district~~7-superior7~~
23 ~~or-municipal~~ court in this state, unless he be a certified
24 shorthand reporter who has been found competent to report
25 court proceedings, references, or proceedings of like
26 character, by the board of examiners provided for in this
27 chapter.

28 Sec. 72. Section one hundred twenty-three point fifty-
29 three (123.53), unnumbered paragraph two (2), Code 1971, is
30 amended as follows:

31 In order that the said commission may be provided with
32 the necessary information to make out the report required
33 by this chapter, it shall be the duty of every ~~justice-of-~~
34 ~~the peace7-police-court7-mayor's-court-and-every~~ clerk of
35 a court of record in this state to forward to said commission

1 during the month of July of each year a full and complete
2 report of each case commenced in ~~the-court-of-such-justice7-~~
3 ~~police court7-mayor's-court7-or~~ any court of record, in which
4 a violation of this chapter or any other law of this state
5 pertaining to alcoholic liquors or beer was charged, and the
6 disposition of the same.

7 Sec. 73. Section one hundred thirty point twenty-six
8 (130.26), Code 1971, is amended as follows:

9 130.26 PRESERVATION AND INSPECTION. The permit holder
10 shall preserve the stubs in book form and shall keep them
11 at all times, subject to the inspection of the pharmacy
12 examiners, the county attorney, any grand jury, or peace
13 officer7 ~~or-justice-of-the-peace~~ in the county in which the
14 permit is in force.

15 Sec. 74. Section one hundred eighty-eight point twenty-
16 eight (188.28), Code 1971, is amended as follows:

17 188.28 PROOF OF SERVICE. Immediately after the expiration
18 of said ten days of posting, the person taking up the estray
19 shall, unless such estray has been previously claimed by the
20 owner, file with ~~a-justice-of-the-peace-in-the-township-in~~
21 ~~which-the-estray-was-taken-up7-or7-in-case-there-is-no-justice~~
22 ~~in-the-township7-then-with-the-next-nearest-justice-in-the~~
23 county the county auditor his affidavit which shall show:

- 24 1. The time and place of taking up such estray.
- 25 2. The time and places of posting said notice, together
26 with a copy of said notice.
- 27 3. That said animal remains unclaimed.
- 28 4. Whether the marks or brands of said animal have been
29 altered to his knowledge, either before or after the same
30 was taken up.

31 Sec. 75. Section one hundred eighty-eight point thirty-
32 two (188.32), Code 1971, is amended as follows:

33 188.32 FEES AND EXPENSES. The person taking up an estray
34 shall pay ~~to-the-justice-of-the-peace7-with-whom-the-affidavit~~
35 ~~is-filed7-the-legal-fees-due-the-said-justice7-and~~ the legal

1 fees due to the county auditor for entering said affidavit
2 in the estray book, and posting and publishing the same, which
3 amounts, together with the compensation provided by law, shall
4 be refunded to the person taking up such estray by the owner
5 thereof in case the animal is restored to the owner.

6 Sec. 76. Section one hundred eighty-eight point forty-
7 seven (188.47), Code 1971, is amended as follows:

8 188.47 BOND TO RELEASE. Before any property held under
9 this chapter is sold under distraint, or before the title
10 to an estray vests in the taker-up, it may be released at
11 once upon the owner giving to the distrainor or taker-up a
12 bond, with sureties, to be approved by the township clerk,-
13 ~~justice of-the-peace~~ or county auditor, before whom the matter
14 is then pending, conditioned to pay to the holder of the
15 property, within twenty days after such approval, all costs,
16 damages, and compensation to which he is entitled. In case
17 the obligee in said bond is compelled to begin action on such
18 bond, the court may tax a reasonable attorney's fee in favor
19 of such obligee.

20 Sec. 77. Section one hundred eighty-eight point forty-
21 eight (188.48), Code 1971, is amended by striking subsection
22 seven (7).

23 Sec. 78. Section one hundred eighty-nine point eight
24 (189.8), Code 1971, is amended as follows:

25 189.8 WITNESSES. In the enforcement of the provisions
26 of this title the department shall have power to issue sub-
27 poenas for witnesses, enforce their attendance, and examine
28 them under oath. Such witnesses shall be allowed the same
29 fees as witnesses in ~~justice-of-the-peace-courts~~ a court of
30 record. Said fees shall be paid out of the contingent fund
31 of the department.

32 Sec. 79. Section two hundred one point eleven (201.11),
33 unnumbered paragraph two (2), Code 1971, is amended as follows:

34 In all litigation arising from the purchase, sale, or
35 disposal of any agricultural lime, limestone, or aglime, in

1 which the composition of the same may be involved, a certi-
2 fied copy of the official analysis shall be accepted as prima-
3 facie evidence of the composition of such agricultural lime,
4 limestone, or aglime. The possession of agricultural lime,
5 limestone, or aglime, in any building, room, railroad
6 equipment, store, storeroom, warehouse, truck, or other place
7 within this state, except by a person who has the same for
8 his private use, without complying with the provisions of
9 this chapter relative to agricultural lime, shall be prima-
10 facie evidence of keeping the same for the purpose of selling
11 or disposal. ~~In all prosecutions under this chapter a~~
12 ~~justice of the peace, police judge, or mayor shall have juris-~~
13 ~~isdiction with the right of appeal to the district court by~~
14 ~~certiorari.~~

15 Sec. 80. Section two hundred three A point six (203A.6),
16 subsection two (2), Code 1971, is amended as follows:

17 2. When an article detained or embargoed under subsection
18 1 has been found by such agent to be adulterated or misbranded,
19 he shall petition the judge of the ~~municipal, or~~ district
20 court in whose jurisdiction the article is detained or
21 embargoed for a libel for condemnation of such article. When
22 such agent has found that an article so detained or embargoed
23 is not adulterated or misbranded, he shall remove the tag
24 or other marking.

25 Sec. 81. Section two hundred twenty-two point sixteen
26 (22.16), Code 1971, is amended as follows:

27 222.16 PETITION FOR ADJUDICATION OF RETARDATION. A peti-
28 tion for the adjudication of the mental retardation of a per-
29 son within the meaning of this chapter may, with the permis-
30 sion of the court be filed without fee against such person
31 with the clerk of the ~~district, superior, or municipal~~ court
32 of the county or city in which such alleged mentally retarded
33 person resides or is found. The petition may be filed by
34 any relative of such person, by a guardian, or by any reputable
35 citizen of the county of such residence or of such place of

1 finding.

2 Sec. 82. Section two hundred twenty-two point fifty-three
3 (222.53), Code 1971, is amended as follows:

4 222.53 CONVICTION--SUSPENSION. If on the conviction in
5 the district~~7-superior7-or-municipal~~ court of any person for
6 any crime or for any violation of any municipal ordinance,
7 or if on the determination in said courts that a child is
8 dependent, neglected, or delinquent and it appears from any
9 evidence presented to the court before sentence, that such
10 person is mentally retarded within the meaning of this chapter,
11 the court may suspend sentence or order, and may order any
12 officer of the court or some other proper person to file a
13 petition permitted under the provisions of this chapter against
14 said person. Pending hearing of the petition, the court shall
15 provide for the custody of said person as directed in section
16 222.52.

17 Sec. 83. Section two hundred twenty-five point ten
18 (225.10), Code 1971, is amended as follows:

19 225.10 APPLICATION FOR ADMISSION. Persons suffering from
20 mental diseases may be admitted as committed public patients
21 as follows: Any physician authorized to practice his
22 profession in the state of Iowa or any citizen of the state
23 may file information with any district ~~or-superior~~ court of
24 the state or with any judge thereof, alleging that the person
25 named therein is suffering from some abnormal mental condition
26 that can probably be remedied by observation, treatment, and
27 hospital care; and that he is, of himself or through those
28 legally responsible for him, unable to provide the means for
29 such observation and hospital care.

30 Sec. 84. Section two hundred twenty-five point eleven
31 (225.11), Code 1971, is amended as follows:

32 225.11 MEDICAL EXAMINER. Said judge of the district ~~or-~~
33 ~~superior~~ court or the clerk of such court may, upon his own
34 motion or upon the information contained in such report filed
35 as aforesaid, appoint some physician who shall personally

1 examine said person with respect to his mental condition.

2 Sec. 85. Section two hundred twenty-five point fourteen
3 (225.14), Code 1971, is amended as follows:

4 225.14 NOTICE--TRIAL AND ORDER. Upon the filing of such
5 report or reports, said judge of the district ~~or-superior~~
6 court as aforesaid shall fix a day for the hearing upon the
7 complaint and shall cause the person or those legally respon-
8 sible for him to be served with a notice of the hearing; and
9 he shall also notify the county attorney, who shall appear
10 and conduct the proceedings, and upon such complaint evidence
11 may be introduced. Upon such hearing the person against whom
12 the complaint is made shall be entitled to a trial by jury.
13 If the judge or jury finds that the said person is suffering
14 from an abnormal mental condition which can probably be
15 remedied by observation, medical or surgical treatment, and
16 hospital care, and that he, or those legally responsible for
17 him, are unable to pay the expenses thereof, said judge shall
18 enter an order directing that the said person shall be sent
19 to the state psychopathic hospital at the state University
20 of Iowa for observation, treatment, and hospital care as a
21 committed public patient.

22 Sec. 86. Section two hundred twenty-five point sixteen
23 (225.16), unnumbered paragraph one (1), Code 1971, is amended
24 as follows:

25 225.16 VOLUNTARY PUBLIC PATIENTS--COMMITMENT. If the
26 said judge of the district ~~or-superior~~ court or the clerk
27 of the court, as aforesaid, finds from the physician's report
28 which was filed under the provisions of section 225.12, that
29 the said person is suffering from an abnormal mental condition
30 which can probably be remedied by observation, medical or
31 surgical treatment, and hospital care, and the report of the
32 county attorney shows that he, or those legally responsible
33 for him, are unable to pay the expenses thereof, said judge
34 or clerk shall enter an order directing that the said per-
35 son shall be sent to the state psychopathic hospital at the

1 state University of Iowa for observation, treatment, and
2 hospital care as a voluntary public patient; provided that
3 the said person, or those legally responsible for him, request
4 the said court or judge to commit said person without the
5 hearing which is required under the provisions of section
6 225.14.

7 Sec. 87. Section two hundred twenty-five point seventeen
8 (225.17), unnumbered paragraph one (1), Code 1971, is amended
9 as follows:

10 225.17 COMMITTED PRIVATE PATIENTS--TREATMENT. If the
11 said judge of the district ~~or-superior~~ court, as aforesaid,
12 finds in the hearing as provided for under the provisions
13 of section 225.14 that the said person is suffering from an
14 abnormal mental condition which can probably be remedied by
15 observation, medical or surgical treatment, and hospital care,
16 and that he, or those legally responsible for him, are able
17 to pay the expenses thereof, said judge shall enter an order
18 directing that the said person shall be sent to the state
19 psychopathic hospital at the state University of Iowa for
20 observation, treatment, and hospital care as a committed
21 private patient.

22 Sec. 88. Section two hundred twenty-five point eighteen
23 (225.18), Code 1971, is amended as follows:

24 225.18 ATTENDANTS. The court or clerk may, in his
25 discretion, appoint some person to accompany said committed
26 public patient or said voluntary public patient or said com-
27 mitted private patient from the place where he may be to the
28 state psychopathic hospital of the state University at Iowa
29 City, or to accompany such patient from the said hospital
30 to such place as may be designated by the court or clerk.
31 If the patient be a female, the person appointed to accompany
32 her must be a woman.

33 Sec. 89. Section two hundred twenty-five point nineteen
34 (225.19), Code 1971, is amended as follows:

35 225.19 COMPENSATION FOR ATTENDANT. Any person appointed

1 by the court or judge or clerk to accompany said person to
2 or from the hospital or to make an investigation and report
3 on any question involved in the complaint, other than the
4 physician making the examination, shall receive the sum of
5 three dollars per day for the time actually spent in making
6 such investigation (except in cases where the person appointed
7 therefor receives a fixed salary or compensation) and his
8 actual necessary expenses incurred in making such investigation
9 or trip.

10 Sec. 90. Section two hundred twenty-five point twenty-
11 one (225.21), Code 1971, is amended as follows:

12 225.21 VOUCHERS. The person making claim to such compensa-
13 tion shall present to the court or judge an itemized sworn
14 statement thereof, and when such claim for compensation has
15 been approved by the court or judge, or clerk the same shall
16 be filed in the office of the county auditor and shall be
17 allowed by the board of supervisors and paid from the state
18 institution fund.

19 Sec. 91. Section two hundred twenty-five point twenty-
20 five (225.25), Code 1971, is amended as follows:

21 225.25 COMMITMENT OF PRIVATE PATIENT AS PUBLIC. If any
22 patient be admitted to the state psychopathic hospital and
23 thereafter an order of commitment of said patient as a pub-
24 lic patient be made by the court or judge or clerk having
25 jurisdiction thereof, the expense of keeping and maintaining
26 said patient from the date of the filing of the information
27 upon which said order is made shall be paid by the state.

28 Sec. 92. Section two hundred twenty-five point thirty
29 (225.30), Code 1971, is amended as follows:

30 225.30 BLANKS--AUDIT. The medical faculty of the hospital
31 of the college of medicine of the state University of Iowa
32 shall prepare blanks containing such questions and requiring
33 such information as may be necessary and proper to be obtained
34 by the physician who examines the patient under order of
35 court; and such blanks shall be printed by the state and a

1 supply thereof shall be sent to the clerk of each district
2 ~~and-superior~~ court of the state. The state comptroller shall
3 audit, allow, and pay the cost of the blanks as other bills
4 for public printing are allowed and paid.

5 Sec. 93. Section two hundred thirty-one point one (231.1),
6 Code 1971, is amended as follows:

7 231.1 JURISDICTION. There is hereby established in each
8 county a juvenile court within the district court, which,
9 and the judges thereof, shall have and exercise the jurisdic-
10 tion and powers provided by law.

11 Sec. 94. Section two hundred thirty-one point two (231.2),
12 Code 1971, is amended by striking subsection two (2) and in-
13 serting in lieu thereof the following:

14 "Of the district associate judges if and as long as so
15 designated by the chief judge of the district."

16 Sec. 95. Section two hundred thirty-one point three
17 (231.3), Code 1971, is amended by striking unnumbered para-
18 graph one (1) and inserting in lieu thereof the following:

19 "The chief judge of the district shall designate one or
20 more of the district judges or district associate judges,
21 or both, to act as judge or judges of the juvenile court in
22 any county or counties."

23 Sec. 96. Section two hundred thirty-one point eight
24 (231.8), unnumbered paragraph two (2), Code 1971, is amended
25 as follows:

26 Probation officers may be appointed to serve two or more
27 counties. The salaries of such officers and their deputies,
28 if any, shall be fixed by the judges of the judicial district
29 containing who are designated juvenile court judges for such
30 counties and such salaries and the expenses of the probation
31 offices shall be prorated among the counties served in such
32 proportion as may be determined by said judges who shall in
33 making such determination, consider the volume of work in
34 the several counties. Such officers may be paid not to exceed
35 sixty percent of the salary of a district court judge.

1 Sec. 97. Section two hundred forty-six point forty-six
2 (246.46), Code 1971, is amended as follows:

3 246.46 WHO MAY VISIT. The following persons are authorized
4 to visit said institutions at pleasure: The governor, sec-
5 retary of state, auditor of state, treasurer of state, sec-
6 retary of agriculture, members of the general assembly, judges
7 of the supreme, and district~~7-superior7-and-municipal~~ courts,
8 county attorneys, and all regular officiating ministers of
9 the gospel. No other person shall be granted admission except
10 by permission of the warden.

11 Sec. 98. Section two hundred forty-seven point thirty
12 (247.30), Code 1971, is amended by striking subsection sixteen
13 (16) and inserting in lieu thereof the following:

14 16. All witness fees paid by the county in all criminal
15 cases before a district magistrate.

16 Sec. 99. Section two hundred fifty-two A point two
17 (252A.2), subsection two (2), Code 1971, is amended as follows:

18 2. "Court" shall mean and include ~~a-family-court7 domestic-~~
19 ~~relations-court7-children's-court7-municipal-court~~ and any
20 other court, by whatever name known, in any state having
21 reciprocal laws or laws substantially similar to this chapter
22 upon which jurisdiction has been conferred to determine the
23 liability of persons for the support of dependents within
24 and without such state.

25 Sec. 100. Section two hundred fifty-five point eight
26 (255.8), Code 1971, is amended as follows:

27 255.8 HEARING--ORDER--EMERGENCY CASES--CANCELLATION OF
28 COMMITMENTS. The attorney and the overseer of the poor, or
29 other agent of the board of supervisors of the county where
30 the hearing is held, shall appear thereat. The complainant,
31 the county attorney, the overseer of the poor or other agent
32 of the board of supervisors, and the patient, or any person
33 representing him, or her, may introduce evidence and be heard.
34 If the court finds that said patient is a legal resident of
35 Iowa and is pregnant or is suffering from a malady or deformity

1 which can probably be improved or cured or advantageously
2 treated by medical or surgical treatment or hospital care,
3 and that neither the patient nor any person legally charge-
4 able with his or her support is able to pay the expenses
5 thereof, then the clerk of court, except in obstetrical cases
6 and cases of crippled children, shall immediately ascertain
7 from the admitting physician at the university hospital whether
8 such person can be received as a patient within a period of
9 thirty days, and if the patient can be so received, the court,
10 or in the event of no actual contest, the clerk of the court,
11 shall then enter an order directing that said patient be sent
12 to the university hospital for proper medical and surgical
13 treatment and hospital care. If the court ascertain, excepting
14 in obstetrical cases and orthopedic cases, that a person of
15 the age or sex of the patient, or afflicted by the complaint,
16 disease or deformity with which such person is affected can-
17 not be received as a patient at the said university hospital
18 within the period of thirty days, then he or the clerk shall
19 enter an order directing the board of supervisors of the
20 county to provide adequate treatment at county expense for
21 said patient at home or in a hospital. Obstetrical cases
22 and orthopedic cases may be committed to the university
23 hospital without regard to the limiting period of thirty days
24 hereinbefore stated.

25 In any case of emergency the court or the clerk without
26 previous inquiry may at its discretion order the patient to
27 be immediately taken to and accepted by the university hospital
28 for the necessary care as provided in section 255.11, but
29 if such a patient cannot be immediately accepted at the
30 university hospital as ascertained by telephone if necessary,
31 the court or the clerk may enter an order as in certain cases
32 above set forth directing the board of supervisors to provide
33 adequate treatment at county expense for the said patient
34 at home or in a hospital.

35 Sec. 101. Section two hundred fifty-five point thirteen

1 (255.13), Code 1971, is amended as follows:

2 255.13 ATTENDANT--PHYSICIAN--COMPENSATION. If the
3 physician appointed to examine the patient shall certify that
4 an attendant to accompany the patient to the said hospital
5 is necessary, and the university hospital attendant and am-
6 bulance service is not available, then the court or judge
7 or clerk of the court may appoint an attendant who shall
8 receive not exceeding two dollars per day for the time thus
9 necessarily employed and actual necessary traveling expenses
10 by the most feasible route to said hospital whether by
11 ambulance, train or automobile; but if such appointee is a
12 relative of the patient or a member of his immediate family,
13 or receives a salary or other compensation from the public
14 for his services, no such per diem compensation shall be paid
15 him. The physician appointed by the court or clerk to make
16 the examination and report shall receive therefor three dollars
17 for each examination and report so made and his actual
18 necessary expenses incurred in making such examination, but
19 if said physician receives a salary or other compensation
20 from the public for his full-time services, then no such
21 examination fee shall be paid. The actual, necessary expenses
22 of transporting and caring for the patient shall be paid as
23 hereinafter provided.

24 Sec. 102. Section two hundred fifty-five point fourteen
25 (255.14), Code 1971, is amended as follows:

26 255.14 EXPENSES--HOW PAID. An itemized, verified state-
27 ment of all charges provided for in sections 255.8 and 255.13,
28 in cases where the patient is admitted or accepted for treat-
29 ment at the university hospital shall be filed with the super-
30 intendent of the university hospital, and upon his recommenda-
31 tion when approved by the judge or clerk of the court under
32 whose order the same were incurred, they shall be charged
33 on the regular bill for the maintenance, transportation and
34 treatment of the patient, and be audited and paid in the
35 manner as hereinafter provided.

1 Sec. 103. Section three hundred twenty-one point four
2 hundred sixty-three (321.463), Code 1971, is amended by adding
3 the following new paragraph:

4 "Violations of the foregoing schedule of axle and tandem
5 axel and gross or group of axle weight violations shall be
6 scheduled violations subject to section twenty-five (25)
7 through thirty-three (33), inclusive, of this Act, irrespec-
8 tive of the amount of the fine under such schedule. Fines
9 and costs for such violations which are admitted may be paid
10 to a traffic violations office and the procedure in section
11 twenty-eight (28) of this Act shall apply; but traffic viola-
12 tions office procedure shall not apply in cases to which,
13 under section twenty-nine (29) of this Act, such procedure
14 is inapplicable. Violations of such schedule of weight viola-
15 tions shall be chargeable, where the fine charged does not
16 exceed one hundred dollars, by information or uniform sum-
17 mons and complaint. Violations of such schedule of weight
18 violations, where the fine charged exceeds one hundred dol-
19 lars: (1) shall, when the violation is admitted and traffic
20 violations office procedure applies, be chargeable upon in-
21 formation, uniform summons and complaint, indictment, or
22 county attorney's information, (2) but otherwise, shall be
23 chargeable upon indictment or county attorney's information.
24 In all cases of charges under such schedule of weight viola-
25 tions, the charge shall specify the amount of fine specified
26 in such schedule. Where a defendant is convicted and the
27 fine under the foregoing schedule of weight violations exceeds
28 one hundred dollars, the conviction shall be of an indictable
29 offense although traffic violations office procedure is em-
30 ployed and whether the violation is charged upon information,
31 uniform summons and complaint, indictment, or county attorney's
32 information."

33 Sec. 104. Section three hundred twenty-one point four
34 hundred eighty-seven (321.487), unnumbered paragraph one (1),
35 Code 1971, is amended as follows:

1 321.487 VIOLATION OF PROMISE TO APPEAR. Any person will-
2 fully violating a summons to appear in court given as pro-
3 vided in this chapter, is guilty of a misdemeanor, punishable
4 as provided in section 321.482 regardless of the disposition
5 of the charge upon which he was summoned. Venue shall be
6 in the county where the defendant was to appear or in the
7 county where he resides.

8 Sec. 105. Section three hundred twenty-one point four
9 hundred ninety-one (321.491), unnumbered paragraph one (1),
10 Code 1971, is amended as follows:

11 321.491 CONVICTIONS TO BE REPORTED. Every ~~magistrate-~~
12 ~~or judge-of-a-court-not-of-record-and-every~~ district magistrate
13 and clerk of a court of record shall keep a full record of
14 every case in which a person is charged with any violation
15 of this chapter or of any other law regulating the operation
16 of vehicles on highways.

17 Sec. 106. Section three hundred thirty-three point eleven
18 (333.11), Code 1971, is amended by striking subsection six
19 (6).

20 Sec. 107. Section three hundred thirty-three point eleven
21 (333.11), subsection fourteen (14), Code 1971, is amended
22 as follows:

23 14. The amounts paid for the condemning of intoxicating
24 liquors during the preceding year, also cost of convictions,
25 ~~both-in-justice-courts-and~~ in the district court, for the
26 violation of the laws relating to the sale of intoxicating
27 liquors, together with the amount of fines collected for such
28 violation and the amounts received as mulct tax, if any.

29 Sec. 108. Section three hundred thirty-seven point seven
30 (337.7), Code 1971, is amended as follows:

31 337.7 BAILIFFS--APPOINTMENT--DUTIES. The sheriff shall
32 attend upon the district court judges, associate judges, and
33 magistrates of his county, and while ~~it-remains~~ they remain
34 in session he shall be allowed the assistance of such number
35 of bailiffs as the judge may direct. They shall be appointed

1 by the sheriff and shall be regarded as deputy sheriffs, for
2 whose acts the sheriff shall be responsible.

3 Sec. 109. Section three hundred forty-three point three
4 (343.3), Code 1971, is amended as follows:

5 343.3 ACTING AS COUNSEL. No sheriff, or deputy sheriff,
6 ~~or-constable~~ shall appear in any court as attorney or counsel
7 for any party, nor make any writing or process to commence
8 any action or proceeding, or to be in any manner used in the
9 same; and such writing or process made by any of them shall
10 be rejected.

11 Sec. 110. Section three hundred forty-three point four
12 (343.4), Code 1971, is amended as follows:

13 343.4 PURCHASE OF PROPERTY. No sheriff, or deputy sheriff,
14 ~~or-constable~~ shall become the purchaser, either directly or
15 indirectly, of any property by him exposed to sale under any
16 process of law; and every such purchase shall be void.

17 Sec. 111. Section three hundred forty-nine point sixteen
18 (349.16), subsection one (1), Code 1971, is amended as follows:

19 1. The proceedings of the board of supervisors, excluding
20 from the publication of said proceedings, its canvass of the
21 various elections, as provided by law; witness fees of wit-
22 nesses before the grand jury and in the district court in
23 criminal cases; ~~the-transcripts-of-justices-of-the-peace,-~~
24 ~~including-their-proceedings-and-cost,~~ the county superinten-
25 dent's report.

26 Sec. 112. Section three hundred fifty-six point twenty
27 (356.20), Code 1971, is amended as follows:

28 356.20 VIOLATION OF CITY ORDINANCE. When the imprison-
29 ment is under the judgment of any court, ~~police-court,-police~~
30 ~~magistrate,-mayer,-or-other-tribunal-of-a-city-or-town,~~ for
31 the violation of any ordinance, bylaw, or other regulation
32 thereof, the marshal shall superintend the labor, and furnish
33 the tools and materials, if necessary, at the expense of the
34 city or town requiring the labor, and such city or town shall
35 be entitled to the earnings of its convicts.

1 Sec. 113. Section three hundred fifty-six point thirty-
2 three (356.33), Code 1971, is amended by striking unnumbered
3 paragraph one (1) and inserting in lieu thereof the following:

4 "District judges, district associate judges, and district
5 magistrates, within their respective jurisdictional authority,
6 may make all determinations and orders under these sections."

7 Sec. 114. Section three hundred fifty-nine point thirty-
8 eight (359.38), Code 1971, is amended as follows:

9 359.38 WATCHMEN APPOINTED. Such trustees, directors,
10 or other officers may appoint as many day and night watchmen
11 of their grounds as they may think expedient, and such
12 watchmen, and also all their sextons, superintendents,
13 gardeners, and agents, stationed upon or near said grounds
14 are hereby authorized to take and subscribe ~~before any mayor~~
15 ~~of a city or justice of the peace of the township where such~~
16 ~~cemetery is situated, an oath of office, similar to that~~
17 ~~required by law of constables~~ to an oath of office as provided
18 in section 63.10 of the Code.

19 Sec. 115. Section three hundred fifty-nine point thirty-
20 nine (359.39), Code 1971, is amended as follows:

21 359.39 EX OFFICIO POLICE OFFICERS. Upon the taking of
22 such oath, such watchmen, sextons, superintendents, gardeners,
23 and agents shall have and exercise all powers of police
24 officers within and adjacent to the cemetery grounds and each
25 shall have power to arrest any and all persons engaged in
26 violating the laws of this state, and to bring such person
27 so offending before any ~~justice of the peace within such~~
28 ~~township~~ district magistrate, to be dealt with according to
29 law.

30 Sec. 116. Section three hundred sixty-five point six
31 (365.6), subsection one (1), Code 1971, is amended as follows:

32 365.6 APPLICABILITY--EXCEPTIONS.

33 1. The provisions of this chapter shall apply to all
34 appointive officers and employees, including deputy clerks
35 and deputy bailiffs of the municipal court as to the

1 individuals who become deputies of the district court clerks
2 and sheriffs, in cities under any form of government having
3 a population of more than fifteen thousand except:

- 4 a. City clerk, deputy city clerk, city solicitor, assis-
5 tant solicitor, assessor, treasurer, auditor, civil engineer,
6 health physician, chief of police, assistant chief of police
7 in departments numbering more than two hundred fifty members,
8 market master, city manager and administrative assistants
9 to the manager.
- 10 b. Laborers whose occupation requires no special skill
11 or fitness.
- 12 c. Election officials.
- 13 d. Secretary to the mayor or to any commissioner.
- 14 e. Commissioners of any kind.
- 15 f. Casual employees.

16 Sec. 117. Section three hundred sixty-five point fifteen
17 (365.15), unnumbered paragraph two (2), Code 1971, is amended
18 as follows:

19 In cities under the commission form of government, by the
20 superintendents of the respective departments, with the
21 approval of the city council; in cities under the city manager
22 plan, by the city manager; in all other cities with the
23 approval of the city council, and in the police and fire
24 departments by the chiefs of the respective departments; ~~and-~~
25 ~~in-the-case-of-deputy-clerks-or-deputy-bailiffs-of-the-~~
26 ~~municipal-court, such appointments shall be made by the clerk-~~
27 ~~or-bailiff-thereof, respectively.~~

28 Sec. 118. Section three hundred sixty-eight point six
29 (368.6), subsection five (5), Code 1971, is amended as follows:

30 5. SALES. Sales of auctioneers, bankrupt and dollar
31 stores, and the like, and those of transient merchants, and
32 to define by ordinance who shall be considered transient
33 merchants; but the exercise of such power shall not interfere
34 with sales made by sheriffs, ~~constables,~~ marshals, executors,
35 guardians, assignees of insolvent debtors or bankrupts, or

1 any other person required by law to sell real or personal
2 property.

3 Sec. 119. Section three hundred sixty-eight A point two
4 (368A.2), subsections one (1) and seven (7), Code 1971, are
5 amended as follows:

6 1. EXECUTIVE OFFICER--MAGISTRATE. He ~~shall be a conser-~~
7 ~~vator of the peace, and,~~ within the limits of the corporation,
8 shall have all the powers conferred upon sheriffs to suppress
9 disorders. He shall be the chief executive officer thereof,
10 and it shall be his duty to enforce all regulations and ordin-
11 ances; ~~he may, upon view, arrest anyone guilty of a violation~~
12 ~~thereof, or of any crime under the laws of the state, and~~
13 ~~shall, upon information supported by affidavit, issue process~~
14 ~~for the arrest of any person charged with violating any~~
15 ~~ordinance of the corporation,~~ shall supervise the conduct
16 of all corporate officers, examine into the grounds of
17 complaint made against them, and cause all neglect or violation
18 of duty to be corrected, or report the same to the proper
19 tribunal, that they may be dealt with as provided by law.

20 7. MAYOR PRO TEM. He shall designate one member of the
21 council as mayor pro tempore subject to the approval of a
22 majority of the council. Said mayor pro tempore shall be
23 vice-president of the council and give bond in the sum of
24 five hundred dollars. In case of absence or inability of
25 the mayor to act he shall perform all of the duties of the
26 mayor except as otherwise herein provided. ~~In case of the~~
27 ~~absence or inability of the mayor to act, the mayor pro~~
28 ~~tempore may hold mayor's court in cases of ordinance~~
29 ~~violations.~~ If, at any meeting of the council, the mayor
30 is not present, the mayor pro tempore shall act as presiding
31 officer pro tempore and his acts as presiding officer pro
32 tempore shall have the same force and legality as though
33 performed by the duly elected mayor and he shall have the
34 power to sign all resolutions and ordinances and execute all
35 contracts or other documents finally adopted or approved at

1 such meeting. The mayor pro tempore shall have no power to
2 employ or discharge any officer or employee that the mayor
3 has power to appoint or employ but said mayor pro tempore
4 shall have the right to cast a vote as member of the council.

5 Sec. 120. Section three hundred sixty-eight A point
6 seventeen (368A.17), Code 1971, is amended as follows:

7 368A.17 THE MARSHAL. The marshal shall be ex officio
8 chief of police and may appoint one or more deputy marshals,
9 who may perform his duties, and who, in cities of fifteen
10 thousand or more population shall be members of the police
11 force. He shall have the supervision and general direction
12 of the police force, and shall be the ministerial officer
13 of the corporation. He shall suppress all riots, disturbances,
14 and breaches of the peace, arrest all disorderly persons in
15 the city or town and all persons committing any offense against
16 the ordinances thereof, and forthwith bring such persons
17 before the proper court for examination or trial. He shall
18 pursue and arrest any person fleeing from justice, and shall
19 diligently enforce all laws, ordinances, and regulations for
20 the preservation of the public welfare and good order, and
21 shall have the same powers and duties as ~~constables~~ the sheriff
22 in similar cases. He shall attend upon the sittings of the
23 mayor's and police court, and execute within the county and
24 return all writs and other processes directed to him therefrom.

25 Sec. 121. Section four hundred four point eight (404.8),
26 Code 1971, is amended by striking subsection four (4).

27 Sec. 122. Section four hundred eleven point three (411.3),
28 subsection three (3), Code 1971, is amended as follows:

29 3. Any deputy bailiff of municipal courts in cities having
30 a population of one hundred twenty-five thousand or more,
31 who after having passed the required civil service examination,
32 and was certified and appointed as such, shall, as deputy
33 sheriff and for the purpose of this chapter, be deemed a
34 member of the police department within the purview of section
35 411.1 and is hereby given the right, if he so desires, to

1 become a member of the police retirement system as set forth
2 in this chapter by first paying to the treasurer of said fund
3 three percent of the total salary which was received by said
4 deputy bailiff to the time of coming under the provisions
5 of this chapter, and in addition thereto, shall be required
6 to pay annually in monthly installments to the treasurer of
7 said fund an amount equal to the rates provided by section
8 411.8 so long as said deputy bailiff shall be employed as
9 such.

10 Sec. 123. Section four hundred thirteen point one hundred
11 fourteen (413.114), Code 1971, is amended as follows:

12 413.114 INJUNCTION. In any such action or proceeding
13 said health officer may by petition duly verified, setting
14 forth the facts, apply to the district~~7-superior7-or-municipal~~
15 court for an order granting the relief for which said action
16 or proceeding is brought, or for an order enjoining all persons
17 from doing or permitting to be done any work in or about such
18 dwelling, building, structure, or lot, or from occupying or
19 using the same for any purpose until the entry of final judg-
20 ment or order.

21 Sec. 124. Section four hundred thirteen point one hundred
22 fifteen (413.115), Code 1971, is amended as follows:

23 413.115 AUTHORITY TO EXECUTE. In case any notice or order
24 issued by said health officer is not complied with, said
25 health officer may apply to the district~~7-superior7-or-~~
26 ~~municipal~~ court for an order authorizing him to execute and
27 carry out the provisions of said notice or order, to correct
28 any violation specified in said notice or order, or to abate
29 any nuisance in or about such dwelling, building, or structure
30 or the lot upon which it is situated.

31 Sec. 125. Section four hundred fifteen point three (415.3),
32 Code 1971, is amended as follows:

33 415.3 ORDINANCE--VIOLATIONS. Any building or structure
34 erected, altered, repaired, or used in violation of any ordi-
35 nance passed under the authority of sections 415.1 and 415.2,

1 shall be deemed a nuisance, and every such city or town is
2 hereby empowered to provide by ordinance for the abatement
3 of such nuisance, either by fine or imprisonment, or by action
4 in the district ~~or-municipal~~ court of the county in which
5 such city or town is located, or by both; such action to be
6 prosecuted in the name of the city or town.

7 Sec. 126. Section four hundred twenty point fifteen
8 (420.15), Code 1971, is amended as follows:

9 420.15 COMPENSATION OF MAYOR. The mayor shall receive
10 such salary as may be provided by ordinance, ~~and-in-addition-~~
11 ~~he-shall-receive-for-holding-a-mayor's-or-police-court,-or-~~
12 ~~discharging-the-duties-of-a-justice-of-the-peace,-the-~~
13 ~~compensation-allowed-by-law-for-similar-services-by-such-~~
14 ~~officers,-to-be-paid-in-the-same-manner,-which-amount-shall-~~
15 ~~be-in-full-compensation-of-all-such-services.~~

16 Sec. 127. Section four hundred twenty point thirty-eight
17 (420.38), Code 1971, is amended as follows:

18 420.38 ACTION TO RECOVER. Fines and penalties may in
19 all cases be recovered by action before a ~~justice-of-the-peace~~
20 ~~or-other~~ court of competent jurisdiction, and in the name
21 of the proper municipal corporation. In any such action,
22 where pleading is necessary, it shall be sufficient to declare
23 generally for the amount claimed to be due in respect to the
24 violation of the ordinance, referring to its title and the
25 date of its adoption or passage, and showing, as near as may
26 be, the facts of the alleged violation.

27 Sec. 128. Section four hundred twenty point one hundred
28 eighty-two (420.182), Code 1971, is amended as follows:

29 420.182 WARRANT. Whenever the board of health shall
30 think it necessary for the preservation of the lives or the
31 health of the inhabitants to enter a place, building, or
32 vessel within its jurisdiction, for the purpose of examining
33 into and destroying, removing, or preventing any nuisance,
34 source of filth, or cause of sickness, and shall be refused
35 such entry, any member of the board may make complaint, under

1 oath, before any ~~justice-of-the-peace-or-other~~ judicial
2 officer having jurisdiction to enforce the ordinances of such
3 city, stating the facts of the case so far as he has knowledge
4 thereof. Such officer shall thereupon issue a warrant,
5 directed to the sheriff ~~or-any-constable-of-the-county~~, marshal
6 or public officer, commanding him to take sufficient aid and,
7 being accompanied by two or more members of said board, between
8 the hours of sunrise and sunset, repair to the place where
9 such nuisance, source of filth, or cause of sickness may be,
10 and destroy, remove, or prevent the same under the direction
11 of such members of the board.

12 Sec. 129. Section four hundred twenty point one hundred
13 eighty-five (420.185), Code 1971, is amended as follows:

14 420.185 WARRANT. Any ~~justice-of-the-peace-or~~ tribunal
15 having jurisdiction to enforce the ordinances of such city,
16 on application under oath, showing cause therefor, by any
17 member of said board, shall issue his warrant, directed to
18 the sheriff ~~or-constable~~ of the county or marshal or police
19 officer, commanding him, under the directions of the board,
20 to remove any person infected with contagious disease, or
21 to take possession of condemned houses and lodgings, and to
22 provide nurses and attendants and other necessities for the
23 care, safety, and relief of the sick.

24 Sec. 130. Section four hundred forty-five point forty-
25 nine (445.49), Code 1971, is amended as follows:

26 445.49 SHERIFF OR CONSTABLE AS COLLECTOR. In the discharge
27 of his duties as collector, should it become necessary to
28 make the delinquent taxes by distress and sale, or should
29 no collector be appointed, or should the collector fail to
30 institute proceedings to collect said delinquent taxes, the
31 treasurer shall place the same in the hands of the sheriff-
32 ~~or-a-constable~~ who shall proceed to collect the same-
33 ~~either-shall-be-entitled-to-receive-the-same-compensation-~~
34 ~~in-addition-to-the-five-percent-as-constables-are-entitled-~~
35 ~~to-receive-for-the-sale-of-property-on-execution.~~

1 Sec. 131. Section four hundred fifty point forty-one
2 (450.41), Code 1971, is amended as follows:

3 450.41 PROCEDURE FOR RELIEF. In the event that the estate
4 has been duly appraised under the ordinary statutes of
5 inheritance or the property has been sold and such appraisement
6 or selling price is accepted by the director of revenue as
7 satisfactory for inheritance tax purposes, the court or the
8 clerk of court may, upon proper application, relieve the
9 estate from the appraisement by the inheritance tax appraisers;
10 but in order to obtain such relief, the administrator,
11 executor, trustee, or other party interested must file an
12 application for relief with the consent of the director of
13 revenue thereto in the office of the clerk of the court before
14 said clerk issues a commission to the inheritance tax
15 appraisers.

16 Sec. 132. Section four hundred fifty-three point one
17 (453.1), Code 1971, is amended as follows:

18 453.1 DEPOSITS IN GENERAL. The treasurer of state, and
19 of each county, city, town, county public hospital, merged
20 area hospital, memorial hospital and school corporation, and
21 each township clerk and each county recorder, auditor, sheriff,
22 ~~each clerk and bailiff of the municipal court,~~ and clerk of
23 the district court, and each secretary of a school board shall
24 deposit all funds in their hands in such banks as are first
25 approved by the executive council, board of supervisors, city
26 or town council, board of hospital trustees, memorial hospital
27 commission, board of school directors, respectively; provided,
28 however, that the treasurer of state and the treasurer of
29 each political subdivision shall invest all funds not needed
30 for current operating expenses in time certificates of deposit
31 in banks listed as approved depositories pursuant to this
32 chapter or in investments permitted by section 452.10. The
33 list of public depositories and the amounts severally deposited
34 therein shall be a matter of public record. The term "bank"
35 means a bank or a private bank, as defined in section 524.103.

1 Sec. 133. Section five hundred seventy point five (570.5),
2 Code 1971, is amended as follows:

3 570.5 ENFORCEMENT--PROCEEDING BY ATTACHMENT. The lien
4 may be enforced by the commencement of an action, within the
5 period above prescribed, for the rent alone, in which action
6 the landlord shall be entitled to a writ of attachment, upon
7 filing with the clerk ~~or-justice~~ a verified petition, stat-
8 ing that the action is commenced to recover rent accrued
9 within one year previous thereto upon premises described in
10 the petition; and the procedure thereunder shall be the same,
11 as nearly as may be, as in other cases of attachment, except
12 no bond shall be required.

13 Sec. 134. Section five hundred seventy-two point twenty-
14 four (572.24), Code 1971, is amended as follows:

15 572.24 TIME OF BRINGING ACTION--COURT. An action to
16 enforce a mechanic's lien, or an action brought upon any bond
17 given in lieu thereof, may be commenced in the district ~~or-~~
18 ~~superior~~ court after said lien is perfected.

19 Sec. 135. Section five hundred eighty point four (580.4),
20 Code 1971, is amended as follows:

21 580.4 AFFIDAVIT OF FORECLOSURE. Liens may be enforced
22 by the holder filing with ~~any-constable~~ the sheriff of the
23 county in which the progeny is kept, ~~or-with-the-sheriff of-~~
24 ~~such-county,~~ an affidavit which shall, in addition to a demand
25 for foreclosure, contain:

26 1. A description of the stallion, bull or jack, when used
27 and of the dam and its progeny.

28 2. The time and terms of said service.

29 3. A statement of the amount due for said service.

30 Sec. 136. Section five hundred eighty point five (580.5),
31 Code 1971, is amended as follows:

32 580.5 POSSESSION AND NOTICE. The ~~constable-or~~ sheriff
33 shall, under said affidavit, take immediate possession of
34 said progeny, and give written notice of the sale thereof,
35 which notice shall contain:

1 1. A copy of the said affidavit.

2 2. The date and hour when, and the particular place at
3 which, said property will be sold.

4 Sec. 137. Section five hundred eighty point eight (580.8),
5 Code 1971, is amended as follows:

6 580.8 SALE--APPLICATION OF PROCEEDS. If payment of the
7 service fee, and ~~constable~~ costs, be not made prior to the
8 time of sale, as fixed in such notice, the ~~constable~~ sheriff
9 may sell property so held by him, or so much thereof as may
10 be necessary, at public auction to the highest bidder, and
11 the proceeds shall be applied, first, to the payment of the
12 costs, and second, in payment of amount due for service fee.
13 Any surplus arising from such sale shall be forthwith paid
14 to the owner of the property sold.

15 Sec. 138. Section five hundred ninety-five point ten
16 (595.10), Code 1971, is amended by striking subsections one
17 (1) and two (2) and inserting in lieu thereof the following:

18 "A judge of the supreme or district court, a district
19 associate judge, or a district magistrate."

20 Sec. 139. Section six hundred point one (600.1), unnumbered
21 paragraph one (1), Code 1971, is amended as follows:

22 600.1 WHO MAY ADOPT--PETITION. Any person of lawful age
23 may petition the district court of the county in which he
24 or the child resides for permission to adopt any child not
25 his own, but no person other than the parent of a child may
26 assume the permanent care and custody of a child under fourteen
27 years of age except in accordance with the provisions of this
28 chapter or chapter 238. If the petitioner be married, the
29 spouse shall join in the petition unless such spouse is a
30 natural parent of the child. An adult may be adopted, and
31 only such provisions of this chapter shall apply thereto as
32 the court may order. ~~The-judges-of-the-district-court-may-~~
33 ~~designate-a-municipal-court-judge-to-act-as-judge-in-adoption-~~
34 ~~matters-with-jurisdiction-in-cases-arising-in-the-county-in-~~
35 ~~which-such-municipal-court-is-organized.~~

1 Sec. 140. CREATION OF NEW MUNICIPAL COURTS TERMINATED.
2 After July 1, 1971, no new municipal courts shall be
3 established, no new municipal court judgeships shall come
4 into existence, and no elections of municipal court judges,
5 clerks, or bailiffs shall be held, notwithstanding sections
6 six hundred two point one (602.1) through six hundred two
7 point five (602.5), inclusive, and six hundred two point ten
8 (602.10) through six hundred two point twelve (602.12),
9 inclusive, of the Code. This section shall become effective
10 July 1, 1971.

11 Sec. 141. Section six hundred four point two (604.2),
12 Code 1971, is amended as follows:

13 604.2 APPEALS AND WRITS OF ERROR. It shall also possess
14 and exercise jurisdiction in all appeals and writs of error
15 taken in civil and criminal actions and special proceedings
16 authorized to be taken from all ~~inferior courts~~, tribunals,
17 boards, or officers, under any provisions of the laws of this
18 state, and shall have a general supervision thereof, in all
19 matters, to prevent and correct abuses, where no other remedy
20 is provided.

21 Sec. 142. Section six hundred four point eleven (604.11),
22 Code 1971, is amended as follows:

23 604.11 CITY OR TOWN TO PROVIDE COURTROOM. Where court
24 is held in any city or town not the county seat, such city
25 or town shall provide and furnish the necessary rooms and
26 places therefor free of charge to the county. ~~Any-necessary-~~
27 ~~alterations,-repairs,-or-additions-to-said-rooms-and-places-~~
28 ~~shall-be-provided-at-the-expense-of-the-county,-and-the-board-~~
29 ~~of-supervisors-is-authorized-and-empowered-to-make-such-~~
30 ~~alterations,-improvements, or-additions,-the-cost-thereof-~~
31 ~~not-to-be-in-excess-of-the-limitations-imposed-by-section-~~
32 ~~345.4.~~

33 Sec. 143. This section shall take effect July 1, 1971.
34 Section six hundred five point two (605.2), Code 1971, is
35 amended as follows:

1 605.2 EXPENSES. Where a judge of the district or supreme
2 court is required, in the discharge of his official duties,
3 to leave the county of his residence or leave the city or
4 town of his residence to perform such duties, he shall be
5 paid such actual and necessary ~~hotel~~ expenses for living
6 quarters and living expenses not to exceed the sum of fifteen
7 dollars per day and transportation expenses as shall be
8 incurred.

9 Sec. 144. Section six hundred five point six (605.6),
10 Code 1971, is amended as follows:

11 605.6 SHORTHAND REPORTER. Each judge of the district
12 court shall appoint a shorthand reporter who shall, upon the
13 request of either party in a civil case other than a small
14 claim or a an indictable criminal case, take and report in
15 full the oral evidence and proceedings in the case, and perform
16 all duties required of him on the trial, as provided by law.

17 There shall be no discrimination in hiring shorthand court
18 reporters on the basis of sex. Complaints of persons aggrieved
19 may be made under the provisions of chapter 105A.

20 Sec. 145. Section six hundred five point fourteen (605.14),
21 Code 1971, is amended as follows:

22 605.14 JUDGE TO BE ATTORNEY. No person shall be eligible
23 to the office of judge of a court of record, ~~except-of-police~~
24 ~~courts~~ except district magistrate, who is not, at the time
25 of his election, an attorney at law, duly admitted to practice
26 under the laws of this state.

27 Sec. 146. Section six hundred five point fifteen (605.15),
28 Code 1971, is amended as follows:

29 605.15 PRACTICE PROHIBITED. During the time that he is
30 holding such office he shall not practice as an attorney or
31 counselor or give advice in relation to any action pending
32 or about to be brought in any of the courts of the state.

33 ~~Nothing contained in this section shall be construed to~~
34 ~~prohibit police court judges from practicing as attorneys~~
35 ~~and counselors in civil matters.~~ District magistrates who

1 are members of the bar of Iowa may practice as attorneys and
2 counselors, except they may not practice as attorneys and
3 counselors, or give advice, in relation to any matter within
4 the purview of the jurisdiction of district magistrates as
5 defined in section ten (10) of this Act.

6 Sec. 147. RETIREMENT STATUS UNAFFECTED. Notwithstanding
7 the provisions of this Act, judges of the municipal and
8 superior courts who are members of the judicial retirement
9 system under chapter six hundred five A (605A) of the Code
10 on December 31, 1972, shall not cease to be members thereof
11 despite the discontinuance of such courts.

12 Sec. 148. Section six hundred five A point three (605A.3),
13 Code 1971, is amended as follows:

14 605A.3 NOTICE BY JUDGE IN WRITING. This chapter shall
15 not apply to any judge of the municipal, superior, district
16 or supreme court, including district associate judges, until
17 he gives notice in writing, while serving as a judge, to the
18 state comptroller and treasurer of state, of his purpose to
19 come within its purview. Judges of the municipal and superior
20 courts shall at the same time give a copy of such notice to
21 the city treasurer and county auditor within the district
22 of such court. Such notice shall be given within one year
23 after the effective date hereof or within one year after any
24 date on which he takes oath of office as such judge.

25 Sec. 149. Section six hundred five A point four (605A.4),
26 unnumbered paragraph one (1), Code 1971, is amended as follows:

27 605A.4 DEPOSIT BY JUDGE--DEDUCTIONS--CONTRIBUTIONS BY
28 GOVERNING BODY. Each judge coming within the purview of this
29 chapter shall, on or before retirement, pay to the state comp-
30 troller for deposit with the state treasurer to the credit
31 of a fund to be known as the "judicial retirement fund",
32 hereinafter called the "fund", a sum equal to four percent
33 of his basic salary for services as such judge for the total
34 period of service as a judge of a municipal, superior, district
35 or supreme court, including district associate judges, before

1 the date of said notice, and after the date of the notice
2 there shall be deducted and withheld from the basic salary
3 of each judge coming within the purview of this chapter a
4 sum equal to four percent of such basic salary. Provided
5 that the maximum amount which any judge shall be required
6 to contribute for past service shall not exceed for municipal
7 or superior or district associate judges thirty-five hundred
8 dollars, for district judges four thousand dollars and for
9 supreme court judges five thousand dollars. The amounts so
10 deducted and withheld from the basic salary of each said judge
11 shall be paid to the state comptroller for deposit with the
12 treasurer of state to the credit of the judicial retirement
13 fund, and said fund is hereby appropriated for the payment
14 of annuities, refunds, and allowances herein provided, except
15 that the amount of such appropriations affecting payment of
16 annuities, refunds, and allowances to judges of the municipal
17 and superior court shall be limited to that part of said fund
18 accumulated for their benefit as hereinafter provided. The
19 judges of the municipal, superior, district and supreme court,
20 including district associate judges, coming within the
21 provisions of this chapter shall be deemed to consent and
22 agree to the deductions from basic salary as provided herein,
23 and payment less such deductions shall be a full and complete
24 discharge and acquittance of all claims and demands whatsoever
25 for all regular services rendered by such judges during the
26 period covered by such payment, except the right to the
27 benefits to which they shall be entitled under the provisions
28 of this chapter. The state shall contribute a sum not
29 exceeding three percent of the basic salary of all judges
30 of the district and supreme court for the years 1949 and 1950
31 and thereafter such sums as may be necessary over the amount
32 contributed by the district and supreme court judges to finance
33 the system, but only to the extent that the system applies
34 to them. After 1972, the state shall contribute such sums
35 as may be necessary over the amount contributed by district

1 associate judges to finance the system as to them for the
2 portion of their tenure following 1972; and the respective
3 cities and counties within each municipal and superior court
4 district shall contribute the additional amount necessary
5 pursuant to the next paragraph of this section, for the
6 portion of the tenure of such district associate judges prior
7 to 1973.

8 Sec. 150. Section six hundred five A point eight (605A.8),
9 Code 1971, is amended as follows:

10 605A.8 INDIVIDUAL ACCOUNTS--REFUNDING. The amounts
11 deducted and withheld from the basic salary of each judge
12 of the municipal, superior, district or supreme court,
13 including district associate judges, for the credit of the
14 judicial retirement fund and all amounts paid into such fund
15 by each judge shall be credited to the individual account
16 of such judge. In the event a judge of the municipal,
17 superior, district or supreme court, including district
18 associate judges, becomes separated from service as such judge
19 before he completes an aggregate of six years of service as
20 a judge of one or more of such courts, the total amount of
21 his contribution to the fund shall be returned to said judge
22 or his legal representatives, and in the event a judge who
23 has completed an aggregate of six years or more of service
24 as a judge of one or more of such courts, dies before
25 retirement, the total amount of his contribution to the fund
26 shall be paid in one sum to his legal representatives, and
27 in the event an annuitant under this section dies, without
28 having received in annuities an amount equal to the total
29 amount remaining to his credit at the time of his separation
30 from service, the amount remaining to his credit shall be
31 paid in one sum to his legal representatives.

32 Sec. 151. Section six hundred six point thirteen (606.13),
33 Code 1971, is amended as follows:

34 606.13 NOT TO BE JUSTICE OR ATTORNEY. The clerk, or
35 deputy clerk of the district court is prohibited from holding-

1 ~~the-office-of-justice-of-the-peace-or~~ practicing, directly
2 or indirectly, as an attorney or solicitor in any of the
3 courts of this state.

4 Sec. 152. Section six hundred six point fifteen (606.15),
5 subsection fourteen (14), Code 1971, is amended as follows:

6 14. For filing and docketing transcript of judgment from
7 another county ~~or-a-justice-of-the-peace-or-municipal-court,~~
8 one dollar.

9 Sec. 153. Section six hundred seven point five (607.5),
10 Code 1971, is amended by striking subsections two (2) and
11 three (3).

12 Sec. 154. Section six hundred eighteen point thirteen
13 (618.13), Code 1971, is amended by striking unnumbered para-
14 graph two (2).

15 Sec. 155. Section six hundred twenty-one point nine
16 (621.9), Code 1971, is amended as follows:

17 621.9 CASH IN LIEU OF BOND. In all cases in which a bond
18 for security for costs is required, the party required to
19 give such security may deposit in cash the amount fixed in
20 said bond with the clerk of the district court ~~or-justice-~~
21 ~~of-the-peace~~ in lieu of said bond.

22 Sec. 156. Section six hundred twenty-two point sixty-three
23 (622.63), Code 1971, is amended as follows:

24 622.63 SUBPOENAS. The clerks of the several courts shall,
25 on application of any person having a cause or matter pending
26 in court, issue a subpoena for witnesses under the seal of
27 the court, inserting all the names required by the applicant
28 in one subpoena, if practicable, which may be served by the
29 sheriff ~~or-any-constable~~ of the county, or by the party or
30 any other person.

31 Sec. 157. Section six hundred twenty-two point sixty-nine
32 (622.69), Code 1971, is amended by striking the section and
33 inserting in lieu thereof the following:

34 "Witnesses in a court of record shall receive three dollars
35 for each day's attendance and seven cents per mile for each

1 mile actually traveled."

2 Sec. 158. Section six hundred twenty-two point seventy-
3 three (622.73), Code 1971, is amended as follows:

4 622.73 FEES PAYABLE BY COUNTY. For attending before the
5 trial jury or court in criminal cases where the defendant
6 is adjudged not guilty, the fees above provided for attending
7 ~~the-district-or-justice's~~ court shall be paid by the county,
8 upon a certificate of the clerk ~~or-justice~~ showing the amount
9 of the services to which they are entitled.

10 Sec. 159. Section six hundred twenty-two point seventy-
11 five (622.75), Code 1971, is amended as follows:

12 622.75 REIMBURSEMENT TO PARTY OR COUNTY. When the county
13 or any party has paid the fees of any witness, and the same
14 is afterward collected from the adverse party, the county
15 or person so paying the same shall, upon the production of
16 the receipt of such witness or other satisfactory evidence,
17 be entitled to such fee ~~7-whether-it-be-in-the-hands-of-the-~~
18 ~~justice-or-clerk, or-has-been-paid-into-the-county-treasury.~~

19 Sec. 160. Section six hundred twenty-two point seventy-
20 eight (622.78), Code 1971, is amended as follows:

21 622.78 SERVING SUBPOENA. If a witness conceals himself,
22 or in any manner attempts to avoid being personally served
23 with a subpoena, any sheriff ~~or-constable~~ having the subpoena
24 may use all necessary and proper means to serve the same,
25 and may for that purpose break into any building or other
26 place where the witness is to be found, having first made
27 known his business and demanded admission.

28 Sec. 161. Section six hundred twenty-two point eighty-
29 four (622.84), Code 1971, is amended as follows:

30 622.84 SUBPOENAS--ENFORCING OBEDIENCE. When, by the laws
31 of this or any other state or country, testimony may be taken
32 in the form of depositions to be used in any of the courts
33 thereof, the person authorized to take such depositions may
34 issue subpoenas for witnesses, which must be served by the
35 same officers and returned in the same manner as is required

1 in a ~~justice's-court~~ a court of record, and obedience thereto
2 may be enforced in the same way and to the same extent a
3 ~~justice-of-the-peace-might-do~~, or he may report the matter
4 to the district court who may enforce obedience as though
5 the action was pending in said court.

6 Sec. 162. Section six hundred twenty-two point ninety-
7 three (622.93), Code 1971, is amended by striking unnumbered
8 paragraph two (2).

9 Sec. 163. Section six hundred twenty-five point thirteen
10 (625.13), Code 1971, is amended as follows:

11 625.13 DISMISSAL FOR WANT OF JURISDICTION. Where an
12 action is dismissed from any court for want of jurisdiction,
13 ~~or-because-it-has-not-been-regularly-transferred-from-an-~~
14 ~~inferior-to-a-superior-court~~, the costs shall be adjudged
15 against the party attempting to institute or bring up the
16 same.

17 Sec. 164. Section six hundred twenty-six point ninety-
18 four (626.94), Code 1971, is amended as follows:

19 626.94 PROPERTY UNSOLD--OPTIONAL PROCEDURE. Subject to
20 the provisions of section 626.93, when property is unsold
21 for want of bidders, the levy still holds good; and, if there
22 be sufficient time, it may again be advertised, or the
23 execution returned and one issued commanding the officer to
24 sell the property, describing it, previously levied on, to
25 which a clause may be added that, if such property does not
26 produce a sum sufficient to satisfy such execution, the officer
27 shall proceed to make an additional levy, on which he shall
28 proceed as on other executions; or the plaintiff may, in
29 writing filed with the clerk ~~or-justice~~, abandon such levy,
30 upon paying the costs thereof; in which case execution may
31 issue with the same effect as if none had ever been issued.

32 Sec. 165. Section six hundred twenty-six point one hundred
33 eight (626.108), Code 1971, is amended as follows:

34 626.108 FEE BILL EXECUTION. After the expiration of sixty
35 days from the rendition of a final judgment not appealed,

1 removed, or reversed, the clerk of the court~~7-or-a-justice-~~
2 ~~of-the-peace in-whose-office-the-judgment-is-entered~~7 may,
3 and, upon demand of any party entitled to any part thereof,
4 shall, issue a fee bill for all costs of such judgment, which
5 shall have the same force and effect as an execution issued
6 by such officer; and shall be served and executed in the same
7 manner.

8 Sec. 166. Section six hundred thirty point one (630.1),
9 Code 1971, is amended as follows:

10 630.1 DEBTOR EXAMINED. When execution against the property
11 of a judgment debtor, or one of several debtors in the same
12 judgment, has been issued from the ~~superior~~~~7-municipal~~7
13 district7 or supreme court to the sheriff of the county where
14 such debtor resides, or if he ~~do~~ does not reside in the state,
15 to the sheriff of the county where the judgment was rendered,
16 or a transcript of a judtice's judgment has been filed, and
17 execution issued thereon is returned unsatisfied in whole
18 or in part, the owner of the judgment is entitled to an order
19 for the appearance and examination of such debtor.

20 Sec. 167. Section six hundred thirty point three (630.3),
21 Code 1971, is amended as follows:

22 630.3 BY WHOM ORDER GRANTED. Such order may be made by
23 the ~~superior-or~~ district court in which the judgment was
24 rendered, or by the district court of the county to which
25 execution has been issued. The debtor may be required to
26 appear and answer before either of such courts, or before
27 a referee appointed for that purpose by the court who issued
28 the order, to report either the evidence or the facts.

29 Sec. 168. Section six hundred thirty-nine point eleven
30 (639.11), Code 1971, is amended as follows:

31 639.11 BOND. In all cases before it can be issued, the
32 plaintiff must file with the clerk a bond for the use of the
33 defendant, with sureties to be approved by such clerk, in
34 a penalty at least double the value of the property sought
35 to be attached, and in no case~~7-except-in-a-class-B-case-in-~~

1 ~~municipal-court~~, less than two hundred fifty dollars in-a
2 ~~court-of-record-on-less-than-fifty-dollars-if-in-a-justice-~~
3 ~~court-or-a-class-B-case-in-municipal-court~~, conditioned that
4 the plaintiff will pay all damages which the defendant may
5 sustain by reason of the wrongful suing out of the attachment.

6 Sec. 169. Section six hundred thirty-nine point sixty-
7 eight (639.68), Code 1971, is amended as follows:

8 639.68 SHERIFF--CONSTABLES. The word "sheriff", or
9 "officer", as used in this chapter is meant to apply to con-
10 ~~stables-when-the-proceedings-are-in-a-justice's-court-or~~
11 the like officer of any other court.

12 Sec. 170. Section six hundred forty-two point one (642.1),
13 Code 1971, is amended as follows:

14 642.1 WHO MAY BE GARNISHED. A sheriff ~~or-constable~~ may
15 be garnished for money of the defendant in his hands; a judg-
16 ment debtor of the defendant, when the judgment has not been
17 assigned on the record, or by writing filed in the office
18 of the clerk and by him minuted as an assignment on the margin
19 of the judgment docket; and an executor, for money due from
20 decedent.

21 Sec. 171. Section six hundred forty-three point five
22 (643.5), Code 1971, is amended as follows:

23 643.5 BOND. When the plaintiff desires the immediate
24 delivery of the property, he shall execute a bond to the
25 defendant, with sureties to be approved by the clerk ~~or-~~
26 ~~justice~~, in a penalty at least equal to twice the value of
27 the property sought to be taken, conditioned that he will
28 appear in court on or before the day fixed in the original
29 notice, and prosecute his action to judgment, and return the
30 property, if a return is awarded, and pay all costs and damages
31 that may be adjudged against him.

32 Sec. 172. Section six hundred forty-three point six
33 (643.6), Code 1971, is amended as follows:

34 643.6 FILING--PURPOSE OF BOND. Said bond shall be filed
35 with the clerk ~~or-justice~~, and be for the use of any person

1 injured by the proceeding.

2 Sec. 173. Section six hundred forty-three point seven
3 (643.7), Code 1971, is amended as follows:

4 643.7 WRIT ISSUED. The clerk ~~or-justice~~ shall thereupon
5 issue a writ under his hand, and the seal of the court ~~if-~~
6 ~~a court-of-record~~, directed to the proper officer, requiring
7 him to take the property therein described and deliver it
8 to the plaintiff.

9 Sec. 174. Section six hundred forty-four point one (644.1),
10 Code 1971, is amended as follows:

11 644.1 TAKING UP VESSELS, RAFTS, LOGS AND LUMBER. If any
12 person shall stop or take up any vessel or watercraft, or
13 any raft of logs, or part thereof, or any logs suitable for
14 making lumber or hewn timber, or sawed lumber, found adrift
15 within the limits or upon the boundaries of this state, of
16 the value of five dollars or upwards, including the cargo,
17 tackle, rigging, and other appendages of such vessel or
18 watercraft, such person, within five days thereafter, provided
19 the same shall not have been previously proved and restored
20 to the owner, shall go before some ~~justice-of-the-peace-in-~~
21 ~~the-township~~ district judge, district associate judge, or
22 district court clerk where such property is found, and make
23 affidavit setting forth the exact description of such property;
24 where and when the same was found; whether any, and if so
25 what cargo, tackle, rigging, or other appendages were found
26 on board or attached thereto; and that the same has not been
27 altered or defaced, either in whole or in part, since the
28 taking up, either by him or by any other person to his
29 knowledge.

30 Sec. 175. Section six hundred forty-four point two (644.2),
31 Code 1971, is amended as follows:

32 644.2 WARRANT--APPRAISAL--RETURN--RECORD. The said ~~justice~~
33 district judge, district associate judge, or district court
34 clerk shall thereupon issue his warrant, directed to some
35 ~~constable-of-his-township~~ peace officer, commanding him to

1 summon three respectable householders of the neighborhood,
 2 who shall proceed without delay to examine and appraise such
 3 property, including cargo, tackle, rigging, and other
 4 appendages if any there be, and to make report thereof under
 5 their hands to the justice judge or clerk issuing such warrant,
 6 who shall ~~enter-the-same7-together-with-the-affidavit-of-the-~~
 7 ~~taker-up7-at-large-in-his-estray-book7-and-within-five-days-~~
 8 ~~shall transmit-a-certified-copy-thereof-to-the-county-auditor-~~
 9 ~~of-the-proper-county7-to-be-by-him-recorded-in-his-estray-~~
 10 ~~book-and-filed-in-his-office~~ transmit a certified copy thereof
 11 to the county auditor to be recorded in the estray book in
 12 his office.

13 Sec. 176. Section six hundred forty-four point four
 14 (644.4), Code 1971, is amended as follows:

15 644.4 VALUE EXCEEDING TWENTY DOLLARS. If the value thereof
 16 shall exceed the sum of twenty dollars, the county auditor,
 17 within five days from the time of the reception of the
 18 justice's judge or clerk's certificate at his office, shall
 19 cause an advertisement to be posted on the door of the
 20 courthouse, and at three other of the most public places in
 21 the county, and also a notice to be published once each week
 22 for three weeks successively, in some newspaper printed in
 23 this state; and if such property be not claimed or proved
 24 within ninety days after the advertisement of the same, as
 25 aforesaid, the finder shall deliver the same to the sheriff
 26 of the county wherein it was taken up, who shall thereupon
 27 proceed to sell it at public auction to the highest bidder
 28 for cash, having first given ten days' notice of the time
 29 and place of sale, and the proceeds of all such sales, after
 30 deducting the costs and other necessary expenses, shall be
 31 paid into the county treasury.

32 Sec. 177. Section six hundred forty-four point twelve
 33 (644.12), Code 1971, is amended as follows:

34 644.12 OWNERSHIP SETTLED. In any case where a claim is
 35 made to property found or taken up, and the ownership of the

1 property cannot be agreed upon by the finder and claimant,
2 they may make a case before any justice-of-the-peace district
3 judge or associate district judge in the county, who may hear
4 and adjudicate it, and if either of them refuses to make such
5 case the other may make an affidavit of the facts which have
6 previously occurred, and the claimant shall also verify his
7 claim by his affidavit, and the justice district judge or
8 associate district judge may take cognizance of and try the
9 matter on the other party having one day's notice, but there
10 shall be no appeal from the decision. This section does not
11 bar any other remedy given by law.

12 Sec. 178. Section six hundred forty-four point fourteen
13 (644.14), Code 1971, is amended as follows:

14 644.14 COSTS, CHARGES AND CARE--ASSESSMENT. The owner
15 shall also be required to pay the finder all such costs and
16 charges as may have been paid by him for services rendered
17 as aforesaid, including the cost of publication, together
18 with reasonable charges for keeping and taking care of such
19 property, which last mentioned charge, in case the finder
20 and the owner cannot agree, shall be assessed by two
21 disinterested householders of the neighborhood, to be appointed
22 by some justice-of-the-peace judge of the proper county, whose
23 decision, when made, shall be binding and conclusive on all
24 parties.

25 Sec. 179. Section six hundred forty-eight point five
26 (648.5), Code 1971, is amended as follows:

27 648.5 JURISDICTION--TRANSFER--APPEAL. ~~The-district,~~
28 ~~municipal,-and-superior-courts-within-the-county,-and-justices~~
29 ~~of-the-peace-within-the-township-where-the-subject-matter-~~
30 ~~of-the action-is-situated,~~ The district court shall have
31 concurrent jurisdiction of actions for the forcible entry
32 or detention of real property, and the court first acquiring
33 jurisdiction of an action therefor shall retain the same until
34 judgment, unless it is transferred as hereinafter provided.
35 Where an action is brought in the district, ~~superior,-of-~~

1 municipal court it shall be tried as an equitable action,
2 and upon presentation of the petition to the court or judge
3 after the same has been filed, the court or judge shall make
4 an order fixing the time and place for hearing upon said
5 petition and shall prescribe that notice of the hearing be
6 personally served upon the defendant or defendants, which
7 service shall be at least five days prior to the date set
8 for hearing. ~~By-agreement-of-the-parties,-it-may-be-~~
9 ~~transferred-from-a-justice's-court-to-a-municipal,-superior,~~
10 ~~or-the-district-court,-or-from-a-superior-or-a-municipal-to-~~
11 ~~the-district-court,-and-all-such-actions-in-which-judgment-~~
12 ~~is-rendered-in-a-justice's-court-may-be-appealed-to-the-~~
13 ~~district or-superior-court,-as-provided-by-law.~~

14 Sec. 180. Section six hundred forty-eight point ten
15 (648.10), Code 1971, is amended as follows:

16 648.10 SERVICE BY PUBLICATION. Where it is made to appear
17 by affidavit that personal service of the original notice
18 in such action cannot be made upon the defendant within the
19 state, the same may be made by publication, ~~if-in-a-court-~~
20 ~~of-record, or-by-posting,-if-in-a-justice's-court,~~ in the
21 same manner and for the same length of time as is required
22 in other cases where such substituted service may be made.

23 Sec. 181. Section six hundred fifty-seven point six
24 (657.6), Code 1971, is amended as follows:

25 657.6 STAY OF EXECUTION. Instead of issuing such warrant,
26 the court ~~or-justice~~ may order the same to be stayed upon
27 motion of the defendant, and upon his entering into an under-
28 taking to the state, in such sum and with such surety as the
29 court ~~or-justice~~ may direct, conditioned either that the de-
30 fendant will discontinue said nuisance, or that, within a
31 time limited by the court, and not exceeding six months, he
32 will cause the same to be abated and removed, as either is
33 directed by the court; and, upon his failure to perform the
34 condition of his undertaking, the same shall be forfeited,
35 and the court ~~or-justice-of-the-peace,-as-the-case-may-be,~~

1 upon being satisfied of such default, may order such warrant
2 forthwith to issue, and action may be brought on such
3 undertaking.

4 Sec. 182. Section six hundred sixty-one point four (661.4),
5 Code 1971, is amended as follows:

6 661.4 ORDER ISSUED. The order may be issued by the
7 district ~~or-superior~~ court to any inferior tribunal, or to
8 any corporation, officer, or person; and by the supreme court
9 to any district ~~or-superior~~ court, if necessary, and in any
10 other case where it is found necessary for that court to
11 exercise its legitimate power.

12 Sec. 183. Section six hundred sixty-three point three
13 (663.3), Code 1971, is amended as follows:

14 663.3 WRIT ALLOWED--SERVICE. The writ may be allowed
15 by the supreme, or district, ~~municipal, or-superior~~ court,
16 or by any judge of either of those courts, and may be served
17 in any part of the state.

18 Sec. 184. Section six hundred sixty-five point four
19 (665.4), Code 1971, is amended by striking subsection three
20 (3) and inserting in lieu thereof the following:

21 "By district magistrates, by a fine not exceeding one hun-
22 dred dollars or imprisonment in a county jail not exceeding
23 thirty days."

24 Sec. 185. Section six hundred sixty-six point six (666.6),
25 unnumbered paragraph one (1), Code 1971, is amended as follows:

26 666.6 REPORT OF FORFEITED BONDS. Clerks of district,
27 ~~municipal, superior, and-police-courts, mayors-of-cities-and-~~
28 ~~towns, and-justices-of-the-peace~~ court shall, on the first
29 Monday in January in each year, make report in writing to
30 the board of supervisors for their respective counties of
31 all forfeited recognizances in their offices; of all fines,
32 penalties, and forfeitures imposed in their respective courts,
33 which by law go into the county treasury for the benefit of
34 the school fund; in what cause or proceeding, when and for
35 what purpose, against whom and for what amount, rendered;

1 whether said fines, penalties, forfeitures, and recognizances
2 have been paid, remitted, canceled, or otherwise satisfied;
3 if so, when, how, and in what manner, and if not paid,
4 remitted, canceled, or otherwise satisfied, what steps have
5 been taken to enforce the collection thereof.

6 Sec. 186. Section six hundred sixty-seven point two
7 (667.2), Code 1971, is amended as follows:

8 667.2 PETITION AND WARRANT. The petition must be in
9 writing, sworn to, and filed with the clerk ~~or-a-justice-of-~~
10 ~~the-peace,~~ who shall thereupon issue a warrant to the proper
11 officer, commanding him to seize the boat or raft, its apparel,
12 tackle, furniture, and appendages, and detain the same until
13 released by due course of law.

14 Sec. 187. Section six hundred sixty-seven point five
15 (667.5), Code 1971, is amended as follows:

16 667.5 SERVICE OF WARRANT. Any ~~constable-or~~ marshal of
17 any city or town may execute the warrant, ~~whether-it-issues~~
18 ~~from-the-office-of-the-clerk-of-the-district-or-superior-~~
19 ~~court, or-of-a-justice.~~

20 Sec. 188. Section six hundred sixty-seven point seven
21 (667.7), Code 1971, is amended as follows:

22 667.7 BOND TO DISCHARGE. The property seized may be dis-
23 charged at any time before final judgment, by giving a bond
24 with sureties, to be approved by the officer executing the
25 warrant, or by the clerk ~~or-justice~~ who issued it, in a penalty
26 double the plaintiff's demand, conditioned that the obligors
27 therein will pay the amount which may be found due to the
28 plaintiff, together with the costs.

29 Sec. 189. Section six hundred eighty-five point eight
30 (685.8), subsection three (3), Code 1971, is amended as
31 follows:

32 3. Obtain reports from clerks of court, judges, ~~justices~~
33 ~~of-the-peace,-mayors,~~ and magistrates, in accordance with
34 law, or rules prescribed by the supreme court as to cases
35 and other judicial business in which action has been delayed

1 beyond periods of time specified by law or such rules, and
2 make report thereof;

3 Sec. 190. Section six hundred eighty-five point nine
4 (685.9), Code 1971, is amended as follows:

5 685.9 CO-OPERATION OF COURT OFFICERS. The judges, ~~jus-~~
6 ~~tices-of-the-peace7-mayors7~~ district associate judges, dis-
7 trict magistrates, reporters, clerks of court, probation offi-
8 cers, sheriffs, and all other officers, state and local, shall
9 comply with all requirements made by the statistician or his
10 assistants for information and statistical data bearing on
11 the state of the dockets of the courts, the progress of court
12 business, and such other information as may reflect the
13 business transacted by them and the expenditure of moneys
14 for the maintenance and operation of the judicial system.

15 Sec. 191. Section six hundred eighty-five point ten
16 (685.10), Code 1971, is amended by striking the section and
17 inserting in lieu thereof the following:

18 "Sections six hundred eighty-five point six (685.6) through
19 six hundred eighty-five point nine (685.9), inclusive, apply
20 to the supreme court and the district court."

21 Sec. 192. Section six hundred eighty-six point two (686.2),
22 Code 1971, is amended as follows:

23 686.2 MOTION FOR NEW TRIAL. The supreme court on appeal
24 may review and reverse any judgment or order of the ~~municipal7~~
25 ~~superior7-or~~ district court, although no motion for a new
26 trial was made in such court.

27 Sec. 193. Section six hundred eighty-seven point six
28 (687.6), Code 1971, is amended by striking the section and
29 inserting in lieu thereof the following:

30 "When the performance of any act is prohibited and the
31 penalty prescribed does not exceed a fine of one hundred
32 dollars or imprisonment in jail not exceeding thirty days,
33 such act is a nonindictable misdemeanor. All other
34 misdemeanors are indictable whether or not the punishment
35 is prescribed."

1 Sec. 194. Section six hundred eighty-seven point seven
2 (687.7), Code 1971, is amended as follows:

3 687.7 PUNISHMENT FOR INDICTABLE MISDEMEANORS. Every per-
4 son who is convicted of a an indictable misdemeanor, the
5 punishment of which is not otherwise prescribed by any statute
6 of this state, shall be punished by imprisonment in the county
7 jail not more than one year, or by fine not exceeding five
8 hundred dollars, or by both such fine and imprisonment.

9 Sec. 195. Section seven hundred nine point nine (709.9),
10 Code 1971, is amended as follows:

11 709.9 TAKING GOODS FROM OFFICER. If any person, knowingly
12 and without authority of law, take, carry away, secrete, or
13 destroy any goods or chattels while the same are lawfully
14 in the custody of any sheriff, county medical examiner,
15 marshal, ~~constable~~ or other officer, and held by such officer
16 by virtue of execution, writ of attachment, or other legal
17 process, he shall be guilty of larceny, and, when the value
18 of the property so taken, carried away, secreted, or destroyed
19 exceeds the sum of twenty dollars, be imprisoned in the
20 penitentiary not more than one year; and when it does not
21 exceed twenty dollars, be fined not exceeding one hundred
22 dollars, or imprisoned in the county jail not more than thirty
23 days.

24 Sec. 196. Section seven hundred twenty-five point nine
25 (725.9), Code 1971, is amended as follows:

26 725.9 WARRANTS FOR SEARCH OR SEIZURE. Any magistrate
27 ~~or-police-judge~~ is authorized, on complaint supported by
28 oath or affirmation of one or more persons, to issue a warrant,
29 directed to the sheriff of the county within which such
30 complaint is made, or to any ~~constable-or~~ police officer
31 within said county, directing him or them, or any of them,
32 to search for, seize and take possession of such books, papers,
33 pictures, circulars, articles, and things named in this
34 chapter; and said magistrate ~~or-police-judge~~ shall deliver
35 personally, or shall transmit, enclosed and under seal,

1 specimens thereof to the county attorney of his county, and
2 shall deposit within the county jail of his county, or other
3 secure place, as to him shall seem meet, enclosed and under
4 seal, the remainder thereof, and shall, upon the conviction
5 of the person or persons offending under the provisions of
6 this chapter, forthwith, in the presence of the person or
7 persons upon whose complaint the seizure or arrest was made,
8 if he or they shall elect to be present, destroy, or cause
9 to be destroyed, the remainder thereof, and shall cause to
10 be entered upon the record of his court the fact of such
11 destruction.

12 Sec. 197. Section seven hundred thirty-one A point four
13 (731A.4), Code 1971, is amended as follows:

14 731A.4 JURISDICTION AND APPEAL. Juvenile courts shall
15 have jurisdiction in the prosecution of the offense set forth
16 herein, though the defendant or defendants in such actions
17 be adults. Said proceedings in juvenile court shall be
18 commenced by filing a sworn complaint or information and the
19 matter shall be tried summarily and without a jury. Provided,
20 however, that prior to the filing of such complaint or
21 information the probation officer for the territory in
22 question, or the county attorney, shall make such investigation
23 as he may deem necessary, and no such complaint or information
24 shall be filed without the approval of such probation officer
25 or county attorney, except by order of a judge of the juvenile
26 court. Any defendant convicted upon such trial shall have
27 the right of appeal and trial de novo, including the right
28 of trial by jury, in the district court, ~~the same as in case-~~
29 ~~of appeals thereto from the justice courts.~~

30 Sec. 198. Section seven hundred thirty-nine point nine
31 (739.9), Code 1971, is amended as follows:

32 739.9 SHERIFF OR OTHER OFFICERS RECEIVING BRIBES. If
33 any sheriff, deputy sheriff, ~~or constable,~~ or any marshal,
34 deputy marshal, policeman, or police officer of any city or
35 town, receive from a defendant, or other person, any money

1 or other valuable thing as a consideration or inducement for
2 omitting or delaying to arrest any defendant or to carry him
3 before a magistrate or to prison, or for postponing, delaying,
4 or neglecting the sale of property on execution, or for
5 omitting or delaying to perform any other duty pertaining
6 to his office, he shall be fined not exceeding five hundred
7 dollars, or imprisoned in the county jail not exceeding six
8 months, or both fined and imprisoned, at the discretion of
9 the court.

10 Sec. 199. Section seven hundred forty point five (740.5),
11 Code 1971, is amended as follows:

12 740.5 FALSELY ASSUMING TO BE OFFICER. If a person falsely
13 assume to be a judge, ~~justice-of-the-peace~~, district
14 magistrate, sheriff, deputy sheriff, peace officer, special
15 agent of the Iowa department of public safety, or conserva-
16 tion officer, ~~or constable~~, and take upon himself to act as
17 such, or require anyone to aid or assist him in any matter
18 pertaining to the duty of any such officer, he shall be impris-
19 oned in the county jail not more than one year, or be fined
20 not exceeding three hundred dollars.

21 Sec. 200. Section seven hundred forty point six (740.6),
22 Code 1971, is amended as follows:

23 740.6 STIRRING UP QUARRELS AND SUITS. If any judge,
24 ~~justice-of-the-peace~~, clerk of any court, sheriff, ~~constable~~,
25 attorney, or counselor at law, encourage, excite or stir up
26 any action, quarrel, or controversy between two or more
27 persons, with intent to injure such persons, he shall be fined
28 not exceeding five hundred dollars, and shall be answerable
29 to the party injured in treble damages.

30 Sec. 201. Section seven hundred forty-two point seven
31 (742.7), Code 1971, is amended as follows:

32 742.7 ARMED FORCES UNDER COMMAND OF SHERIFF. When such
33 armed force is called out, it shall obey the commands of the
34 sheriff or other person appointed by the governor for that
35 purpose, or by a judge of the supreme, ~~district~~, ~~or superior~~

1 ~~court or other magistrate~~ or district court, district
 2 associate judge, or district magistrate in the order named,
 3 but such officer or person shall at all times be subject to
 4 the direction of the governor.

5 Sec. 202. Section seven hundred forty-three point four
 6 (743.4), Code 1971, is amended as follows:

7 743.4 UNLAWFUL ASSEMBLAGES--DISPERSION. When persons
 8 to the number of twelve or more, armed with dangerous weapons,
 9 or persons to the number of thirty or more, whether armed
 10 or not, are unlawfully or riotously assembled in any city
 11 or town, any judge, sheriff, and his deputies if they be
 12 present, the mayor, aldermen, marshall, ~~constables, and~~
 13 ~~justices of the peace~~ and district magistrates of such city
 14 or town must go among the persons assembled, or as near them
 15 as may be safe, and command them, in the name of the state,
 16 immediately to disperse.

17 Sec. 203. Section seven hundred forty-six point seven
 18 (746.7), Code 1971, is amended as follows:

19 746.7 TAKING BEFORE MAGISTRATE. If such arrest is made
 20 during the night, the officer may keep the person arrested
 21 in confinement until the next morning, unless bail be given,
 22 ~~and if made within the jurisdiction of a police court, he~~
 23 ~~must be taken before such court, unless the judge is absent.~~

24 Sec. 204. Section seven hundred forty-eight point one
 25 (748.1), Code 1971, is amended as follows:

26 748.1 "MAGISTRATE" DEFINED. The term "magistrate" in-
 27 cludes:

28 1. ~~All judges of the supreme, district, superior, or~~
 29 ~~municipal courts, throughout the state.~~

30 2. ~~All justices of the peace, mayors, and judges of the~~
 31 ~~police court, within their respective counties~~ all judges
 32 of the supreme and district courts and all district associate
 33 judges and district magistrates.

34 Sec. 205. Section seven hundred forty-eight point three
 35 (748.3), Code 1971, is amended by striking subsection two

1 (2).

2 Sec. 206. Section seven hundred fifty-one point forty
3 (751.40), Code 1971, is amended as follows:

4 751.40 APPEAL BY CLAIMANT. Any person appearing as afore-
5 said may, when the proceedings are not before a judge-of-the
6 district court magistrate, appeal to the a district court
7 judge from said judgment or forfeiture, as to the whole or
8 any part of said property, and the procedure on appeal, except
9 as herein modified, shall be as upon other appeals from
10 district magistrates' judgments.

11 Sec. 207. Section seven hundred fifty-four point one
12 (754.1), Code 1971, is amended as follows:

13 754.1 DEFINITION. A complaint or preliminary information
14 is a statement in writing, under oath or affirmation, made
15 before a magistrate, or in his absence before the district
16 court clerk or his deputy, of the commission or threatened
17 commission of a public offense, and accusing someone thereof.

18 Sec. 208. Section seven hundred fifty-four point three
19 (754.3), Code 1971, is amended as follows:

20 754.3 FILING--ISSUING WARRANT. When a preliminary infor-
21 mation is made before a magistrate, or district court clerk
22 or his deputy, charging the commission of some designated
23 public offense triable on indictment in the county in which
24 such magistrate, or district court clerk or his deputy, has
25 local jurisdiction, by some person named therein, he may issue
26 a warrant for the arrest of such person.

27 Whenever the preliminary information charges a misdemeanor
28 the magistrate, or district court clerk or his deputy, may
29 in his discretion issue a summons instead of a warrant of
30 arrest. The summons shall set forth substantially the nature
31 of the offense and shall command the person against whom the
32 complaint was made to appear before the magistrate issuing
33 the summons at a time and place stated therein.

34 The summons may be served in the same manner as an original
35 notice in a civil action.

1 If the person named in the summons is actually served as
2 provided herein and fails without good cause to appear as
3 commanded by the summons, he shall be considered in contempt
4 of court and may be punished by a fine of not more than twenty
5 dollars. Upon such failure to appear, the magistrate, or
6 district court clerk or his deputy, shall issue a warrant
7 of arrest for the offense originally charged, and institute
8 proceedings in contempt as provided by chapter 665.

9 If after issuing a summons the magistrate, or district
10 court clerk or his deputy, becomes satisfied that the person
11 to whom such summons has been directed will not appear, he
12 may at once issue a warrant of arrest without waiting for
13 the date mentioned in the summons. A warrant or summons
14 issued by a clerk or deputy shall be returnable before a
15 district magistrate for the county, or in his absence, before
16 the nearest district magistrate, whether the warrant is for
17 a felony as under section 757.2 or for a misdemeanor.

18 Sec. 209. Section seven hundred fifty-four point five
19 (754.5), Code 1971, is amended as follows:

20 754.5 DIRECTED TO PEACE OFFICER--CONTENTS. The warrant
21 must be directed to any peace officer in the state; give the
22 name of the defendant, if known to the magistrate, or dis-
23 trict court clerk or his deputy; if unknown, may designate
24 him by any name, and must state by name or general description
25 an offense which authorizes a warrant to issue, the time of
26 issuing it, the county, city, town, village, or township where
27 issued, and be signed by the magistrate, or district court
28 clerk or his deputy, with his name of office.

29 Sec. 210. Section seven hundred fifty-four point six
30 (754.6), Code 1971, is amended as follows:

31 754.6 ORDER FOR BAIL--ENDORSED ON WARRANT. If the offense
32 stated in the warrant be a misdemeanor, the magistrate, or
33 district court clerk or his deputy, issuing it must make an
34 endorsement thereon as follows: "Let the defendant, when
35 arrested, be admitted to bail in the sum of

1 dollars", stating the amount in which bail may be taken.

2 Sec. 211. Section seven hundred fifty-eight point one
3 (758.1), Code 1971, is amended as follows:

4 758.1 DISPOSITION OF PRISONER. When an arrest is made
5 without a warrant, the person arrested shall, without
6 unnecessary delay, be taken before the nearest or most
7 accessible magistrate in the county in which the arrest is
8 made, or if none is there available to the nearest available
9 magistrate, and the grounds on which the arrest was made shall
10 be stated to the magistrate by affidavit, subscribed and sworn
11 to by the person making the statement, in the same manner
12 as upon a preliminary information, as nearly as may be.

13 Sec. 212. Section seven hundred sixty point four (760.4),
14 Code 1971, is amended as follows:

15 760.4 DISCHARGE ORDERED--COSTS. If it appear that there
16 is no just reason to fear the commission of the offense alleged
17 to have been threatened, the person complained of must be
18 discharged, and the complainant may be ordered to pay the
19 costs of the proceeding if the magistrate regards the complaint
20 as unfounded and frivolous, and, ~~unless-when-the-proceeding~~
21 ~~is-before-a-judge-of-the-supreme7-district7-or-superior-court7~~
22 ~~may-issue-execution-therefor7-and-when-the-proceeding-is-~~
23 ~~before a-judge-of-the-supreme7-district7-or-superior-court7~~
24 he shall transmit the complaint, affidavits, warrant, and
25 order to the clerk of the district court of the county, who
26 shall file the same, make a memorandum thereof in the judgment
27 docket, and issue execution therefor immediately.

28 Sec. 213. Section seven hundred sixty point seven (760.7),
29 Code 1971, is amended by striking the section and inserting
30 in lieu thereof the following:

31 "The undertaking, together with the complaints, affidavits,
32 if any, and other papers in the proceeding must be filed by
33 the magistrate with the clerk of district court of the county
34 to stand trial in the district court subject to the provisions
35 of sections seven hundred sixty point ten (760.10) and seven

1 hundred sixty point eleven (760.11)."

2 Sec. 214. Section seven hundred sixty-one point two
3 (761.2), Code 1971, is amended as follows:

4 761.2 CHANGE OF VENUE--GROUNDS. Before any evidence is
5 heard, the defendant may have a change of venue, upon filing
6 an affidavit and establishing a ground that the magistrate
7 is prejudiced against him, or is a material witness for either
8 party, or that the defendant cannot obtain justice before
9 him, as affiant verily believes.

10 Sec. 215. Section seven hundred sixty-one point three
11 (761.3), Code 1971, is amended as follows:

12 761.3 PROCEDURE ON CHANGE. On filing such an affidavit
13 a change of venue must be allowed ~~7-and~~ if a ground of the
14 affidavit is established, whereupon the magistrate must imme-
15 diately transmit all original papers, and a transcript of
16 the entire record in the case, to-the-nearest-magistrate-in-
17 the-township, if there be one, if not, to the nearest
18 magistrate in the county, who shall proceed with said
19 examination as hereinafter provided; but one such change shall
20 be allowed. If there be no other magistrate in the county
21 who is a district magistrate, then the papers and transcript
22 shall be transmitted to the nearest district magistrate in
23 the district.

24 Sec. 216. Section seven hundred sixty-two point one
25 (762.1), Code 1971, is amended as follows:

26 762.1 JURISDICTION. ~~Justices-of-the-peace~~ District
27 magistrates have jurisdiction of, and ~~must~~ may hear, try,
28 and determine all public offenses, less than felony, committed
29 within their respective counties, in which the punishment
30 prescribed by law does not exceed a fine of one hundred dollars
31 or imprisonment for thirty days.

32 Sec. 217. Section seven hundred sixty-two point six
33 (762.6), Code 1971, is amended as follows:

34 762.6 WARRANT OF ARREST. Immediately upon the filing
35 of such information, the ~~justice~~ district magistrate, or in

1 his absence, the district court clerk or deputy may, in his
2 discretion, issue a warrant for the arrest of the defendant,
3 directed in the same manner as a warrant of arrest upon a
4 preliminary information, which may be served in like manner.

5 Sec. 218. Section seven hundred sixty-two point seven
6 (762.7), Code 1971, is amended as follows:

7 762.7 SERVICE OF WARRANT. The officer who receives the
8 warrant must serve the same by arresting the defendant, if
9 in his power, and bringing him without unnecessary delay
10 before the justice-who-issued-the-same district magistrate.
11 The district magistrate may fix bail and in his absence the
12 district court clerk or deputy may do so.

13 Sec. 219. Section seven hundred sixty-two point fourteen
14 (762.14), Code 1971, is amended as follows:

15 762.14 CHANGE ALLOWED--TRANSMISSION OF PAPERS. If such
16 affidavit be filed, and the grounds therein asserted are
17 established, the change of place of trial must be allowed,
18 and the justice district magistrate must immediately transmit
19 all the original papers, and a transcript of all his docket
20 entries in the case, to the next nearest justice-in-the-
21 township district magistrate, unless said justice district
22 magistrate be a party to the action, or is related to either
23 party by consanguinity, or affinity within the fourth degree,
24 or where he has been attorney for either party in the action
25 or proceeding; and in such case the justice district magistrate
26 before whom such action or proceeding is commenced shall
27 transmit all the original papers, together with a transcript
28 of all his docket entries, to the next nearest justice in-
29 the-county district magistrate against whom none of the above
30 objections exist, who shall proceed with the case as pro-
31 vided in this chapter, but no more than one change of place
32 of trial in the same case shall be allowed. If a district
33 magistrate is not there found, the papers and transcript shall
34 be transmitted to a district associate judge or a district
35 judge as district magistrate.

1 Sec. 220. Section seven hundred sixty-two point thirty-
2 one (762.31), Code 1971, is amended as follows:

3 762.31 JUDGMENT--RULES. When the defendant pleads guilty
4 or is convicted, ~~either-by-the-justice-or-by-a-jury,-the-~~
5 justice the district magistrate shall render judgment thereon
6 of fine or imprisonment, as the case may require, being
7 governed by the rules prescribed for the district court, as
8 far as the same are applicable, in rendering such judgment.

9 Sec. 221. Section seven hundred sixty-two point thirty-
10 two (762.32), Code 1971, is amended as follows:

11 762.32 IMPRISONMENT FOR NONPAYMENT OF FINE. A judgment
12 that the defendant pay a fine may also direct that he be
13 imprisoned until the fine is satisfied, pursuant to section
14 789.17.

15 Sec. 222. Section seven hundred sixty-two point thirty-
16 three (762.33), Code 1971, is amended as follows:

17 762.33 DEFENDANT DISCHARGED. When the defendant is
18 acquitted, ~~either-by-the-justice-or-by-a-jury,~~ he must be
19 immediately discharged.

20 Sec. 223. Section seven hundred sixty-two point thirty-
21 five (762.35), Code 1971, is amended as follows:

22 762.35 APPEAL. In either case the prosecuting witness
23 may appeal from such judgment to ~~the-~~ a district court judge,
24 by giving notice thereof as provided ~~in-this-chapter~~ with
25 reference to appeals by defendant, and the fact of the giving
26 of such notice shall be entered by the justice district
27 magistrate on his record. The same procedure shall obtain
28 as upon an appeal by the defendant.

29 Sec. 224. Section seven hundred sixty-two point forty-
30 one (762.41), Code 1971, is amended as follows:

31 762.41 PAYMENT TO SHERIFF. If the defendant be committed
32 for not paying a fine, he may pay it to the sheriff of the
33 county, but to no other person, who must ~~in-like-manner,~~
34 within thirty days after the receipt thereof, pay it into
35 the county treasury.

1 Sec. 225. Section seven hundred sixty-two point forty-
2 two (762.42), Code 1971, is amended as follows:

3 762.42 RECEIPT FOR FINE. If the fine, or any part thereof,
4 is paid to the justice district magistrate or sheriff, he
5 must execute duplicate receipts therefor, ~~one of which he~~
6 ~~must file without delay with the county auditor.~~

7 Sec. 226. Section seven hundred sixty-three point four
8 (763.4), Code 1971, is amended as follows:

9 763.4 FORM OF BAIL BOND. Bail is put in by a written
10 undertaking, executed by one or more sufficient sureties (with
11 or without the defendant, in the discretion of the court,
12 clerk, or magistrate), accepted by the court, clerk, or
13 magistrate taking the same, and may be substantially in the
14 following form:

15 County of

16 An order having been made on the day of,
17 A.D., by A..... B....., a ~~justice of the peace for~~
18 ~~other magistrate of the township of~~ magis-
19 trate, clerk, or deputy (or as the case may be) that C.....
20 D..... be held to answer upon a charge of (stating briefly
21 the nature of the offense), upon which he has been duly
22 admitted to bail, in the sum of dollars.

23 We, E..... F..... and G..... H....., hereby undertake
24 that the said C..... D....., shall appear at the district
25 court of the county of, on the day of
26 (month), 19.... (year) (which date shall not be more
27 than twenty days after perfection of the undertaking), and
28 answer said charge, and submit to the orders and judgment of
29 said court, and not depart without leave of the same, or, if
30 he fail to perform either of these conditions, that we will
31 pay to the state of Iowa the sum of dollars (insert-
32 ing the sum in which the defendant is admitted to bail).

33 E..... F.....

34 G..... H.....

35 Accepted by me as, in the township of,

1 in the county of, this day of,
2 A.D.

3 I..... J..... (with official title).

4 Sec. 227. Section seven hundred sixty-six point four
5 (766.4), Code 1971, is amended as follows:

6 766.4 FORFEITURE ~~IN-JUSTICE-OF-THE-PEACE-COURT~~ BEFORE
7 A MAGISTRATE. Where forfeiture is entered before a justice
8 ~~of-the-peace, or a court of limited jurisdiction, or before~~
9 ~~an examining magistrate, such court or officer~~ magistrate,
10 the magistrate, upon the forfeiture of the undertaking, shall
11 within ten days file the same, with a copy of all official
12 entries in relation thereto, in the office of the clerk of
13 the district court of the county; and thereupon it shall be
14 the duty of the clerk of the district court to direct the
15 sheriff to give notice as herein prescribed for appearance
16 before the district court at the date fixed in such notice,
17 and the district court shall then proceed in the same manner
18 as though such forfeiture had occurred in such court.

19 Sec. 228. Section seven hundred sixty-nine point two
20 (769.2), Code 1971, is amended by striking the section and
21 inserting in lieu thereof the following:

22 "The county attorney may file in the district court an
23 information charging a person with an indictable offense."

24 Sec. 229. Sections one hundred thirteen point nine (113.9),
25 one hundred twenty-six point six (126.6), one hundred sixty
26 point fourteen (160.14), three hundred twenty-one point one
27 hundred ninety (321.190), three hundred thirty-six point two
28 (336.2), three hundred thirty-six point three (336.3), three
29 hundred fifty-five point nine (355.9), five hundred fifty-
30 eight point twenty (558.20), six hundred sixty-five point
31 two (665.2), seven hundred seventeen point seven (717.7),
32 seven hundred eighteen point twenty-three (718.23), seven
33 hundred thirty-three point two (733.2), seven hundred fifty-
34 one point twenty (751.20), seven hundred fifty-two point four
35 (752.4), seven hundred fifty-four point two (754.2), seven

1 hundred sixty-two point two (762.2), and seven hundred sixty-
2 two point three (762.3), Code 1971, are amended by striking
3 from such sections the words "justice of the peace" or
4 "justices of the peace" and inserting in lieu thereof the
5 words "district magistrate" or "district magistrates" as
6 indicated.

7 Sec. 230. Sections three hundred thirty-seven point twelve
8 (337.12), seven hundred thirty-three point two (733.2), seven
9 hundred sixty-one point twenty-nine (761.29), seven hundred
10 sixty-two point two (762.2), seven hundred sixty-two point
11 three (762.3), seven hundred sixty-two point four (762.4),
12 seven hundred sixty-two point five (762.5), seven hundred
13 sixty-two point nine (762.9), seven hundred sixty-two point
14 ten (762.10), seven hundred sixty-two point eleven (762.11),
15 seven hundred sixty-two point twelve (762.12), seven hundred
16 sixty-two point thirteen (762.13), seven hundred sixty-two
17 point thirty-four (762.34), seven hundred sixty-two point
18 thirty-eight (762.38), and seven hundred sixty-two point
19 thirty-nine (762.39), Code 1971, are amended by striking from
20 such sections the word "justice" or "justices" and inserting
21 in lieu thereof the words "district magistrate" or "district
22 magistrates" as indicated.

23 Sec. 231. Sections forty-nine point one hundred fifteen
24 (49.115), sixty-five point nine (65.9), one hundred eighty-
25 eight point twenty-nine (188.29), three hundred thirty-six
26 point four (336.4), four hundred twenty point sixteen (420.16),
27 four hundred twenty point thirty-four (420.34), six hundred
28 four point one (604.1), six hundred five point nineteen
29 (605.19) through six hundred five point twenty-three (605.23),
30 inclusive, six hundred twenty-six point fifty-seven (626.57),
31 six hundred twenty-six point seventy-six (626.76), six hundred
32 twenty-six point one hundred two (626.102), six hundred forty-
33 eight point six (648.6), six hundred forty-eight point seven
34 (648.7), six hundred forty-eight point eight (648.8), six
35 hundred forty-eight point eleven (648.11), six hundred forty-

1 eight point twelve (648.12), six hundred forty-eight point
2 thirteen (648.13), six hundred forty-eight point fourteen
3 (648.14), six hundred forty-eight point twenty-one (648.21),
4 six hundred fifty-seven point five (657.5), seven hundred
5 sixty-one point fifteen (761.15), seven hundred sixty-two
6 point fifteen (762.15) through seven hundred sixty-two point
7 thirty (762.30), inclusive, seven hundred sixty-two point
8 thirty-six (762.36), seven hundred sixty-two point thirty-
9 seven (762.37), seven hundred sixty-two point forty (762.40),
10 seven hundred sixty-two point forty-three (762.43) through
11 seven hundred sixty-two point fifty-two (762.52), inclusive,
12 seven hundred sixty-nine point thirty-three (769.33), seven
13 hundred sixty-nine point thirty-four (769.34), and chapters
14 three hundred sixty-seven (367), six hundred one (601), six
15 hundred two (602), and six hundred three (603), Code 1971,
16 are repealed.

17 Sec. 232. This Act shall take effect January 1, 1973,
18 except for sections expressly providing otherwise.

19 EXPLANATION

20 This bill consolidates all trial courts into a unified
21 trial court, to be manned by district judges having full
22 jurisdiction and district magistrates having jurisdiction
23 of nonindictable misdemeanors and small civil claims; it
24 brings present municipal court judges into the unified court
25 as district associate judges during the transition, with the
26 jurisdiction which municipal court judges now possess and
27 with the tenure of district judges; it establishes a traffic
28 violations office to receive fines for admitted, nonhazardous
29 violations; and it discontinues all courts below the district
30 court.

31

32

33

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35

April 20, 1971

SENATE FILE 428
By COMMITTEE ON JUDICIARY

NOTE: SENATE AMENDMENTS
ARE SHOWN IN BOLD
FACE TYPE.

(AS PASSED BY THE SENATE)

*See Judiciary - Pass a/w amend. 2/8
Per C.C. Report*

Passed Senate, Date 3-16-72

Passed House, Date 2-22-72

Vote: Ayes 26 Nays 24

Vote: Ayes 65 Nays 33

Approved.....

Motion to reconsider 2-22, w.d. 2-24

A BILL FOR

*Passed House a/w Conference
Committee Report
3-17-72*

aye 76, nays 16

- 1 An Act to provide a unified trial court having district
- 2 court judges and district court magistrates; to discontinue
- 3 superior, justice of the peace, and police courts; and to
- 4 establish traffic violations offices within the district
- 5 court to receive uniform traffic violation penalties.
- 6 Be It Enacted by the General Assembly of the State of Iowa:

*Motion to reconsider filed 3-17
(1270)
Lost 3/23 (1367)*

2-25 Chair ruled parliamentary procedure complied with.

*Conference Committee appointed 3-1-72
Senators Riley, Gross, Messerly, and Threlkeld
Representatives Pelton, Knicker, Grassley, and Radt (870)*

UNIFIED TRIAL COURT

Section 1. UNIFIED TRIAL COURT. Effective January 1, 1973, there shall be a unified trial court in the state of Iowa, known as "Iowa District Court". The Iowa district court shall have general and original jurisdiction of all actions, proceedings, and remedies, civil, criminal, probate, and juvenile, and shall have and exercise all the power usually possessed and exercised by trial courts of general jurisdiction.

Sec. 2. JUDICIAL OFFICERS. To the extent provided in this Act, the judicial power of the Iowa district court shall be exercised by Iowa district judges and Iowa district magistrates.

DISTRICT JUDGES

Sec. 3. DISTRICT JUDGES. Iowa district judges shall possess the full jurisdiction of the Iowa district court, including the jurisdiction of district magistrates and municipal judges. While exercising the jurisdiction possessed by district magistrates, district judges shall be deemed district magistrates. They may hold court at any place where a district magistrate may do so, and shall employ district magistrates' practice and procedure, except that all entries shall be made in the records of the district court clerk. Either party in a criminal action before a district judge who is exercising the jurisdiction of a district magistrate shall be entitled to jury trial by filing with the clerk a written jury demand within ten days after the information is filed, or at least two days before the trial if the action is tried before ten days elapses. The laws relating to appeals to the supreme court from judgments or orders of district judges shall apply to all judgments or orders of district judges while exercising the jurisdiction of district magistrates.

Sec. 4. Section six hundred four point three (604.3), Code 1971, is amended by striking the section and inserting in lieu thereof the following:

- 36 604.3 PROBATE ORDERS. Iowa district judges shall have
37 statewide jurisdiction to enter orders in probate matters
38 not requiring notice and hearing, although the judge is not

1 a judge of or present in the district in which the probate
2 matter is pending. Such orders shall be made in conformity
3 with the rules of the district in which the probate matter
4 is pending.

5 Sec. 5. Section six hundred thirty-three point three
6 (633.3), Code 1971, is amended by striking subsection nine
7 (9) and inserting in lieu thereof the following:

8 9. Court—the Iowa district court sitting in probate and
9 includes any Iowa district judge.

10 Sec. 6. Section six hundred four point nine (604.9), Code
11 1971, is amended as follows:

12 604.9 PLACE OF HOLDING COURT. Courts must be held at
13 the places provided by law, except for the determination of
14 actions, special proceedings, and other matters not requiring
15 a jury, when they may[, by consent of the parties therein,]
16 be held at some other place *in the county or, with the con-*
17 *sent of the parties, in the district.*

18 DISTRICT MAGISTRATES

19 Sec. 7. APPOINTMENT AND TERMINATION. The district
20 of each district, sitting en banc, shall, by majority vote, judges
21 appoint Iowa district magistrates in such number and at such
22 locations in the district as will assure prompt service in
23 all counties. The judges may similarly terminate the appoint-
24 ment of any district magistrate, appoint another district
25 magistrate, fill vacancies, and increase or reduce the number
26 of district magistrates. The appointment of each district
27 magistrate shall be subject to confirmation by majority vote
28 of the district judicial nominating commission of the judicial
29 district within thirty days, failing which the appointment
30 shall be of no effect. Upon the request of the district
31 judges, the statistician of the judicial department shall
32 furnish them with written data to assist them in determining
33 the number, location, and compensation of district magistrates
34 for the area involved. The district magistrates appointed
35 initially shall take office January 1, 1973. District magis-

1 trates shall be officers of the state.

2 Before assuming office, a district magistrate shall sub-
3 scribe and file in the office of the clerk of the district
4 court of the county of his residence his oath of office to
5 uphold and support the Constitutions of the United States
6 of America and state of Iowa, the laws enacted pursuant
7 thereto, and the law and ordinances of the political
8 subdivisions of the state of Iowa.

9 Annually, the chief justice of the supreme court shall
10 cause a school of instruction to be conducted for district
11 magistrates, which each district magistrate shall attend un-
12 less excused by the chief justice for good cause.

13 Sec. 8. QUALIFICATIONS, AGE. A district magistrate shall
14 be an elector of the judicial district of appointment, shall
15 be less than seventy-two years of age, and shall cease to
16 hold office upon attaining that age. He shall be admitted
17 to the practice of law in Iowa or shall have passed a
18 magistrate's qualification test administered by the chief
19 justice of the supreme court.

20 Sec. 9. SALARY, EXPENSES. Each district magistrate shall
21 receive a salary payable monthly from the general(or court
22 fund of the county or counties regularly served by him)and
23 also his actual and necessary expenses in the performance
24 of his duties while away from the city or town of his
25 residence, in accordance with section six hundred five point
26 two (605.2) of the Code. The district judges appointing a
27 district magistrate shall determine and certify to the proper
28 county auditor)the annual salary to which he is entitled.
29 In the absence of a finding by such judges of unusual
30 circumstances, including the proportion of the magistrate's
31 time required by his duties, a district magistrate regularly
32 serving an area shall receive a salary as follows:

33	<u>Population of Area</u>	<u>Salary</u>
34	Under 20,000	\$3,600
35	20,000 to 29,999	\$4,800

1	30,000 to 39,999	\$6,000
2	40,000 to 49,999	\$7,200
3	50,000 or over	\$8,400

4 However, no district magistrate shall receive an annual
5 salary in excess of fifty percent of the salary of a district
6 judge. If a district magistrate regularly serves an area
7 including more than a single county, the district judges shall
8 probate his salary and expenses among the counties served
9 in proportion to his volume of work therein.

10 Sec. 10. JURISDICTION, VENUE. District magistrates shall
11 have jurisdiction of nonindictable misdemeanors, including
12 traffic and ordinance violations, preliminary hearings, search
13 warrant proceedings, and small claims. They shall also have
14 the powers specified in section seven hundred forty-eight
15 point two (748.2) of the Code. They shall have power to act
16 any place within the judicial district of appointment, and
17 venue shall be the same as in other district court proceedings.

18 Sec. 11. PLACES OF HOLDING COURT. District magistrates
19 shall hold court at the county seats in facilities which shall
20 be provided by the boards of supervisors, and at such other
21 places as directed; but if court is held in a city or town
22 outside the county seat, such city or town shall furnish suit-
23 able facilities and equipment and a bailiff. District magis-
24 trates may hold court anywhere in the district, as directed.

25 Sec. 12. PROCEDURE. The criminal procedure before district
26 magistrates shall be as provided in chapters seven hundred
27 fifty-one (751), seven hundred fifty-four (754) through seven
28 hundred sixty-three (763), inclusive, seven hundred sixty-
29 five (765), seven hundred sixty-six (766), and seven hundred
30 sixty-eight (768) of the Code, with trial to the magistrate
31 and right of appeal. The civil procedure before district
32 magistrates shall be as provided in small claims rules
33 promulgated by the supreme court under sections six hundred
34 eighty-four point eighteen (684.18) and six hundred eighty-
35 four point nineteen (684.19) of the Code.

1 Sec. 13. DOCKETS, JUDGMENTS, COSTS. The clerk of the
2 district court of the county in which a district magistrate
3 resides shall furnish him a docket, in which the district
4 magistrate shall enter all proceedings except small claims.
5 Such docket shall be indexed and shall contain in each case
6 the title and nature of the action; place of hearing;
7 appearances; and notations of the documents filed with the
8 district magistrate, of the proceedings in the case and orders
9 made, of the verdict and judgment, including costs of any
10 satisfaction of the judgment, of whether the judgment was
11 certified to the clerk of the district court, of whether an
12 appeal was taken, and of the amount of the appeal bond. Costs
13 shall be those of the district court. If the judgment and
14 costs are not fully and immediately satisfied in criminal
15 cases, the district magistrate shall promptly certify a copy
16 of the judgment to the clerk of the district court indicating
17 thereon the portion unsatisfied; and the clerk shall index
18 and file the judgment, whereupon it shall be a judgment of
19 the district court without recording.

20 Sec. 14. APPEALS. Appeals from judgments of district
21 magistrates may be taken orally at the conclusion of the trial
22 or hearing or by filing with the district magistrate a written
23 notice of appeal within twenty days after the judgment is
24 rendered. In civil cases an appeal may be taken by any party.
25 In criminal cases an appeal may only be taken by the defendant.
26 In civil cases the magistrate shall note the notice of appeal
27 on the original notice first filed, or if the notice of appeal
28 is in writing promptly file it with the clerk. In criminal
29 cases the district magistrate shall promptly file with the
30 clerk of the district court a transcript of the entries in
31 his docket and cause all exhibits offered in evidence to be
32 delivered to the clerk. In civil cases, within twenty days
33 after an appeal is taken, unless extended by order of a dis-
34 trict judge or by stipulation of the parties, any party may
35 file with the clerk a transcript of the official report, if

1 any, and in the event the report was made electronically,
2 the tape or other medium on which the proceedings were
3 preserved shall be filed as part of the record; a district
4 judge shall promptly hear the appeal upon the record thus
5 filed without further evidence; and the judge shall decide
6 the appeal without regard to technicalities or defects which
7 have not prejudiced the substantial rights of the parties,
8 and may affirm, reverse, or modify the judgment or render
9 judgment as the magistrate should have rendered. In criminal
10 cases, promptly but not sooner than ten days after the
11 magistrate files the transcript with the clerk, the appeal
12 shall be tried de novo by a district judge, or by a jury if
13 written jury demand is filed with the clerk by either
14 party before the transcript is filed or within ten days
15 thereafter; and judgment shall be rendered as though the case
16 were being originally tried. Execution of a judgment of a
17 district magistrate shall be stayed upon the filing with the
18 clerk of the district court an appeal bond with surety approved
19 by the clerk, in the sum specified in the judgment. The laws
20 relating to appeals to the supreme court from judgments and
21 orders of a district judge shall apply to judgments and orders
22 of district judges on appeals from district magistrates.

23 Sec. 15. FUNDS, REPORTS. Each month each district magis-
24 trate shall file with the proper county treasurer a sworn,
25 itemized statement, by case, of all funds received and dis-
26 bursed, and at least monthly shall remit to the persons en-
27 titled thereto all funds received by him. Fines and forfeited
28 bail shall be remitted to the city or town which was the
29 plaintiff, or to the proper county if the state was the
30 plaintiff. All fees and costs not thus disposed of shall
31 be remitted monthly by the district magistrate to the proper
32 county treasurer or treasurers.

33 Sec. 16. COURTS ABOLISHED, TRANSITION. All mayor's
34 justice of the peace courts, police courts, and superior courts
35 and offices connected therewith, are

1 abolished as of January 1, 1973. Promptly after December
2 31, 1972, the officials of these courts shall file all
3 documents and books pertaining to their offices with the clerk
4 of the district court of their counties. District judges
5 shall assign to district magistrates the pending cases within
6 district magistrates' jurisdiction, and such cases shall then
7 be pending before those district magistrates. All other
8 pending cases shall be pending in the district court of the
9 county, and the clerk of that court shall within thirty days
10 give written notice of that fact by ordinary mail to the
11 parties or their attorneys of record at their last known
12 addresses.

13 Sec. 17. MAGISTRATES NOT HOLDING OFFICE. When a dis-
14 magistrate ceases to hold office, his docket and all records
15 relating to his office shall be promptly deposited with the
16 clerk of the district court who issued the docket.

1 **TRAFFIC VIOLATIONS OFFICE AND FINES**

2 **Sec. 18. UNIFORM SUMMONS.** The commissioner of pub-
3 lic safety shall adopt, obtain, and distribute at cost to
4 state and local law enforcement agencies a uniform, combined
5 traffic charge and summons, which shall be used for charging
6 all traffic violations in Iowa under state law or municipal
7 ordinance, unless the defendant is charged by information
8 or section **twenty-five (25)** of this Act is applicable. Each
9 summons shall be serially numbered and shall be in
10 quadruplicate, and the officer shall deliver the original
11 and a copy to the court where the defendant is to appear,
12 a copy to the defendant, and a copy to the law enforcement
13 agency of the officer. The summons shall contain, among other
14 things, spaces for the parties' names and for the information
15 required by section three hundred twenty-one point four hundred
16 eighty-five (321.485), subsection two (2) of the Code; a place
17 where the defendant may sign the promise to appear referred
18 to in section three hundred twenty-one point four hundred

1 eighty-six (321.486) ; a list of the minimum fines prescribed
2 by section twenty (20) of this Act, either separately
3 or by groups; a brief explanation of sections **twenty-one**
4 **(21)** and **twenty-two (22)** of this Act; and a space where the
5 defendant may sign an admission of the violation when such
6 section **twenty-one (21)** is applicable. Every summons shall
7 require the defendant to appear before a court at a specified
8 time and place. Notwithstanding section three hundred twenty-
9 one point four hundred eighty-five (321.485), subsection two
10 (2), the officer may arrest the defendant although a summons
11 is used to charge the violation, if authorized by section
12 seven hundred fifty-five point four (755.4) of the Code.

13 **Sec. 19. TRAFFIC VIOLATIONS OFFICES.** Each district court
14 clerk's office shall constitute a traffic violations office
15 of the district court. Where there is a municipal court
16 within a county, the office of the clerk of such municipal
17 court shall constitute the traffic violations office, in
18 lieu of the district court, for violations of city ordinances
19 of the city in which such court is located; violations of
20 state laws, within its jurisdiction, committed within the
21 corporate limits of such city; and matters transferred to
22 such court for trial. Notwithstanding section twenty-four
23 (24), court costs attributable to all such violations and
24 matters shall be remitted to the treasurer of the city in
25 which the municipal court is located. Additional traffic violations
26 offices may be established at other locations, as needed, if authorized
27 by the chief judge of the district.

28 **Sec. 20. SCHEDULED VIOLATIONS.** The minimum fine for all
29 convictions of the following violations, whether of state
30 law or municipal ordinance, shall be:

- 31 1. Violation of school or other stop sign or of traffic
32 signal, ten dollars.
- 33 2. Failure to yield right-of-way, ten dollars.
- 34 3. Illegal parking, except under section **twenty-five (25)**
35 hereof, two dollars.

- 36 4. Registration card or plate violation, four dollars.
- 37 5. Improper lights, ten dollars.
- 38 6. Prohibited turn, ten dollars.
- 39 7. Improper muffler, ten dollars.
- 40 8. Other defective equipment, ten dollars.
- 41 9. Excess speed up to ten miles per hour over the legal
- 42 limit, ten dollars.
- 43 10. Excess speed ten to twenty miles per hour over the
- 44 legal limit, twenty dollars.
- 45 11. Improper turning, fifteen dollars.

- 1 12. Following too closely, ten dollars.
- 2 13. Motor running unattended, ten dollars.
- 3 14. Driving illegal direction, ten dollars.
- 4 15. Failure to dim lights, ten dollars.
- 5 16. Violation of restricted license, ten dollars.
- 6 17. Failure to give half-of-way, fifteen dollars.
- 7 18. Failure to signal passing or turning, ten dollars.
- 8 19. Stopping on traveled portion, twenty dollars.
- 9 20. Violation of height, length, or width, twenty dollars.
- 10 Such violations shall be called scheduled violations.

11 Sec. 21. ADMISSION OF SCHEDULED VIOLATIONS.

- 12 1. In cases of scheduled violations, the defendant, before
- 13 the time specified in the summons for appearance before the
- 14 court, may sign the admission of violation on the summons
- 15 and deliver or mail the summons, together with the minimum
- 16 fine for the violation, plus four dollars costs, to a traffic
- 17 violations office in the county. The office shall, if the
- 18 offense is a moving violation, forward a copy of the summons
- 19 and admission to the commissioner of public safety as required
- 20 by section three hundred twenty-one point two hundred seven
- 21 (321.207) of the Code. Thereupon the defendant shall not
- 22 be required to appear before the court. The admission shall
- 23 constitute a conviction.
- 24 2. A defendant charged with a schedule violation by in-
- 25 formation may obtain two copies of the information from the
- 26 court and, before the time he is required to appear before
- 27 the court, deliver or mail such copies, together with his
- 28 admission, fine, and four dollars costs, to the traffic viola-
- 29 tions office in the county. The procedure, fine, and costs
- 30 shall be the same as when the charge is by summons, with the
- 31 admission and the number of the defendant's operator's or
- 32 chauffeur's license placed upon the information.
- 33 3. When sections twenty (20) and twenty-one (21)
- 34 of this Act are applicable but the officer does not deem it
- 35 advisable to release the defendant and no readily accessible

1 traffic violations office or court in the county is in ses-
2 sion:

3 a. If the defendant wishes to admit the violation, the
4 officer may release the defendant upon observing him mail
5 the summons, admission, and minimum fine, together with four
6 dollars costs, to a traffic violations office in the county,
7 in an envelope furnished by the officer.

8 b. If the defendant does not comply with paragraph "a"
9 of this subsection, the officer may release the defendant
10 upon observing him mail to a court in the county the summons
11 and twice the minimum fine together with four dollars costs,
12 or in lieu of twice the fine and the costs, a guaranteed
13 arrest bond certificate as provided in subsection seventy
14 (70) of section three hundred twenty-one point one (321.1),
15 together with the following statement signed by the defendant:

16 "I agree that either (1) I will appear pursuant to this
17 summons, or (2) if I do not so appear that I hereby admit
18 the violation charged in the summons and complaint and consent
19 to entry of judgment of conviction for twice the minimum fine
20 together with four dollars costs and to application of the
21 enclosed funds or bail in satisfaction of such fine and costs."

22 c. If the defendant does not comply with paragraph "a"
23 or "b", or in any event when section seven hundred fifty-five
24 point four (775.4) of the Code is applicable, the officer
25 may arrest and confine the defendant if authorized by the
26 latter section, and proceed with him according to chapter
27 seven hundred fifty-seven (757) or seven hundred fifty-eight
28 (758) of the Code.

29 4. Any defendant who admits a scheduled violation may
30 nevertheless appear before court. The procedure, costs,
31 and fine, without suspension, after the hearing shall be the
32 same as in the traffic violations office.

33 5. A defendant charged with a scheduled violation who
34 does not fully comply with subsection one (1), two (2), three
35 (3), or four (4) of this section before the time required

1 to appear before the court must, at that time, appear before
2 the court. If such defendant admits the violation, the
3 procedure and fine, without suspension, after the hearing
4 shall be the same before the court as before the traffic
5 violations office but with regular court costs, without
6 prejudice, when applicable, to proceedings under section three
7 hundred twenty-one point four hundred eighty-seven (321.487)
8 of the Code.

9 Sec. 22. REQUIRED COURT APPEARANCE. Section twenty-one
10 (21) of this Act shall not apply to a scheduled violation:

11 1. When the officer charges that the violation has hazard-
12 ous or aggravated, as because of highway conditions,
13 visibility, traffic, accident, injuries, repetition, or other
14 circumstances; or

15 2. When the officer charges that the defendant when ap-
16 prehended did not have his operator's or chauffeur's license
17 or permit with him or had no license or permit.

18 In such cases, the defendant shall appear before the court
19 and regular procedure shall apply. If an information is used
20 the officer shall endorse thereon, "Not for traffic violations
21 office." If a summons is used, the officer shall strike out
22 the space in which the defendant may admit the violation be-
23 fore a traffic violations office. A summons or information
24 containing a charge under subsections one (1) and two (2)
25 shall not itself constitute substantive proof of the charge.

26 Sec. 23. OTHER PENALTIES. When section twenty-one (21)
27 of this Act does not apply to a scheduled violation or when
28 the defendant denies a scheduled violation, if the defendant
29 is found guilty the penalty shall be the minimum fine, with-
30 out suspension, prescribed in section twenty (20) of
31 this Act together with regular court costs, unless it appears
32 that the violation was hazardous or aggravated, in which event
33 the punishment shall be increased accordingly within the
34 limits of law.

35 Sec. 24. DISPOSITION OF TRAFFIC FINES AND COSTS. Fines

1 collected for all traffic violations shall be remitted to
2 the treasurer of the city or town which was the plaintiff
3 or to the treasurer of the proper county if the state was
4 the plaintiff. Costs collected by traffic violations
5 offices shall be remitted monthly to the county treasurer
6 and be credited to the general fund of the county.

7 Sec. 25. PARKING METER VIOLATIONS. Section three hun-
8 dred
9 twenty-one point two hundred thirty-six (321.236), subsection
10 one (1), Code 1971, is amended by adding thereto the follow-
11 ing:

12 "Parking meter violations which are denied shall be charged
13 and proceed before a court the same as other traffic
14 violations. Parking violations which are admitted:

15 a. May be charged upon a simple notice of a fine not
16 exceeding five dollars payable to the city or town clerk,
17 if authorized by ordinance.

18 b. Notwithstanding any such ordinance, may be charged
19 and proceed before a traffic violations office or a court,
20 as the case may be, the same as other traffic violations."

21 Sec. 26. Section seven hundred fifty-three point two
22 (753.52), Code 1971, is amended by adding the following:

23 "Traffic violations committed by a defendant while a peace
24 officer is in fresh pursuit may be prosecuted in any county
25 through which pursuit is made, irrespective of where committed.
26 Upon written consent of the defendant and the officer who
27 apprehended him, traffic violations may be prosecuted in any
28 county in the state irrespective of where committed, and in
29 such event the documents in the case shall be sent to the
30 court or traffic violations office designated by the defendant
31 and the officer."

SMALL CLAIMS

32 Sec. 27. SMALL CLAIMS COURT. Effective January 1, 1973,
33 there shall be a small claims court which shall be a division

1 of the district court, however, if there is a municipal court
2 within the county, the small claims court shall be a division
3 of the municipal court and in such case any reference to district
4 courts contained in sections twenty-eight (28) through thirty-eight
5 (38), inclusive, of this Act shall be construed to mean the
6 municipal court.

7 Sec. 28. JURISDICTION OF THE SMALL CLAIMS COURT. The
8 small claims court shall have jurisdiction over civil actions
9 in which the amount in controversy in money or value is less
10 than three hundred dollars, exclusive of interest and costs.
11 Small claims shall be commenced, heard, and determined in
12 district court in accordance with sections twenty-seven (27)
13 through thirty-eight (38) of this Act, inclusive. Other statutes
14 and rules relating to civil proceedings shall apply, but only
15 insofar as not inconsistent with this Act. Small claims on
16 file for ninety days and not determined shall be dismissed
17 without prejudice unless prior thereto a party secures an
18 order of continuance to a date certain after notice and
19 hearing, upon a ground stated in rule two hundred fifteen
20 point one (215.1) of the rules of civil procedure. Contested
21 claims in an amount of a small claim may be heard and
22 determined under this Act and actions therefor may be commenced
23 hereunder; if commenced as a regular civil action or under
24 the statutes relating to probate proceedings, they shall be
25 transferred to the small claims docket and proceed accordingly.
26 Civil actions coming within this Act but commenced as a regular
27 action shall not be dismissed but shall be transferred to
28 the small claims docket and proceed accordingly. Civil and
29 probate actions not coming within this Act but commenced
30 hereunder shall be dismissed without prejudice except for
31 defendants who have appeared, as to whom such actions shall
32 be transferred to the combination or probate docket, as
33 appropriate and proceed accordingly.

34 Sec. 29. COMMENCEMENT OF ACTIONS. All actions shall be
35 commenced by the filing of an original notice with the clerk

36 and by the mailing by the clerk of a copy of the original
37 notice to each defendant at his last known address, as stated
38 in the original notice, by restricted certified mail, return
39 receipt to the clerk requested. Instead of the mailing, the
40 plaintiff may, after filing the original notice with the

1 clerk, cause a copy of same to be served on all or some
 2 defendants in the manner provided in the rules of civil
 3 procedure pertaining to the commencement of actions. The
 4 clerk shall maintain a book known as the small claims docket,
 5 which shall contain as to small claims the matters contained
 6 in the combination docket as to the regular civil actions.
 7 Sec. 30. ORIGINAL NOTICE—FORM. The original notice must
 8 be mailed or otherwise served not less than ten nor more than
 9 twenty days prior to the hearing date. The original notice
 10 and copies shall be signed by the plaintiff, either in person
 11 or by attorney, and shall be in substantially the following
 12 form:

13 IN THE DISTRICT COURT OF IOWA
 14 IN AND FOR COUNTY
 15)
 16 Plaintiff(s))
 17)
 18)
 19 Address of each plaintiff)
 20)
 21 vs) SMALL CLAIM NO.
 22)
 23 Defendant(s))
 24)
 25)
 26)
 27 Address of each defendant)

28 ORIGINAL NOTICE

29 To the above named defendant(s) :

30 YOU ARE HEREBY NOTIFIED that the above named plaintiff(s)
 31 demands of you

32 (1. If demand is for money, state amount;
 33

34 2. If demand is for something else, state briefly what is
 35

1 demanded and its value in money; 3. If both money and some-
2 based on
3 thing else are demanded, state both 1 and 2)
4 and that unless you
5 (state briefly the basis for the demand)
6 appear and defend before the above named court at
7 (Place)
8 in, Iowa, at o'clock M.
9 (City or Town)
10 on the day of, 19..... judgment will
11 be rendered against you for the relief demanded, together with
12 interest and court costs.

13
14 Plaintiff(s)

15 Sec. 31. DUTIES OF CLERK. The clerk shall furnish forms
16 of original notice. At the time of filing, the clerk shall
17 enter on the original notice and the copies to be served
18 the file number, and the time and place of hearing, which
19 shall be a time when small claims are scheduled to be heard
20 not less than ten nor more than twenty days after the date
21 on which the notice will be mailed or otherwise served. The
22 clerk shall mail a copy of the original notice to each de-
23 fendant by restricted certified mail, return receipt to the
24 clerk requested, except for defendants whom the plaintiff
25 wishes to serve under the rules of civil procedure pertain-
26 ing to commencement of actions.

27 Sec. 32. FEES AND COSTS. Fees and costs shall be one-
28 half of fees and costs in regular civil actions in district
29 court.

30 Sec. 33. PLEADINGS AND MOTIONS. Except as provided in
31 section thirty (30) and section thirty-four (34) of this
32 Act, there shall be no written pleadings or motions unless
33 the court in the interest of justice requires them, in which
34 event they shall be similar in form to the original notice.

35 Sec. 34. PROCEDURE.

1 1. The rules of civil procedure pertaining to action,
2 joinder of actions and parties and rule seventy-five of the
3 rules of civil procedure shall be applicable to small claims
4 actions, except that rule twenty-nine shall not apply to
5 actions originating as small claims actions.

6 2. In small claims actions, if a party joins a small claim
7 with one which is not a small claim, the court shall:

8 a. Order the small claim to be heard under this division
9 and dismiss the other claim without prejudice, or

10 b. As to parties who have appeared or are existing parties,
11 either (1) order the small claim to be heard under the
12 procedures specified in this Act and the other claim to be
13 tried by regular procedure or (2) order both claims to be
14 tried by regular procedure.

15 3. In small claims actions, a counterclaim, cross claim,
16 or intervention in the amount of a small claim shall be in
17 writing and similar in form to the original notice, and shall
18 be entitled original notice of counterclaim, of cross claim,
19 or of intervention, as the case may be. A copy shall be filed
20 for each existing party. New parties may be brought in without
21 order and shall be served with notice as provided in section
22 twenty-nine (29) and section thirty (30) of this Act;
23 and if notice is to be served by mail the clerk shall collect
24 the costs of mailing before filing the pleading. The clerk
25 shall furnish forms of such pleadings. No counterclaim is
26 necessary to assert an offset arising out of the subject to
27 the plaintiff's claim.

28 4. In small claims actions, a counterclaim, cross claim,
29 or intervention in a greater amount than that of a small claim
30 shall be in the form of a regular pleading. A copy shall
31 be filed for each existing party. New parties, when permitted
32 by order, may be brought in under rule thirty-four of the
33 rules of civil procedure and shall be given notice under the
34 rules of civil procedure pertaining to announcement of actions.
35 The court shall either order such counterclaim, cross claim,

1 or intervention to be tried by regular procedure and the other
2 claim to be heard under this division, or order the entire
3 action to be tried by regular procedure.

4 5. In regular action, when a party joins a small claim
5 with one which is not a small claim, regular procedure shall
6 apply to both unless the court transfers the small claim to
7 the small claims docket for hearing under this division.

8 6. In regular actions, a counterclaim, cross claim, or
9 intervention in the amount of a small claim shall be pleaded,
10 tried, and determined by regular procedure, unless the court
11 transfers the small claim to the small claims docket for hear-
12 ing under this division.

13 7. Pleadings which are not in correct form under this
14 section shall be ordered amended so as to be in correct form;
15 but a small claim which is proceeding under this Act need
16 not be amended although in the form of a regular pleading.

17 8. Copies of any papers filed by the parties which are
18 not required to be served, shall be mailed or delivered by
19 the clerk as provided in rule eighty-two of the rules of civil
20 procedure.

21 **Sec. 35. PROPER NOTICE DETERMINED.** At the time for hear-
22 ing the court or clerk shall first determine that proper
23 notice has been given a party before proceeding further as
24 to him, unless he has appeared or is an existing party, and
25 also that the action is properly brought as a small claim.

26 **Sec. 36. FAILURE TO APPEAR—EFFECT.** Unless good cause
27 to the contrary appears, if the parties fail to appear at
28 the time of hearing the claim shall be dismissed without
29 prejudice by the court or clerk; if the plaintiff fails to
30 appear but the defendant appears, the claim shall be dismissed
31 with prejudice by the court or clerk; and if the plaintiff
32 appears but the defendant fails to appear, judgment shall
33 be rendered against the defendant by the court, or by the
34 clerk if the relief to be granted is readily ascertainable.
35 The filing by the plaintiff of a verified account, or an

1 instrument in writing for the payment of money with an
2 affidavit the same is genuine, shall constitute an appearance
3 by plaintiff for the purpose of this rule. At the request
4 of either party, the court shall grant such party one
5 continuance to a day certain.

6 Sec. 37. HEARING. The time for appearance shall be the
7 time for hearing, unless a continuance has been granted under
8 section thirty-six (36) of this Act. The hearing shall be
9 to the court, shall be simple and informal, and shall be con-
10 ducted by the court itself, without regard to technicalities
11 of procedure; but the decision must be based on substantial
12 evidence. The court shall swear the parties and their wit-
13 nesses, and examine them in such way as to bring out the
14 truth. The parties may participate, either personally or
15 by attorney. The court may continue the hearing from time
16 to time if justice requires. The proceedings shall not be
17 reported unless a party provides a reporter at his own expense
18 or the parties by agreement cause the proceedings to be
19 electronically reported, but there shall be no delay for such
20 purpose.

21 Sec. 38. ENTRY OF JUDGMENT.

22 1. The judgment shall be entered in a space on the original
23 notice first filed, and the clerk shall immediately enter
24 the judgment in the small claims docket and district court
25 lien book, without recording. Such relief shall be granted
26 as is appropriate. The court may enter judgment for
27 installment payments to be made directly by the party obligated
28 to the party entitled thereto; and in such event execution
29 shall not issue as long as such payments are made but execution
30 shall issue for the full unpaid balance of the judgment upon
31 the filing of an affidavit of default. When entered on the
32 small claims docket and district court lien book, a small
33 claims judgment shall constitute a lien to the same extent
34 as regular judgments entered on the district court judgment
35 docket and lien book; but if a small claims judgment requires

1 installment payments, it shall not be enforceable until an
2 affidavit of default is filed, whereupon it shall constitute
3 a lien for the full unpaid balance of the judgment.

4 2. Unless the hearing is reported, minutes of the testi-
5 mony of each witness and of any stipulations of the parties
6 shall likewise be entered on the original notice first filed
7 and the exhibits or copies thereof shall be attached to the
8 original notice or be filed, until released by the court.

9 COORDINATING AMENDMENTS

10 Sec. 39. Section fourteen point ten (14.10), subsection
11 three (3), Code 1971, is amended as follows:

12 3. The secretary of state shall prepare and deliver to
13 the Code editor for insertion in the session laws a correct
14 list of state officers and deputies, judges of the supreme,
15 district, [superior,] and municipal courts and members of
16 the general assembly.

17 Sec. 40. Section sixteen point twenty-four (16.24), sub-
18 sections five (5) and sixteen (16), Code 1971, are amended
19 as follows:

20 5. To each judge of the supreme, district, [superior,]
21 and municipal courts of Iowa 1 copy

22 16. To the clerk of the district court, the county
23 attorney, the county auditor, the county recorder, county
24 assessor, the county treasurer, the sheriff, and the county
25 superintendent of each county in the state, to the clerk
26 of each [superior or] municipal court in the state, and also
27 for use in each courtroom of the district[, superior,] or
28 municipal court 1 copy

29 Sec. 41. Section sixteen point twenty-five (16.25), sub-
30 sections five (5), six (6), and twelve (12), Code 1971, are
31 amended as follows:

- 1 5. To the office of each judge of the
2 supreme, district, [superior,] and municipal courts, and of the
3 federal courts in Iowa 1 copy
4 6. To the office of each clerk of the
5 federal courts in this state, and of the
6 supreme, district, [superior] and municipal courts of this
7 state 1 copy
8 12. To each court room of the district[,]
9 [superior,] and municipal courts 1 copy
10 Sec. 42. Section thirty-nine point twenty-one (39.21),
11 Code 1971, is repealed. This section shall take effect July
12 1, 1971.
13 Sec. 43. Section forty-three point three (43.3), Code
14 1971, is amended as follows:
15 43.3 OFFICES AFFECTED BY PRIMARY. Candidates of all
16 political parties for all offices which are filled at a regular
17 biennial election by direct vote of the people[, except the
18 office of judge of the supreme and district courts,] shall
19 be nominated at a primary election at the time and in the
20 manner hereinafter directed.

1 Sec. 44. Section forty-nine point one hundred six (49.106),
2 Code 1971, is amended as follows:

3 49.106 MAY COMMIT DISORDERLY PERSON. Any [constable
4 special] policeman may forthwith arrest such person and bring
5 him before the judges of election, and they, by a warrant
6 under their hands, may commit him to the jail of the county
7 for a term not exceeding twenty-four hours, but they shall
8 permit him to vote.

9 Sec. 45. Section forty-nine point one hundred sixteen
10 (49.116), Code 1971, is amended as follows:

11 49.116 PRESERVING ORDER. All special policemen [and
12 constables] are authorized and required to preserve order and
13 peace at all places of election, and such special policemen,
14 [constables,] and all other persons are authorized and required
15 to obey the lawful orders and commands of said judges of
16 election given to prevent violations of this chapter.

17 Sec. 46. Section fifty point twenty-one (50.21), Code
18 1971, is amended as follows:

19 50.21 ABSTRACTS OF VOTES—CERTIFICATES OF ELEC-
20 tally lists shall be opened in the presence of all the can-
21 vassers, and an abstract of votes made and signed by them,
22 and the result declared, and a certificate of election signed

1 by them giving the candidates elected. If the mayor shall
2 have been a candidate at such election, [a justice of the peace]
3 *a qualified elector of the city not a candidate of the county,*
4 selected by the clerk, shall act with him in making the
5 canvass.

6 Sec. 47. Section fifty point twenty-five (50.25), Code
7 1971, is amended by striking subsection seven (7).

8 Sec. 48. Section sixty-two point four (62.4), Code 1971,
9 is amended as follows:

10 62.4 SHERIFF TO ATTEND. The court or presiding judge
11 may direct the attendance of the sheriff or a [constable] *deputy*
12 when necessary.

13 Sec. 49. Section sixty-two point twenty-five (62.25),
14 Code 1971, is amended by striking the section and inserting
15 in lieu thereof the following:

16 "A transcript of the judgment may be filed and recorded
17 in the office of the clerk of the district court and shall
18 have the effect of a judgment of that court and execution
19 may issue thereon."

20 Sec. 50. Section sixty-four point one (64.1), Code 1971,
21 is amended by striking subsection four (4) and inserting in
22 lieu thereof the following:

23 "Judges of the supreme and district courts, **municipal**
24 judges, and district magistrates."

25 Sec. 51. Section sixty-four point eight (64.8), Code 1971,
26 is amended as follows:

27 64.8 COUNTY OFFICERS. The bonds of the following county
28 officers, viz.: Clerks of the district courts, county at-
29 torneys, recorders, auditors, superintendents of schools,
30 sheriffs, [justices of the peace, and constables,] and assessors
31 shall each be in a penal sum to be fixed by the board of
32 supervisors.

33 Sec. 52. Section sixty-four point nine (64.9), Code 1971,
34 is amended as follows:

35 64.9 MINIMUM BONDS OF COUNTY OFFICERS. Bonds of
members

1 of the board of supervisors, clerks of the district courts,
2 county auditors, sheriffs, and county attorneys shall not
3 be in less sum than five thousand dollars each [, and those
4 of justices and constables, not less than five hundred dollars
5 each.]

6 Sec. 53. Section sixty-four point twenty-three (64.23),
7 subsection five (5), Code 1971, is amended as follows:

8 5. For members of the board of supervisors, [and for
9 justices of the peace,] with the clerk of the district court.

10 Sec. 54. Section sixty-four point twenty-four (64.24),
11 subsection two (2), Code 1971, is amended as follows:

12 2. In the record kept by the county auditor, the official
13 bonds of all county officers, elective or appointive, [justices
14 of the peace,] *and* township clerks[, and constables].

15 Sec. 55. Section sixty-eight point one (68.1), Code 1971,
16 is amended as follows:

17 68.1 IMPEACHMENT DEFINED. An impeachment is a written
18 accusation against the governor, or a judge of the supreme[,]
19 *or* district[, or superior] court, or other state officer, by
20 the house of representatives before the senate, of a mis-
21 demeanor or malfeasance in office.

22 Sec. 56. Section sixty-nine point eight (69.8), subsection
23 four (4), Code 1971, is amended as follows:

24 4. COUNTY OFFICES. In county offices, [including justices
25 of the peace and constables,] by the board of supervisors.

26 Sec. 57. Section seventy-eight point one (78.1), Code
27 1971, is amended as follows:

28 78.1 GENERAL AUTHORITY. The following officers are em-
29 powered to administer oaths and take affirmations:

30 1. Judges of the supreme, district, [superior,
31 municipal, and police] *and municipal* courts.

32 2. Official court reporters of district [, superior,]
33 *and municipal* courts in taking depositions under appointment or
34 by agreement of counsel.

1 **3. Clerks and deputy clerks of the supreme,**
2 **district, [superior, police,] and municipal courts.**

3 [4. Justices of the peace within the county of their
4 residence.]

5 4. [5.] Notaries public within the county of their
6 appointment, and within any county in which they have filed
7 with the clerk of the district court of said county a certi-
8 fied copy of their certificate of appointment.

9 5. [6.] Examiners appointed by the state commerce commission
10 under the provisions of section 474.19.

11 6. [7.] Certified shorthand reporters.

12 Sec. 58. Section eighty-five point sixty-two (85.62),
13 unnumbered paragraph one (1), Code 1971, is amended as follows:

14 85.62 PEACE OFFICERS. Any policeman (except those pen-
15 sioned under the policemen's pension fund created by law),
16 any sheriff, marshal, [constable,] state highway patrolman,
17 conservation officer, and any and all of their deputies and
18 any and all other legally appointed or elected law-enforcing
19 officers, who shall sustain an injury while performing the
20 duties of a law-enforcing officer and from causes arising
21 out of and in the course of his official duty, or employment
22 as a law-enforcing officer, become temporarily or permanently
23 physically disabled or if said injury results in death shall
24 be entitled to compensation for all such injuries or disability
25 together with statutory medical, nursing, hospital, surgery

1 and funeral expenses, and where the officer is paid from
2 public funds said compensation shall be paid out of the gen-
3 eral fund of the state.

4 Sec. 59. Section ninety-eight point five (98.5), Code
5 1971, is amended as follows:

6 98.5 VIOLATION. Any minor under eighteen years of age
7 refusing to give information as required by section 98.4 shall
8 be guilty of a misdemeanor. Said minor shall be certified
9 by the magistrate [or justice of the peace] before whom the
10 case is tried, to the juvenile court of the county for such
11 action as said court shall deem proper.

12 If any minor having been convicted of violating section
13 98.4 shall give information which shall lead to the arrest
14 of the person or persons having violated any of the provisions
15 of section 98.2 and shall give evidence as a witness in any
16 proceedings that may be prosecuted against said person or
17 persons, the court in its discretion may suspend sentence
18 against the offending minor.

19 Sec. 60. Section one hundred fifteen point four (115.4),
20 Code 1971, is amended as follows:

21 115.4 WHO ELIGIBLE. No person shall be appointed to the
22 position of shorthand reporter of any district[, superior,]
23 or municipal court in this state, unless he be a certified
24 shorthand reporter who has been found competent to report
25 court proceedings, references, or proceedings of like
26 character, by the board of examiners provided for in this
27 chapter.

28 Sec. 61. Section one hundred twenty-three point fifty-
29 three (123.53), unnumbered paragraph two (2), Code 1971, is
30 amended as follows:

31 In order that the said commission may be provided with
32 the necessary information to make out the report required
33 by this chapter, it shall be the duty of every [justice of
34 the peace, police court, mayor's court and every] clerk of
35 a court of record in this state to forward to said commission

1 during the month of July of each year a full and complete
2 report of each case commenced in [the court of such justice,
3 police court, mayor's court, or] any court of record, in which
4 a violation of this chapter or any other law of this state
5 pertaining to alcoholic liquors or beer was charged, and the
6 disposition of the same.

7 Sec. 62. Section one hundred thirty point twenty-six
8 (130.26), Code 1971, is amended as follows:

9 130.26 PRESERVATION AND INSPECTION. The permit holder
10 shall preserve the stubs in book form and shall keep them
11 at a times, subject to the inspection of the pharmacy
12 examiners, the county attorney, any grand jury, *or* peace
13 officer[, or justice of the peace] in the county in which the
14 permit is in force.

15 Sec. 63. Section one hundred eighty-eight point twenty-
16 eight (188.28), Code 1971, is amended as follows:

17 188.28 PROOF OF SERVICE. Immediately after the expiration
18 of said ten days of posting, the person taking up the estray
19 shall, unless such estray has been previously claimed by the
20 owner, file with [a justice of the peace in the township in
21 which the estray was taken up, or, in case there is no justice
22 in the township, then with the next nearest justice in the
23 county] *the county auditor* his affidavit which shall show:

- 24 1. The time and place of taking up such estray.
- 25 2. The time and places of posting said notice, together
26 with a copy of said notice.
- 27 3. That said animal remains unclaimed.
- 28 4. Whether the marks or brands of said animal have been
29 altered to his knowledge, either before or after the same
30 was taken up.

31 Sec. 64. Section one hundred eighty-eight point thirty-
32 two (188.32), Code 1971, is amended as follows:

33 188.32 FEES AND EXPENSES. The person taking up an estray
34 shall pay [to the justice of the peace, with whom the affidavit
35 is filed, the legal fees due the said justice, and] the legal

1 fees due to the county auditor for entering said affidavit
2 in the estray book, and posting and publishing the same, which
3 amounts, together with the compensation provided by law, shall
4 be refunded to the person taking up such estray by the owner
5 thereof in case the animal is restored to the owner.

6 Sec. 65. Section one hundred eighty-eight point forty-
7 seven (188.47), Code 1971, is amended as follows:

8 188.47 BOND TO RELEASE. Before any property held under
9 this chapter is sold under distraint, or before the title
10 to an estray vests in the taker-up, it may be released at
11 once upon the owner giving to the distrainer or taker-up a
12 bond, with sureties, to be approved by the township clerk[,
13 justice of the peace] or county auditor, before whom the matter
14 is then pending, conditioned to pay the holder of the
15 property, within twenty days after such approval, all costs,
16 damages, and compensation to which he is entitled. In case
17 the obligee in said bond is compelled to begin action on such
18 bond, the court may tax a reasonable attorney's fee in favor
19 of the obligee.

20 Sec. 66. Section one hundred eighty-eight point forty-
21 eight (188.48), Code 1971, is amended by striking subsection
22 seven (7).

23 Sec. 67. Section one hundred eighty-nine point eight
24 (189.8), Code 1971, is amended as follows:

25 189.8 WITNESSES. In the enforcement of the provisions
26 of this title the department shall have power to issue sub-
27 poenas for witnesses, enforce their attendance, and examine
28 them under oath. Such witnesses shall be allowed the same
29 fees as witnesses in [justice of the peace courts] *a court of*
30 *record*. Said fees shall be paid out of the contingent fund
31 of the department.

32 Sec. 68. Section two hundred one point eleven (201.11),
33 unnumbered paragraph two (2), Code 1971, is amended as follows:

34 In all litigation arising from the purchase, sale, or
35 disposal of any agricultural lime, limestone, or aglime, in

1 which the composition of the same may be involved, a certi-
2 fied copy of the official analysis shall be accepted as prima-
3 facie evidence of the composition of such agricultural lime,
4 limestone, or aglime. The possession of agricultural lime,
5 limestone, or aglime, in any building, room, railroad
6 equipment, store, storeroom, warehouse, truck, or other place
7 within this state, except by a person who has the same for
8 his private use, without complying with the provisions of
9 this chapter relative to agricultural lime, shall be prima-
10 facie evidence of keeping the same for the purpose of selling
11 or disposal. [In all prosecutions under this chapter, a
12 justice of the peace, police judge, or mayor shall have juris-
13 diction with the right of appeal to the district court by
14 certiorari.]

15 Sec. 69. Section two hundred twenty-two point sixteen
16 (222.16), Code 1971, is amended as follows:

17 222.16 PETITION FOR ADJUDICATION OF RETARDATION.
A peti-
18 tion for the adjudication of the mental retardation of a per-
19 son within the meaning of this chapter may, with the permis-
20 sion of the court be filed without fee against such person
21 with the clerk of the district[, superior,] or municipal court
22 of the county or city in which such alleged mentally retarded
23 person resides or is found. The petition may be filed by
24 any relative of such person, by a guardian, or by any reputable
25 citizen of the county of such residence or of such place of

1 finding.

2 Sec. 70. Section two hundred twenty-two point fifty-three
3 (222.53), Code 1971, is amended as follows:

4 222.53 CONVICTION—SUSPENSION. If on the conviction in
5 the district[, superior,] or **municipal** court of any person for
6 any crime or for any violation of any municipal ordinance,
7 or if on the determination in said courts that a child is
8 dependent, neglected, or delinquent and it appears from any
9 evidence presented to the court before sentence, that such
10 person is mentally retarded within the meaning of this chapter,
11 the court may suspend sentence or order, and may order any
12 officer of the court or some other proper person to file a
13 petition permitted under the provisions of this chapter against
14 said person. Pending hearing of the petition, the court shall
15 provide for the custody of said person as directed in section
16 222.52.

17 Sec. 71. Section two hundred twenty-five point ten
18 (225.10), Code 1971, is amended as follows:

19 225.10 APPLICATION FOR ADMISSION. Persons suffering
20 mental diseases may be admitted as committed public patients
21 as follows: Any physician authorized to practice his
22 profession in the state of Iowa or any citizen of the state
23 may file information with any district [or superior] court of
24 the state or with any judge thereof, alleging that the person
25 named therein is suffering from some abnormal mental condition
26 that can probably be remedied by observation, treatment, and
27 hospital care; and that he is, of himself or through those
28 legally responsible for him, unable to provide the means for
29 such observation and hospital care.

30 Sec. 72. Section two hundred twenty-five point eleven
31 (225.11), Code 1971, is amended as follows:

32 225.11 MEDICAL EXAMINER. Said judge of the district [or-
33 superior] court *or the clerk of such court* may, upon his own
34 motion or upon the information contained in such report filed
35 as aforesaid, appoint some physician who shall personally

1 examine said person with respect to his mental condition.

2 Sec. 73. Section two hundred twenty-five point fourteen
3 (225.14), Code 1971, is amended as follows:

4 225.14 NOTICE—TRIAL AND ORDER. Upon the filing of such
5 report or reports, said judge of the district [or superior]
6 court as aforesaid shall fix a day for the hearing upon the
7 complaint and shall cause the person or those legally respon-
8 sible for him to be served with a notice of the hearing; and
9 he shall also notify the county attorney, who shall appear
10 and conduct the proceedings, and upon such complaint evidence
11 may be introduced. Upon such hearing the person against whom
12 the complaint is made shall be entitled to a trial by jury.
13 If the judge or jury finds that the said person is suffering
14 from an abnormal mental condition which can probably be
15 remedied by observation, medical or surgical treatment, and
16 hospital care, and that he, or those legally responsible for
17 him, are unable to pay the expenses thereof, said judge shall
18 enter an order directing that the said person shall be sent
19 to the state psychopathic hospital at the state University
20 of Iowa for observation, treatment, and hospital care as a
21 committed public patient.

22 Sec. 74. Section two hundred twenty-five point sixteen
23 (225.16), unnumbered paragraph one (1), Code 1971, is amended
24 as follows:

25 225.16 VOLUNTARY PUBLIC PATIENTS—COMMITMENT.

26 said judge of the district [or superior] court *or the clerk*
27 *of the court*, as aforesaid finds from the physician's report
28 which was filed under the provisions of section 225.12, that
29 the said person is suffering from an abnormal mental condition
30 which can probably be remedied by observation, medical or
31 surgical treatment, and hospital care, and the report of the
32 county attorney shows that he, or those legally responsible
33 for him, are unable to pay the expenses thereof, said judge
34 *or clerk* shall enter an order directing that the said per-
35 son shall be sent to the state psychopathic hospital at the

If the

1 state University of Iowa for observation, treatment, and
2 hospital care as a voluntary public patient; provided that
3 the said person, or those legally responsible for him, request
4 the said court or judge to commit said person without the
5 hearing which is required under the provisions of section
6 225.14.

7 Sec. 75. Section two hundred twenty-five point seventeen
8 (225.17), unnumbered paragraph one (1), Code 1971, is amended
9 as follows:

10 225.17 COMMITTED PRIVATE PATIENTS—TREATMENT.

If the

11 said judge of the district [or superior] court, as aforesaid,
12 finds in the hearing as provided for under the provisions
13 of section 225.14 that the said person is suffering from an
14 abnormal mental condition which can probably be remedied by
15 observation, medical or surgical treatment, and hospital care,
16 and that he, or those legally responsible for him, are able
17 to pay the expenses thereof, said judge shall enter an order
18 directing that the said person shall be sent to the state
19 psychopathic hospital at the state University of Iowa for
20 observation, treatment, and hospital care as a committed
21 private patient.

22 Sec. 76. Section two hundred twenty-five point eighteen
23 (225.18), Code 1971, is amended as follows:

24 225.18 ATTENDANTS. The court *or clerk* may, in his
25 discretion, appoint some person to accompany said committed
26 public patient or said voluntary public patient or said com-
27 mitted private patient from the place where he may be to the
28 state psychopathic hospital of the state University at Iowa
29 City, or to accompany such patient from the said hospital
30 to such place as may be designated by the court *or clerk*.
31 If the patient be a female, the person appointed to accompany
32 her must be a woman.

33 Sec. 77. Section two hundred twenty-five point nineteen
34 (225.19), Code 1971, is amended as follows:

35 225.19 COMPENSATION FOR ATTENDANT. Any person
appointed

1 by the court or judge *or clerk* to accompany said person to
2 or from the hospital or to make an investigation and report
3 on any question involved in the complaint, other than the
4 physician making the examination, shall receive the sum of
5 three dollars per day for the time actually spent in making
6 such investigation (except in cases where the person appointed
7 therefor receives a fixed salary or compensation) and his
8 actual necessary expenses incurred in making such investigation
9 or trip.

10 Sec. 78. Section two hundred twenty-five point twenty-
11 one (225.21), Code 1971, is amended as follows:

12 225.21 VOUCHERS. The person making claim to such compensa-
13 tion shall present to the court or judge an itemized sworn
14 statement thereof, and when such claim for compensation has
15 been approved by the court or judge, *or clerk* the same shall
16 be filed in the office of the county auditor and shall be
17 allowed by the board of supervisors and paid from the state
18 institution fund.

19 Sec. 79. Section two hundred twenty-five point twenty-
20 five (225.25), Code 1971, is amended as follows:

21 225.25 COMMITMENT OF PRIVATE PATIENT AS PUBLIC.
If any

22 patient be admitted to the state psychopathic hospital and
23 thereafter an order of commitment of said patient as a pub-
24 lic patient be made by the court or judge *or clerk* having
25 jurisdiction thereof, the expense of keeping and maintaining
26 said patient from the date of the filing of the information
27 upon which said order is made shall be paid by the state.

28 Sec. 80. Section two hundred twenty-five point thirty
29 (225.30), Code 1971, is amended as follows:

30 225.30 BLANKS—AUDIT. The medical faculty of the hospital
31 of the college of medicine of the state University of Iowa
32 shall prepare blanks containing such questions and requiring
33 such information as may be necessary and proper to be obtained
34 by the physician who examines the patient under order of
35 court; and such blanks shall be printed by the state and a

1 supply thereof shall be sent to the clerk of each district
2 [and superior] court of the state. The state comptroller shall
3 audit, allow, and pay the cost of the blanks as other bills
4 for public printing are allowed and paid.

5 Sec. 81. Section two hundred thirty-one point two
6 (231.2), subsection two (2), Code 1971, is amended as
7 follows:

8 2. In counties wherein there is a [superior or]
9 municipal court, of the [judges] *judge* thereof[, respectively,]
10 when designated as [judges] *judge* of the juvenile court by
11 the judges of the district court.

12 Sec. 82. Section two hundred thirty-one point three
13 (231.3), unnumbered paragraph one (1), Code 1971, is
14 amended as follows:

15 "The judges of the district court may designate one of
16 their number to act as judge of the juvenile court in any
17 county or counties, and may designate a [superior or]
18 municipal court judge to act as judge of the juvenile
19 court in cases arising in any city in which any such court
20 is organized and in cases arising in any part of any county
21 convenient thereto. In counties having a population of
22 one hundred thousand or over, unless said district judges
23 designate a [superior or] municipal court judge to act as
24 juvenile judge, they shall after each election, designate
25 one of their number to act as juvenile judge for the
26 ensuing four years."

27 Sec. 83. Section two hundred thirty-one point eight
28 (231.8), unnumbered paragraph two (2), Code 1971, is amended
29 as follows:

30 Probation officers may be appointed to serve two or more
31 counties. The salaries of such officers and their deputies,
32 if any, shall be fixed by the judges of the judicial district
33 [containing] *who are designated juvenile court judges* for such
34 counties and such salaries and the expenses of the probation
35 offices shall be prorated among the counties served in such

36 proportion as may be determined by said judges who shall in
37 making such determination, consider the volume of work in
38 the several counties. Such officers may be paid not to exceed
39 sixty percent of the salary of a district court judge.

1 Sec. 84. Section two hundred forty-six point forty-six
2 (246.46), Code 1971, is amended as follows:

3 246.46 WHO MAY VISIT. The following persons are authorized
4 to visit said institutions at pleasure: The governor, sec-
5 retary of state, auditor of state, treasurer of state, sec-
6 retary of agriculture, members of the general assembly, judges
7 of the supreme, district, [superior,] and municipal courts,
8 county attorneys, and all regular officiating ministers of
9 the gospel. No other person shall be granted admission except
10 by permission of the warden.

11 Sec. 85. Section two hundred forty-seven point thirty
12 (247.30), Code 1971, is amended by striking subsection sixteen
13 (16) and inserting in lieu thereof the following:

14 16. All witness fees paid by the county in all criminal
15 cases before a district magistrate.

16 Sec. 86. Section two hundred fifty-two A point two
17 (252A.2), subsection two (2), Code 1971, is amended as follows:

18 2. "Court" shall mean and include [a family court, domestic
19 relations court, children's court, municipal court and] any
20 [other] court, by whatever name known, in any state having
21 reciprocal laws or laws substantially similar to this chapter
22 upon which jurisdiction has been conferred to determine the
23 liability of persons for the support of dependents within
24 and without such state.

25 Sec. 87. Section two hundred fifty-five point eight
26 (255.8), Code 1971, is amended as follows:

27 255.8 HEARING—ORDER—EMERGENCY CASES—CANCEL-
LATION OF
28 COMMITMENTS. The attorney and the overseer of the poor, or
29 other agent of the board of supervisors of the county where
30 the hearing is held, shall appear thereat. The complainant,
31 the county attorney, the overseer of the poor or other agent
32 of the board of supervisors, and the patient, or any person
33 representing him, or her, may introduce evidence and be heard.
34 If the court finds that said patient is a legal resident of
35 Iowa and is pregnant or is suffering from a malady or deformity

1 which can probably be improved or cured or advantageously
2 treated by medical or surgical treatment or hospital care,
3 and that neither the patient nor any person legally charge-
4 able with his or her support is able to pay the expenses
5 thereof, then the clerk of court, except in obstetrical cases
6 and cases of crippled children, shall immediately ascertain
7 from the admitting physician at the university hospital whether
8 such person can be received as a patient within a period of
9 thirty days, and if the patient can be so received, the court,
10 *or in the event of no actual contest, the clerk of the court,*
11 shall then enter an order directing that said patient be sent
12 to the university hospital for proper medical and surgical
13 treatment and hospital care. If the court ascertain, excepting
14 in obstetrical cases and orthopedic cases, that a person of
15 the age or sex of the patient, or afflicted by the complaint,
16 disease or deformity with which such person is affected can-
17 not be received as a patient at the said university hospital
18 within the period of thirty days, then he *or the clerk* shall
19 enter an order directing the board of supervisors of the
20 county to provide adequate treatment at county expense for
21 said patient at home or in a hospital. Obstetrical cases
22 and orthopedic cases may be committed to the university
23 hospital without regard to the limiting period of thirty days
24 hereinbefore stated.

25 In any case of emergency the court *or the clerk* without
26 previous inquiry may at its discretion order the patient to
27 be immediately taken to and accepted by the university hospital
28 for the necessary care as provided in section 255.11, but
29 if such a patient cannot be immediately accepted at the
30 university hospital as ascertained by telephone if necessary,
31 the court *or the clerk* may enter an order as in certain cases
32 above set forth directing the board of supervisors to provide
33 adequate treatment at county expense for the said patient
34 at home or in a hospital.

35 Sec. 88. Section two hundred fifty-five point thirteen

1 (255.13), Code 1971, is amended as follows:

2 255.13 ATTENDANT—PHYSICIAN—COMPENSATION. If the
3 physician appointed to examine the patient shall certify that
4 an attendant to accompany the patient to the said hospital
5 is necessary, and the university hospital attendant and am-
6 bulance service is not available, then the court or judge
7 or clerk of the court may appoint an attendant who shall
8 receive not exceeding two dollars per day for the time plus
9 necessarily employed and actual necessary traveling expenses
10 by the most feasible route to said hospital whether by
11 ambulance, train or automobile; but if such appointee is a
12 relative of the patient or a member of his immediate family,
13 or receives a salary or other compensation from the public
14 for his services, no such per diem compensation shall be paid
15 him. The physician appointed by the court or clerk to make
16 the examination and report shall receive therefor three dollars
17 for each examination and report so made and his actual
18 necessary expenses incurred in making such examination, but
19 if said physician receives a salary or other compensation
20 from the public for his full-time services, then no such
21 examination fee shall be paid. The actual, necessary expenses
22 of transporting and caring for the patient shall be paid as
23 hereinafter provided.

24 Sec. 89. Section two hundred fifty-five point fourteen

25 (255.14), Code 1971, is amended as follows:

26 255.14 EXPENSES—HOW PAID. An itemized verified state-
27 ment of all charges provided for in sections 255.8 and 255.13,
28 in cases where the patient is admitted or accepted for treat-
29 ment at the university hospital shall be filed with the super-
30 intendent of the university hospital, and upon his recommenda-
31 tion when approved by the judge or clerk of the court under
32 whose order the same were incurred, they shall be charged
33 on the regular bill for the maintenance, transportation and
34 treatment of the patient, and be audited and paid in the
35 manner as hereinafter provided.

1 Sec. 90. Section three hundred twenty-one point four
2 hundred sixty-three (321.463), Code 1971, is amended by adding
3 the following new paragraph:

4 “Violations of the foregoing schedule of axle and tandem
5 axle and gross or group of axle weight violations shall be
6 scheduled violations subject to section eighteen (18)
7 through twenty-six (26), inclusive, of this Act, irrespec-
8 tive of the amount of the fine under such schedule. Fines
9 and costs for such violations which are admitted may be paid
10 to a traffic violations office and the procedure in section
11 twenty-one (21) of this Act shall apply; but traffic viola-
12 tions office procedure shall not apply in cases to which,
13 under section twenty-two (22) of this Act, such procedure
14 is inapplicable. Violations of such schedule of weight viola-
15 tions shall be chargeable, where the fine charged does not
16 exceed one hundred dollars, by information or uniform sum-
17 mons and complaint. Violations of such schedule of weight
18 violations, where the fine charged exceeds one hundred dol-
19 lars: (1) shall, when the violation is admitted and traffic
20 violations office procedure applies, be chargeable upon in-
21 formation, uniform summons and complaint, indictment, or
22 county attorney’s information, (2) but otherwise, shall be
23 chargeable upon indictment or county attorney’s information.
24 In all cases of charges under such schedule of weight viola-
25 tions, the charge shall specify the amount of fine specified
26 in such schedule. Where a defendant is convicted and the
27 fine under the foregoing schedule of weight violations exceeds
28 one hundred dollars, the conviction shall be of an indictable
29 offense although traffic violations office procedure is em-
30 ployed and whether the violation is charged upon information,
31 uniform summons and complaint, indictment, or county attorney’s
32 information.”

33 Sec. 91. Section three hundred twenty-one point four
34 hundred eighty-seven (321.487), unnumbered paragraph one (1),
35 Code 1971, is amended as follows:

1 321.487 VIOLATION OF PROMISE TO APPEAR. Any person
2 fully violating a summons to appear in court given as pro-
3 vided in this chapter, is guilty of a misdemeanor, punishable
4 as provided in section 321.482 regardless of the disposition
5 of the charge upon which he was summoned. *Venue shall be*
6 *in the county where the defendant was to appear or in the*
7 *county where he resides.*

8 Sec. 92. Section three hundred twenty-one point four
9 hundred ninety-one (321.491), unnumbered paragraph one (1),
10 Code 1971, is amended as follows:

11 321.491 CONVICTIONS TO BE REPORTED. Every [magistrate
12 or judge of a court not of record and every] *district magistrate*
13 *and* clerk of a court of record shall keep a full record of
14 every case in which a person is charged with any violation
15 of this chapter or of any other law regulating the operation
16 of vehicles on highways.

17 Sec. 93. Section three hundred thirty-three point eleven
18 (333.11), Code 1971, is amended by striking subsection six
19 (6).

20 Sec. 94. Section three hundred thirty-three point eleven
21 (333.11), subsection fourteen (14), Code 1971, is amended
22 as follows:

23 14. The amounts paid for the condemning of intoxicating
24 liquors during the preceding year, also cost of convictions[,
25 both in justice courts and] in the district court, for the
26 violation of the laws relating to the sale of intoxicating
27 liquors, together with the amount of fines collected for such
28 violation and the amounts received as mulct tax, if any.

29 Sec. 95. Section three hundred thirty-seven point seven
30 (337.7), Code 1971, is amended as follows:

31 (337.7), BAILIFFS—APPOINTMENT—DUTIES. The sheriff
32 attend upon the district court *judges and*
33 *magistrates* of his county, and while [it remains] *they remain*
34 in session he shall be allowed the assistance of such number
35 of bailiffs as the judge may direct. They shall be appointed

1 by the sheriff and shall be regarded as deputy sheriffs, for
2 whose acts the sheriff shall be responsible.

3 Sec. 96. Section three hundred forty-three point three
4 (343.3), Code 1971, is amended as follows:

5 343.3 ACTING AS COUNSEL. No sheriff[, or deputy sheriff[,
6 or constable] shall appear in any court as attorney or counsel
7 for any party, nor make any writing or process to commence
8 any action or proceeding, or to be in any manner used in the
9 same; and such writing or process made by any of them shall
10 be rejected.

11 Sec. 97. Section three hundred forty-three point four
12 (343.4), Code 1971, is amended as follows:

13 343.4 PURCHASE OF PROPERTY. No sheriff[, or deputy sher-
iff[,
14 or constable] shall be come the purchaser, either directly or
15 indirectly, of any property by him exposed to sale under any
16 process of law; and every such purchase shall be void.

17 Sec. 98. Section three hundred forty-nine point sixteen
18 (349.16), subsection one (1), Code 1971, is amended as follows:

19 1. The proceedings of the board of supervisors, excluding
20 from the publication of said proceedings, its canvass of the
21 various elections, as provided by law; witness fees of wit-
22 nesses before the grand jury and in the district court in
23 criminal cases; [the transcripts of justices of the peace,
24 including their proceedings and cost,] the county superinten-
25 dent's report.

26 Sec. 99. Section three hundred fifty-six point twenty
27 (356.20), Code 1971, is amended as follows:

28 356.20 VIOLATION OF CITY ORDINANCE. When the imprison-
29 ment is under the judgement of any court, [police court, police
30 magistrate, mayor, or other tribunal of a city or town,] for
31 the violation of any ordinance, bylaw, or other regulation
32 thereof, the marshal shall superintend the labor, and furnish
33 the tools and materials, if necessary, at the expense of the
34 city or town requiring the labor, and such city or town shall
35 be entitled to the earnings of its convicts.

1 Sec. 100. Section three hundred fifty-six point thirty-
2 three (356.33), Code 1971, is amended by striking unnumbered
3 paragraph one (1) and inserting in lieu thereof the following:

4 “District judges, **municipal** judges, and district
5 magistrates, within their respective jurisdictional authority,
6 may make all determinations and orders under these sections.”

7 Sec. 101. Section three hundred fifty-nine point thirty-
8 eight (359.38), Code 1971, is amended as follows:

9 359.38 WATCHMEN APPOINTED. Such trustees, directors,
10 or other officers may appoint as many day and night watchmen
11 of their grounds as they may think expedient, and such
12 watchmen, and also all their sextons, superintendents,
13 gardeners, and agents, stationed upon or near said grounds
14 are hereby authorized to take and subscribe[, before any mayor
15 of a city or justice of the peace of the township where such
16 cemetery is situated, an oath of office, similar to that
17 required by law of constables] *to an oath of office as provided*
18 *in section 63.10 of the Code.*

19 Sec. 102. Section three hundred fifty-nine point thirty-
20 nine (359.39), Code 1971, is amended as follows:

21 359.39 EX OFFICIO POLICE OFFICERS. Upon the taking of
22 such oath, such watchmen, sextons, superintendents, gardeners,
23 and agents shall have and exercise all powers of police
24 officers within and adjacent to the cemetery grounds and each
25 shall have power to arrest any and all persons engaged in
26 violating the laws of this state, and to bring such person
27 so offending before any [justice of the peace within such
28 township] *district magistrate*, to be dealt with according to
29 law.

30 Sec. 103. Section three hundred sixty-eight point six
31 (368.6), subsection five (5), Code 1971, is amended as follows:

32 5. SALES. Sales of auctioneers, bankrupt and dollar
33 stores, and the like, and those of transient merchants, and
34 to define by ordinance who shall be considered transient
35 merchants; but the exercise of such power shall not interfere

- 36 with sales made by sheriffs, [constables,] marshals, executors,
37 guardians, assignees of insolvent debtors or bankrupts, or

1 any other person required by law to sell real or personal
2 property.

3 Sec. 104. Section three hundred sixty-eight A point two
4 (368A.2), subsections one (1) and seven (7), Code 1971, are
5 amended as follows:

6 1. EXECUTIVE OFFICER—MAGISTRATE. He [shall be a con-
7 vator of the peace, and], within the limits of the corporation
8 shall have all the powers conferred upon sheriffs to suppress
9 disorders. He shall be the chief executive officer thereof,
10 and it shall be his duty to enforce all regulations and ordin-
11 ances; [he may, upon view, arrest anyone guilty of a violation
12 thereof, or of any crime under the laws of the state, and
13 shall, upon information supported by affidavit, issue process
14 for the arrest of any person charged with violating any
15 ordinance of the corporation,] shall supervise the conduct
16 of all corporate officers, examine into the grounds of
17 complaint made against them, and cause all neglect or violation
18 of duty to be corrected, or report the same to the proper
19 tribunal, that they may be dealt with as provided by law.

20 7. MAYOR PRO TEM. He shall designate one member of the
21 council as mayor pro tempore subject to the approval of a
22 majority of the council. Said mayor pro tempore shall be
23 vice-president of the council and give bond in the sum of
24 five hundred dollars. In case of absence or inability of
25 the mayor to act he shall perform all of the duties of the
26 mayor except as otherwise herein provided. [In case of the
27 absence or inability of the mayor to act, the mayor pro
28 tempore may hold mayor's court in cases of ordinance
29 violations.] If, at any meeting of the council, the mayor
30 is not present, the mayor pro tempore shall act as presiding
31 officer pro tempore and his acts as presiding officer pro
32 tempore shall have the same force and legality as though
33 performed by the duly elected mayor and he shall have the
34 power to sign all resolutions and ordinances and execute all
35 contracts or other documents finally adopted or approved at

1 such meeting. The mayor pro tempore shall have no power to
2 employ or discharge any officer or employee that the mayor
3 has power to appoint or employ but said mayor pro tempore
4 shall have the right to cast a vote as member of the council.

5 Sec. 105. Section three hundred sixty-eight A point
6 seventeen (368A.17), Code 1971, is amended as follows:

7 368A.17 THE MARSHAL. The marshal shall be ex officio
8 chief of police and may appoint one or more deputy marshals,
9 who may perform his duties, and who, in cities of fifteen
10 thousand or more population shall be members of the police
11 force. He shall have the supervision and general direction
12 of the police force, and shall be the ministerial officer
13 of the corporation. He shall suppress all riots, disturbances,
14 and breaches of the peace, arrest all disorderly persons in
15 the city or town and all persons committing any offense against
16 the ordinances thereof, and forthwith bring such persons
17 before the proper court for examination or trial. He shall
18 pursue and arrest any person fleeing from justice, and shall
19 diligently enforce all laws, ordinances, and regulations for
20 the preservation of the public welfare and good order, and
21 shall have the same powers and duties as [constables] *the sheriff*
22 in similar cases. He shall attend upon the sittings of the
23 mayor's and police court, and execute within the county and
24 return all writs and other processes directed to him therefrom.

25 Sec. 106. Section four hundred four point eight (404.8),
26 Code 1971, is amended by striking subsection four (4).

27 Sec. 107. Section four hundred eleven point three (411.3),
28 subsection three (3), Code 1971, is amended as follows:

29 3. Any deputy bailiff of municipal courts in cities having
30 a population of one hundred twenty-five thousand or more,
31 who after having passed the required civil service examination,
32 and was certified and appointed as such, shall, *as deputy*
33 *sheriff* and for the purpose of this chapter, be deemed a
34 member of the police department within the purview of section
35 411.1 and is hereby given the right, if he so desires, to

1 become a member of the police retirement system as set forth
2 in this chapter by first paying to the treasurer of said fund
3 three percent of the total salary which was received by said
4 deputy bailiff to the time of coming under the provisions
5 of this chapter, and in addition thereto, shall be required
6 to pay annually in monthly installments to the treasurer of
7 said fund an amount equal to the rates provided by section
8 411.8 so long as said deputy bailiff shall be employed as
9 such.

10 Sec. 108. Section four hundred thirteen point one hundred
11 fourteen (413.114), Code 1971, is amended as follows:

12 413.114 INJUNCTION. In any such action or proceeding
13 said health officer may by petition duly verified, setting
14 forth the facts, apply to the district [, superior,] or municipal
15 court for an order granting the relief for which said action
16 or proceeding is brought, or for an order enjoining all persons
17 from doing or permitting to be done any work in or about such
18 dwelling, building, structure, or lot, or from occupying or
19 using the same for any purpose until the entry or final judg-
20 ment or order.

21 Sec. 109. Section four hundred thirteen point one hundred
22 fifteen (413.115), Code 1971, is amended as follows:

23 413.115 AUTHORITY TO EXECUTE. In case any notice or order
24 issued by said health officer is not complied with, said
25 health officer may apply to the district[, superior,] or municipal
26 court for an order authorizing him to execute and
27 carry out the provisions of said notice or order, to correct
28 any violation specified in said notice or order, or to abate
29 any nuisance in or about such dwelling, building, or structure
30 or the lot upon which it is situated.

1 Sec. 110. Section four hundred twenty point fifteen

2 (420.15), Code 1971, is amended as follows:

3 420.15 COMPENSATION OF MAYOR. The mayor shall receive
4 such salary as may be provided by ordinance[, and in addition
5 he shall receive for holding a mayor's or police court, or
6 discharging the duties of a justice of the peace, the
7 compensation allowed by law for similar services by such
8 officers, to be paid in the same manner, which amount shall
9 be in full compensation of all such services].

10 Sec. 111. Section four hundred twenty point thirty-eight

11 (420.38), Code 1971, is amended as follows:

12 420.38 ACTION TO RECOVER. Fines and penalties may in
13 all cases be recovered by action before a [justice of the peace
14 or other] court of competent jurisdiction, and in the name
15 of the proper municipal corporation. In any such action,
16 where pleadng is necessary, it shall be sufficient to declare
17 generally for the amount claimed to be due in respect to the
18 violation of the ordinance, referring to its title and the
19 date of its adoption or passage, and showing, as near as may
20 be, the facts of the alleged violation.

21 Sec. 112. Section four hundred twenty point one hundred

22 eighty-two (420.182), Code 1971, is amended as follows:

23 420.182 WARRANT. Whenever the board of health shall
24 think it necessary for the preservation of the lives or the
31 health of the inhabitants to enter a place, building, or
26 vessel within its jurisdiction, for the purpose of examining
27 into and destroying, removing, or preventing any nuisance,
28 source of filth, or cause of sickness, and shall be refused
29 such entry, any member of the board may make complaint, under

1 oath, before any [justice of the peace, or other] judicial
2 officer having jurisdiction to enforce the ordinances of such
3 city, stating the facts of the case so far as he has knowledge
4 thereof. Such officer shall thereupon issue a warrant,
5 directed to the sheriff [or any constable of the county], marshal
6 or public officer, commanding him to take sufficient aid and,
7 being accompanied by two or more members of said board, between
8 the hours of sunrise and sunset, repair to the place where
9 such nuisance, source of filth, or cause of sickness may be,
10 and destroy, remove, or prevent the same under the direction
11 of such members of the board.

12 Sec. 113. Section four hundred twenty point one hundred
13 eighty-five (420.185), Code 1971, is amended as follows:

14 420.185 WARRANT. Any [justice of the peace, or] tribunal
15 having jurisdiction to enforce the ordinances of such city,
16 on application under oath, showing cause therefor, by any
17 member of said board, shall issue his warrant, directed to
18 the sheriff [or constable] of the county or marshal or police
19 officer, commanding him, under the directions of the board,
20 to remove any person infected with contagious disease, or
21 to take possession of condemned houses and lodgings, and to
22 provide nurses and attendants and other necessities for the
23 care, safety, and relief of the sick.

24 Sec. 114. Section four hundred forty-five point forty-
25 nine (445.49), Code 1971, is amended as follows:

26 445.49 SHERIFF OR CONSTABLE AS COLLECTOR. In the dis-
charge
27 of his duties as collector, should it become necessary to
28 make the delinquent taxes by distress and sale, or should
29 no collector be appointed, or should the collector fail to
30 institute proceedings to collect said delinquent taxes, the
31 treasurer shall place the same in the hands of the sheriff[,
32 or a constable,] who shall proceed to collect the same [, and
33 either shall be entitled to receive the same compensation,
34 in addition to the five percent, as constables are entitled
35 to receive for the sale of property on execution].

1 Sec. 115. Section four hundred fifty point forty-one
2 (450.41), Code 1971, is amended as follows:
3 450.41 PROCEDURE FOR RELIEF. In the event that the estate
4 has been duly appraised under the ordinary statutes of
5 inheritance or the property has been sold and such appraisement
6 or selling price is accepted by the director of revenue as
7 satisfactory for inheritance tax purposes, the court *or the*
8 *clerk of court* may, upon proper application, relieve the
9 estate from the appraisement by the inheritance tax appraisers;
10 but in order to obtain such relief, the administrator,
11 executor, trustee, or other party interested must file an
12 application for relief with the consent of the director of
13 revenue thereto in the office of the clerk of the court before
14 said clerk issues a commission to the inheritance tax
15 appraisers.

1 Sec. 116. Section five hundred seventy point five (570.5),
2 Code 1971, is amended as follows:

3 570.5 ENFORCEMENT—PROCEEDING BY ATTACHMENT.

4 The lien may be enforced by the commencement of an action, within the
5 period above prescribed, for the rent alone, in which action
6 the landlord shall be entitled to a writ of attachment, upon
7 filing with the clerk [or justice] a verified petition, stat-
8 ing that the action is commenced to recover rent accrued
9 within one year previous thereto upon premises described in
10 the petition; and the procedure thereunder shall be the same,
11 as nearly as may be, as in other cases of attachment, except
12 no bond shall be required.

13 Sec. 117. Section five hundred seventy-two point twenty-
14 four (572.24), Code 1971, is amended as follows:

15 572.24 TIME OF BRINGING ACTION—COURT. An action to
16 enforce a mechanic's lien, or an action brought upon any bond
17 given in lieu thereof, may be commenced in the district [or
18 superior] court after said lien is perfected.

19 Sec. 118. Section five hundred eighty point four (580.4),
20 Code 1971, is amended as follows:

21 580.4 AFFIDAVIT OF FORECLOSURE. Liens may be enforced
22 by the holder filing with [any constable] *the sheriff* of the
23 county in which the progeny is kept[, or with the sheriff of
24 such county,] an affidavit which shall, in addition to a demand
25 for foreclosure, contain:

26 1. A description of the stallion, bull or jack, when used
27 and of the dam and its progeny.

28 2. The time and terms of said service.

29 3. A statement of the amount for said service.

30 Sec. 119. Section five hundred eighty point five (580.5),
31 Code 1971, is amended as follows:

32 580.5 POSSESSION AND NOTICE. The [constable or] sheriff
33 shall, under said affidavit, take immediate possession of
34 said progeny, and give written notice of the sale thereof,
35 which notice shall contain:

1 1. A copy of the said affidavit.

2 2. The date and hour when, and the particular place at
3 which, said property will be sold.

4 Sec. 120. Section five hundred eighty point eight (580.8),
5 Code 1971, is amended as follows:

6 580.8 SALE—APPLICATION OF PROCEEDS. If payment of the
7 service fee, and [constable] costs, be not made prior to the
8 time of sale, as fixed in such notice, the [constable] *sheriff*
9 may sell property so held by him, or so much thereof as may
10 be necessary, at public auction to the highest bidder, and
11 the proceeds shall be applied, first, to the payment of the
12 costs, and second, in payment of amount due for service fee.
13 Any surplus arising from such sale shall be forthwith paid
14 to the owner of the property sold.

15 Sec. 121. Section five hundred ninety-five point ten
16 (595.10), Code 1971, is amended by striking subsections one
17 (1) and two (2) and inserting in lieu thereof the following:

18 “A judge of the supreme or district court, a municipal
19 judge, or a district magistrate.”

20 Sec. 122. Section six hundred two point seven (602.7),
21 Code 1971, is amended as follows:

22 602.7 QUALIFICATION AND DUTIES OF OFFICERS. Each
23 officer of the court shall be a qualified elector residing
24 in the municipal court district. The judge shall be a practi-
25 ing lawyer, and shall subscribe to the oath required of judges

1 of the district court, which shall be filed with the city
2 clerk. The duties of the clerk and the bailiff shall be
3 the same, so far as applicable, as those of the clerk of
4 the district court, and of [constables and] sheriffs,
5 respectively. All regular police officers shall be
6 ex officio special bailiffs when so ordered by a judge,
7 without other compensation than that paid for their ser-
8 vices as police officers.

9 Sec. 123. Section six hundred two point fifteen (602.15),
10 Code 1971, is repealed and the following enacted in lieu
11 thereof:

12 "In all criminal matters the court shall exercise the
13 jurisdiction conferred on the district court and district
14 magistrates for the prosecution of misdemeanors."

15 Sec. 124. Section six hundred two point sixteen (602.16),
16 Code 1971, is amended as follows:

17 602.16 TERRITORIAL JURISDICTION AND POWERS. The
18 jurisdiction of the municipal court shall be coextensive
19 with the territorial limits of the county. However, in
20 counties having two jurisdictions of the district court,
21 the jurisdiction of the municipal court is restricted to
22 the territory of the district court where the municipal court
23 is situated. *The district courts shall have and exercise*
24 *both supervisory and administrative authority over the*
25 *municipal courts.* The powers exercised by the district
26 court and the judges thereof relating to county attorney
27 informations and the prosecution of misdemeanor offenses
28 is conferred upon and may be exercised by the municipal court
29 and the judges thereof. In all matters of which the municipal
30 court has jurisdiction, the court and the judges shall have
31 the same powers in reference to injunctions, writs, orders,
32 and other proceedings in and out of court as are possessed
33 by the district court and the judges thereof. Where a
34 municipality with a municipal court extends into a second
35 county, the territorial jurisdiction for both municipal and

1 district court powers shall be extended only to the additional
2 area within the corporate limits of the municipality within
3 the second county. The second county is defined for purposes
4 of this section as the county into which an affected city
5 annexes additional territory after January 1, 1969.

6 Sec. 125. Section six hundred two point twenty-eight
7 (602.28), Code 1971, is repealed and the following enacted
8 in lieu thereof:

9 "All criminal actions for nonindictable misdemeanors
10 shall be governed by the procedure employed by district
11 magistrates. Prisoners may be committed to either the
12 city or county jail. The judge shall have the same powers
13 of parole and suspension of sentence as are possessed by
14 the judges of the district court. All criminal actions
15 for indictable misdemeanors shall be governed by the
16 procedure employed in like cases in district court."

17 Sec. 126. Section six hundred two point thirty-two
18 (602.32), Code 1971, is amended as follows:

19 602.32 FEES, COSTS, AND EXPENSES. If no provision
20 is made in the laws applicable to the district court for
21 fees, costs, and expenses, [they shall be the same as in
22 justice of the peace courts except that] the clerk of the
23 municipal court shall charge and collect as fees one-half
24 the amount charged and collected by the clerk of the
25 district court in that county. The bailiff may retain
26 the amounts allowed to him by law for mileage and necessary
27 actual expenses in addition to his salary. All other fees,
28 fines, forfeitures, costs, and expenses shall be turned
29 over to the city treasurer by the officer collecting the
30 same on or before the tenth day of each succeeding month,
31 and the city treasurer shall forthwith pay to the county
32 treasurer, for the benefit of the school fund, the portion
33 of the fines and forfeitures collected for the violation of
34 state laws.

1 Sec. 127. Section six hundred two point forty-four (602.44),
2 Code 1971, is amended as follows:

3 602.44 APPEALS. The laws relating to appeals from
4 judgments or orders of the district court, or a judge thereof,
5 to the supreme court shall apply to judgments or orders of
6 the municipal court, or a judge thereof, in all civil actions.
7 In class "C" actions, appeals shall be taken direct to the
8 supreme court the same as from the district court. In class
9 "D" actions, appeals shall be taken to the district court
10 as provided in the case of appeals from [justice] *district*
11 *magistrates'* courts.

12 Sec. 128. CREATION OF NEW MUNICIPAL COURTS

TERMINATED

13 After July 1, 1971, no new municipal courts sha'll be
14 established.

15 Sec. 129. Section six hundred four point two (604.2),
16 Code 1971, is amended as follows:

17 604.2 APPEALS AND WRITS OF ERROR. It shall also possess
18 and exercise jurisdiction in all appeals and writs of error
19 taken in civil and criminal actions and special proceedings
20 authorized to be taken from all [inferior courts,] tribunals,
21 boards, or officers, under any provisions of the laws of this
22 state, and shall have a general supervision thereof, in all
23 matters, to prevent and correct abuses, where no other remedy
24 is provided.

25 Sec. 130. Section six hundred four point eleven (604.11),
26 Code 1971, is amended as follows:

27 604.11 CITY OR TOWN TO PROVIDE COURTROOM. Where
28 is held in any city or town not the county sea^t, such city
29 or town shall provide and furnish the necessary rooms and
30 places therefor free of charge to the county. [Any necessary
31 alterations, repairs, or additions to said rooms and places
32 shall be provided at the expense of the county, and the board
33 of supervisors is authorized and empowered to make such
34 alterations, improvements, or additions, the cost thereof
35 not to be in excess of the limitations imposed by section

36 345.1.]

37 Sec. 131. This section shall take effect July 1, 1971.

38 Section six hundred five point two (605.2), Code 1971, is

39 amended as follows:

1 605.2 EXPENSES. Where a judge of the district or supreme
2 court is required, in the discharge of his official duties,
3 to leave the county of his residence or leave the city or
4 town of his residence to perform such duties, he shall be
5 paid such actual and necessary [hotel] *expenses for living*
6 *quarters* and living expenses not to exceed the sum of fifteen
7 dollars per day and transportation expenses as shall be
8 incurred.

9 Sec. 132. Section six hundred five point six (605.6),
10 Code 1971, is amended as follows:

11 605.6 SHORTHAND REPORTER. Each judge of the district
12 court shall appoint a shorthand reporter who shall, upon the
13 request of either party in a civil case *other than a small*
14 *claim* or [a] *an indictable* criminal case, take and report in
15 full the oral evidence and proceedings in the case, and perform
16 all duties required of him on the trial, as provided by law.

17 There shall be no discrimination in hiring shorthand court
18 reporters on the basis of sex. Complaints of persons aggrieved
19 may be made under the provisions of chapter 105A.

20 Sec. 133. Section six hundred five point fourteen (605.14),
21 Code 1971, is amended as follows:

22 605.14 JUDGE TO BE ATTORNEY. No person shall be eligible
23 to the office of judge of a court of record, [except of police
24 courts] *except district magistrate*, who is not, at the time
25 of his election, an attorney at law, duly admitted to practice
26 under the laws of this state.

27 Sec. 134. Section six hundred five point fifteen (605.15),
28 Code 1971, is amended as follows:

29 605.15 PRACTICE PROHIBITED. During the time that he is
30 holding such office he shall not practice as an attorney or
31 counselor or give advice in relation to any action pending
32 or about to be brought in any of the courts of the state.
33 [Nothing contained in this section shall be construed to
34 prohibit police court judges from practicing as attorneys
35 and counselors in civil matters.] *District magistrates who*

1 *are members of the bar of Iowa may practice as attorneys and*
2 *counselors, except they may not practice as attorneys and*
3 *counselors, or give advice, in relation to any matter within*
4 *the purview of the jurisdiction of district magistrates as*
5 *defined in section ten (10) of this Act.*

6 Sec. 135. Section six hundred six point thirteen (606.13),
7 Code 1971, is amended as follows:

8 606.13 NOT TO BE JUSTICE OR ATTORNEY. The clerk, or
9 deputy clerk of the district court is prohibited from [holding

1 the office of justice of the peace, or] practicing, directly
2 or indirectly, as an attorney or solicitor in any of the
3 courts of this state.

4 Sec. 136. Section six hundred six point fifteen (606.15),
5 subsection fourteen (14), Code 1971, is amended as follows:

6 14. For filing and docketing transcript of judgment from
7 another county [or a justice of the peace] or municipal court,
8 one dollar.

9 Sec. 137. Section six hundred seven point five (607.5),
10 Code 1971, is amended by striking subsections two (2) and
11 three (3).

12 Sec. 138. Section six hundred twenty-one point nine
13 (621.9), Code 1971, is amended as follows:

14 621.9 CASH IN LIEU OF BOND. In all cases in which a bond
15 for security for costs is required, the party required to
16 give such security may deposit in cash the amount fixed in
17 said bond with the clerk of the district court [or justice
18 of the peace] in lieu of said bond.

19 Sec. 139. Section six hundred twenty-two point sixty-three
20 (622.63), Code 1971, is amended as follows:

21 622.63 SUBPOENAS. The clerks of the several courts shall,
22 on application of any person having a cause or matter pending
23 in court, issue a subpoena for witnesses under the seal of
24 the court, inserting all the names required by the applicant
25 in one subpoena, if practicable, which may be served by the
26 sheriff [or any constable] of the county, or by the party or
27 any other person.

28 Sec. 140. Section six hundred twenty-two point sixty-nine
29 (622.69), Code 1971, is amended by striking the section and
30 inserting in lieu thereof the following:

31 "Witnesses in a court of record shall receive three dollars
32 for each day's attendance and seven cents per mile for each

1 mile actually traveled."

2 Sec. 141. Section six hundred twenty-two point seventy-
3 three (622.73), Code 1971, is amended as follows:

4 622.73 FEES PAYABLE BY COUNTY. For attending before the
5 trial jury or court in criminal cases where the defendant
6 is adjudged not guilty, the fees above provided for attending
7 [the district or justice's] court shall be paid by the county,
8 upon a certificate of the clerk [or justice] showing the amount
9 of the services to which they are entitled.

10 Sec. 142. Section six hundred twenty-two point seventy-
11 five (622.75), Code 1971, is amended as follows:

12 622.75 REIMBURSEMENT TO PARTY OR COUNTY. When the
13 or any party has paid fees of any witness, and the same
14 is afterward collected from the adverse party, the county
15 or person so paying the same shall, upon the production of
16 the receipt of such witness or other satisfactory evidence,
17 be entitled to such fee[, whether it be in the hands of the
18 justice or clerk, or has been paid into the county treasury].

19 Sec. 143. Section six hundred twenty-two point seventy-
20 eight (622.78), Code 1971, is amended as follows:

21 622.78 SERVING SUBPOENA. If a witness conceals himself,
22 or in any manner attempts to avoid being personally served
23 with a subpoena, any sheriff [or constable] having the subpoena
24 may use all necessary and proper means to serve the same,
25 and may for that purpose break into any building or other
26 place where the witness is to be found, having first made
27 known his business and demanded admission.

28 Sec. 144. Section six hundred twenty-two point eighty-
29 four (622.84), Code 1971, is amended as follows:

30 622.84 SUBPOENAS—ENFORCING OBEDIENCE. When, by
31 of this or any other state or country, testimony may be taken
32 in the form of depositions to be used in any of the courts
33 thereof, the person authorized to take such depositions may
34 issue subpoenas for witnesses, which must be served by the
35 same officers and returned in the same manner as is required

1 in a [justice's court] *a court of record*, and obedience thereto
2 may be enforced in the same way and to the same extent [a
3 justice of the peace might do], or he may report the matter
4 to the district court who may enforce obedience as though
5 the action was pending in said court.

6 Sec. 145. Section six hundred twenty-five point thirteen
7 (625.13), Code 1971, is amended as follows:

8 625.13 DISMISSAL FOR WANT OF JURISDICTION. Where an
9 action is dismissed from any court for want of jurisdiction[,
10 or because it has not been regularly transferred from an
11 inferior to a superior court,] the costs shall be adjudged
12 against the party attempting to institute or bring up the
13 same.

14 Sec. 146. Section six hundred twenty-six point ninety-
15 four (626.94), Code 1971, is amended as follows:

16 626.94 PROPERTY UNSOLD—OPTIONAL PROCEDURE. Sub-
ject to
17 the provisions of section 626.93, when property is unsold
18 for want of bidders, the levy still holds good; and, if there
19 be sufficient time, it may again be advertised, or the
20 execution returned and one issued commanding the officer to
21 sell the property, describing it, previously levied on, to
22 which a clause may be added that, if such property does not
23 produce a sum sufficient to satisfy such execution, the officer
24 shall proceed to make an additional levy, on which he shall
25 proceed as on other executions; or the plaintiff may, in
26 writing filed with the clerk [or justice], abandon such levy,
27 upon paying the costs thereof; in which case execution may
28 issue with the same effect as if none had ever been issued.

29 Sec. 147. Section six hundred twenty-six point one hundred
30 eight (626.108), Code 1971, is amended as follows:

31 626.108 FEE BILL EXECUTION. After the expiration of sixty
32 days from the rendition of a final judgment not appealed,

1 removed, or reversed, the clerk of the court[, or a justice
2 of the peace in whose office the judgment is entered,] may,
3 and, upon demand of any party entitled to any part thereof,
4 shall, issue a fee bill for all costs of such judgment, which
5 shall have the same force and effect as an execution issued
6 by such officer; and shall be served and executed in the same
7 manner.

8 Sec. 148. Section six hundred thirty point one (630.1),
9 Code 1971, is amended as follows:

10 630.1 DEBTOR EXAMINED. When execution against the
11 of a judgment debtor, or one of several debtors in the same ^{property}
12 judgment, has been issued from the [superior,] **municipal**,
13 district[,] or supreme court to the sheriff of the county where
14 such debtor resides, or if he [do] *does* not reside in the state,
15 to the sheriff of the county where the judgment was rendered,
16 or a transcript of a judgment's judgment has been filed, and
17 execution issued thereon is returned unsatisfied in whole
18 or in part, the owner of the judgment is entitled to an order
19 for the appearance and examination of such debtor.

20 Sec. 149. Section six hundred thirty point three (630.3),
21 Code 1971, is amended as follows:

22 630.3 BY WHOM ORDER GRANTED. Such order may be made
23 the [superior or] district court in which the judgment was ^{by}
24 rendered, or by the district court of the county to which
25 execution has been issued. The debtor may be required to
26 appear and answer before either of such courts, or before
27 a referee appointed for that purpose by the court who issued
28 the order, to report either the evidence or the facts.

29 Sec. 150. Section six hundred thirty-nine point eleven
30 (639.11), Code 1971, as amended as follows:

31 639.11 BOND. In all cases before it can be issued, the
32 plaintiff must file with the clerk a bond for the use of the
33 defendant, with sureties to be approved by such clerk, in
34 a penalty at least double the value of the property sought
35 to be attached, and in no case, **except in a class B case in**

1 municipal court, less than two hundred fifty dollars in a
2 court of record, or less than fifty dollars if in a [justice
3 court or] a class B case in municipal court, conditioned that
4 the plaintiff will pay all damages which the defendant may
5 sustain by reason of the wrongful suing out of the attachment.

6 Sec. 151. Section six hundred thirty-nine point sixty-
7 eight (639.68), Code 1971, is amended as follows:

8 639.68 SHERIFF—CONSTABLES. The word "sheriff", or
9 "officer", as used in this chapter is meant to apply to [con-
10 stables when the proceedings are in a justice's court, or]
11 the like officer of any other court.

12 Sec. 152. Section six hundred forty-two point (642.1),
13 Code 1971, is amended as follows:

14 642.1 WHO MAY BE GARNISHED. A sheriff [or constable] may
15 be garnished for money of the defendant in his hands; a judg-
16 ment debtor of the defendant, when the judgment has not been
17 assigned on the record, or by writing filed in the office
18 of the clerk and by him minuted as an assignment on the margin
19 of the judgment docket; and an executor, for money due from
20 decedent.

21 Sec. 153. Section six hundred forty-three point five
22 (643.5), Code 1971, is amended as follows:

23 643.5 BOND. When the plaintiff desires the immediate
24 delivery of the property, he shall execute a bond to the
25 defendant, with sureties to be approved by the clerk [or
26 justice], in a penalty at least equal to twice the value of
27 the property sought to be taken, conditioned that he will
28 appear in court on or before the day fixed in the original
29 notice, and prosecute his action to judgment, and return the
30 property, if a return is awarded, and pay all costs and damages
31 that may be adjudged against him.

32 Sec. 154. Section six hundred forty-three point six
33 (643.6), Code 1971, is amended as follows:

34 643.6 FILING—PURPOSE OF BOND. Said bond shall be filed
35 with the clerk [or justice], and be for the use of any person

1 injured by the proceeding.

2 Sec. 155. Section six hundred forty-three point seven
3 (643.7), Code 1971, is amended as follows:

4 643.7 WRIT ISSUED. The clerk [or justice] shall thereupon
5 issue a writ under his hand, and the seal of the court [if
6 a court of record], directed to the proper officer, requiring
7 him to take the property therein described and deliver it
8 to the plaintiff.

9 Sec. 156. Section six hundred forty-four point one (644.1),
10 Code 1971, is amended as follows:

11 644.1 TAKING UP VESSELS, RAFTS, LOGS AND LUMBER.
If any

12 person shall stop or take up any vessel or watercraft, or
13 any raft of logs, or part thereof, or any logs suitable for
14 making lumber or hewn timber, or sawed lumber, found adrift
15 within the limits or upon the boundaries of this state, of
16 the value of five dollars or upwards, including the cargo,
17 tackle, rigging, and other appendages of such vessel or
18 watercraft, such person, within five days thereafter, provided
19 the same shall not have been previously proved and restored
20 to the owner, shall go before some [justice of the peace in
21 the township] *district judge, municipal judge, or*
22 *district court clerk* where such property is found, and make
23 affidavit setting forth the exact description of such property;
24 where and when the same was found; whether any, and if so
25 what cargo, tackle, rigging, or other appendages were found
26 on board or attached thereto; and that the same has not been
27 altered or defaced, either in whole or in part, since the
28 taking up, either by him or by any other person to his
29 knowledge.

30 Sec. 157. Section six hundred forty-four point two (644.2),
31 Code 1971, is amended as follows:

32 644.2 WARRANT—APPRAISAL—RETURN—RECORD. The
said [justice]
33 *district judge, municipal judge, or district court*
34 *clerk* shall thereupon issue his warrant, directed to some
35 [constable of his township] *peace officer*, commanding him to

1 summon three respectable householders of the neighborhood,
2 who shall proceed without delay to examine and appraise such
3 property, including cargo, tackle, rigging, and other
4 appendages if any there be, and to make report thereof under
5 their hands to the [justice] *judge or clerk* issuing such warrant,
6 who shall [enter the same, together with the affidavit of the
7 taker-up, at large in his estray book, and within five days
8 shall transmit a certified copy thereof to the county auditor
9 of the proper county, to be by him recorded in his estray
10 book and filed in his office] *transmit a certified copy thereof*
11 *to the county auditor to be recorded in the estray book in*
12 *his office.*

13 Sec. 158. Section six hundred forty-four point four
14 (644.4), Code 1971, is amended as follows:

15 644.4 VALUE EXCEEDING TWENTY DOLLARS. If the value
16 shall exceed the sum of twenty dollars, the county auditor,
17 within five days from the time of the reception of the
18 [justice's] *judge or clerk's* certificate at his office, shall
19 cause an advertisement to be posted on the door of the
20 courthouse, and at three other of the most public places in
21 the county, and also a notice to be published once each week
22 for three weeks successively, in some newspaper printed in
23 this state; and if such property be not claimed or proved
24 within ninety days after the advertisement of the same, as
25 aforesaid, the finder shall deliver the same to the sheriff
26 of the county wherein it was taken up, who shall thereupon
27 proceed to sell it at public auction to the highest bidder
28 for cash, having first given ten days' notice of the time
29 and place of sale, and the proceeds of all such sales, after
30 deducting the costs and other necessary expenses, shall be
31 paid into the county treasury.

32 Sec. 159. Section six hundred forty-four point twelve
33 (644.12), Code 1971, is amended as follows:

34 644.12 OWNERSHIP SETTLED. In any case where a claim is
35 made to property found or taken up, and the ownership of the

1 property cannot be agreed upon by the finder and claimant,
 2 they may make a care before any [justice of the peace] *district*
 3 *judge or municipal judge* in the county, who may hear
 4 and adjudicate it, and if either of them refuses to make such
 5 case the other may make an affidavit of the facts which have
 6 previously occurred, and the claimant shall verify his
 7 claim by his affidavit, and the [justice] *district judge or*
 8 *municipal judge* may take cognizance of and try the
 9 matter on the other party having one day's notice, but there
 10 shall be no appeal from the decision. This section does not
 11 bar any other remedy given by law.

12 Sec. 160. Section six hundred forty-four point fourteen
 13 (644.14), Code 1971, is amended as follows:

14 644.14 COSTS, CHARGES AND CARE—ASSESSMENT. The
 15 shall also be required to pay the finder all such costs and
 16 charges as may have been paid by him for services rendered
 17 as aforesaid, including the cost of publication, together
 18 with reasonable charges for keeping and taking care of such
 19 property, which last mentioned charge, in case the finder
 20 and the owner cannot agree, shall be assessed by two
 21 disinterested householders of the neighborhood, to be appointed
 22 by some [justice of the peace] *judge* of the proper county, whose
 23 decision, when made, shall be binding and conclusive on all
 24 parties.

25 Sec. 161. Section six hundred forty-eight point five
 26 (648.5), Code 1971, is amended as follows:

27 648.5 JURISDICTION—TRANSFER—APPEAL. The district[,]
 28 *and municipal*[, and superior] courts within the county[, and
 29 justices of the peace within the township where the subject
 30 matter of the action is situated,] shall have
 31 concurrent jurisdiction of actions for the forcible entry
 32 or detention of real property, and the court first acquiring
 33 jurisdiction of an action therefor shall retain the same until
 34 judgment, unless it is transferred as hereinafter provided.
 35 Where an action is brought in the district[, superior,

1 or municipal court it shall be tried as an equitable action,
2 and upon presentation of the petition to the court or judge
3 after the same has been filed, the court or judge shall make
4 an order fixing the time and place for hearing upon said
5 petition and shall prescribe that notice of the hearing be
6 personally served upon the defendant or defendants, which
7 service shall be at least five days prior to the date set
8 for hearing. By agreement of the parties, it may be transferred
9 from [a justice's court to a municipal, superior, or the district
10 court, or from a superior or] a municipal court to the district
11 court[, and all such actions in which the judgment is rendered in
12 a justice's court may be appealed to the district or superior
13 courts, as provided by law.]

14 Sec. 162. Section six hundred forty-eight point ten
15 (648.10), Code 1971, is amended as follows:

16 648.10 SERVICE BY PUBLICATION. Where it is made to
17 by affidavit that personal service of the original notice
18 in such action cannot be made upon the defendant within the
19 state, the same may be made by publication [, if in a court
20 of record, or by posting, if in a justice's court,] in the
21 same manner and for the same length of time as is required
22 in other cases where such substituted service may be made.

23 Sec. 163. Section six hundred forty-eight point thirteen
24 (648.13), Code 1971, is amended as follows:

25 648.13 TITLE IN ISSUE. The question of title can only
26 be investigated in the district court, and can be pleaded
27 in a municipal court [or a justice's court] only as provided
28 in subsection 4 of section 648.1.

29 Sec. 164. Section six hundred forty-eight point fourteen
30 (648.14), Code 1971, is amended as follows:

31 648.14 TRANSFER TO DISTRICT COURT. When [so] title is
32 put in issue in a [justice's court or] municipal court, the
33 [justice or the] judge of the municipal court shall forth-
34 with, without further proceedings, certify the cause and
35 the papers with a transcript of his docket, showing the reason

36 of such transfer to the district court, where the same shall
37 be tried on the merits, as an equitable action. Such cause
38 shall not be dismissed because of error in transferring the
39 same.

40 Sec. 165. Section six hundred fifty-seven point six
41 (657.6), Code 1971, is amended as follows:

42 657.6 STAY OF EXECUTION. Instead of issuing such warrant,
43 the court [or justice] may order the same to be stayed upon
44 motion of the defendant, and upon his entering into an under-
45 taking of the state, in such sum and with such surety as the
46 court [or justice] may direct, conditioned either that the de-
47 fendant will discontinue said nuisance, or that, within a
48 time limited by the court, and not exceeding six months, he
49 will cause the same to be abated and removed, as either is
50 directed by the court; and, upon his failure to perform the
51 condition of his undertaking, the same shall be forfeited,
52 and the court [or justice of the peace, as the case may be],

1 upon being satisfied of such default, may order such warrant
2 forthwith to issue, and action may be brought on such
3 undertaking.

4 Sec. 166. Section six hundred sixty-one point four (661.4),
5 Code 1971, is amended as follows:

6 661.4 ORDER ISSUED. The order may be issued by the
7 district [or superior] court to any inferior tribunal, or to
8 any corporation, officer, or person; and by the supreme court
9 to any district [or superior] court, if necessary, and in any
10 other case where it is found necessary for that court to
11 exercise its legitimate power.

12 Sec. 167. Section six hundred sixty-three point three
13 (663.3), Code 1971, is amended as follows:

14 663.3 WRIT ALLOWED—SERVICE. The writ may be allowed
15 by the supreme, district, *or* municipal[, or superior] court,
16 or by any judge of either of those courts, and may be served
17 in any part of the state.

18 Sec. 168. Section six hundred sixty-five point four
19 (665.4), Code 1971, is amended by striking subsection three
20 (3) and inserting in lieu thereof the following:

21 "By district magistrates, by a fine not exceeding one hun-
22 dred dollars or imprisonment in a county jail not exceeding
23 thirty days."

24 Sec. 169. Section six hundred sixty-six point six (666.6),
25 unnumbered paragraph one (1), Code 1971, is amended as follows:

26 666.6 REPORT OF FORFEITED BONDS. Clerks of district[,]
27 *and* municipal, [superior, and police courts, mayors of cities
28 and towns, and justices of the peace] *courts* shall, on the first
29 Monday in January in each year, make report in writing to
30 the board of supervisors for their respective counties of
31 all forfeited recognizances in their offices; of all fines,
32 penalties, and forfeitures imposed in their respective courts,
33 which by law go into the county treasury for the benefit of
34 the school fund; in what cause or proceeding, when and for
35 what purpose, against whom and for what amount, rendered;

1 whether said fines, penalties, forfeitures, and recognizances
2 have been paid, remitted, canceled, or otherwise satisfied;
3 if so, when, how, and in what manner, and if not paid,
4 remitted, canceled, or otherwise satisfied, what steps have
5 been taken to enforce the collection thereof.

6 Sec. 170. Section six hundred sixty-seven point two
7 667.2, Mode 1971, is amended as follows:

8 667.2 PETITION AND WARRANT. The petition must be in
9 writing, sworn to, and filed with the clerk [or a justice of
10 the peace,] who shall thereupon issue a warrant to the proper
11 officer, commanding him to seize the boat or raft, its apparel,
12 tackle, furniture, and appendages, and detain the same until
13 released by due course of law.

14 Sec. 171. Section six hundred sixty-seven point five
15 (667.5), Code 1971, is amended as follows:

16 667.5 SERVICE OF WARRANT. Any [constable or] marshal of
17 any city or town may execute the warrant[, whether it issues
18 from the office of the clerk of the district or superior
19 court, or of a justice].

20 Sec. 172. Section six hundred sixty-seven point seven
21 (667.7), Code 1971, is amended as follows:

22 667.7 BOND TO DISCHARGE. The property seized may be dis-
23 charged at any time before final judgment, by giving a bond
24 with sureties, to be approved by the officer executing the
25 warrant, or by the clerk [or justice] who issued it, in a penalty
26 double the plaintiff's demand, conditioned that the obligors
27 therein will pay the amount which may be found due to the
28 plaintiff, together with the costs.

29 Sec. 173. Section six hundred eighty-five point eight
30 (685.8), subsection three (3), Code 1971, is amended as
31 follows:

32 3. Obtain reports from clerks of court, judges, [justices
33 of the peace, mayors,] and magistrates, in accordance with
34 law, or rules prescribed by the supreme court as to cases
35 and other judicial business in which action has been delayed

1 beyond periods of time specified by law or such rules, and
2 make report thereof;

3 Sec. 174. Section six hundred eighty-five point nine
4 (685.9), Code 1971, is amended as follows:

5 685.9 CO-OPERATION OF COURT OFFICERS. The judges, [jus-
6 tices of the peace, mayors,] *dis-*
7 *trict* magistrates, reporters, clerks of court, probation offi-
8 cers, sheriffs, and all other officers, state and local, shall
9 comply with all requirements made by the statistician or his
10 assistants for information and statistical data bearing on
11 the state of the dockets of the courts, the progress of court
12 business, and such other information as may reflect the
13 business transacted by them and the expenditure of moneys
14 for the maintenance and operation of the judicial system.

15 Sec. 175. Section six hundred eighty-five point ten
16 (685.10), Code 1971, is amended by striking the section and
17 inserting in lieu thereof the following:

18 "Sections six hundred eighty-five point six (685.6) through
19 six hundred eighty-five point nine (685.9) of the Code, inclusive
20 apply to the supreme court and the district and municipal court."

21 Sec. 176. Section six hundred eighty-six point two (686.2),
22 Code 1971, is amended as follows:

23 686.2 MOTION FOR NEW TRIAL. The supreme court on appeal
24 may review and reverse any judgment or order of the **municipal**
25 [superior,] or district court, although no motion for a new
26 trial was made in such court.

27 Sec. 177. Section six hundred eighty-seven point six
28 (687.6), Code 1971, is amended by striking the section and
29 inserting in lieu thereof the following:

30 "When the performance of any act is prohibited and the
31 penalty prescribed does not exceed a fine of one hundred
32 dollars or imprisonment in jail not exceeding thirty days,
33 such act is a nonindictable misdemeanor. All other
34 misdemeanors are indictable whether or not the punishment
35 is prescribed."

1 Sec. 178. Section six hundred eighty-seven point seven
2 (687.7), Code 1971, is amended as follows:

3 687.7 PUNISHMENT FOR INDICTABLE MISDEMEANORS.

4 son who is convicted of [a] *an indictable* misdemeanor, the ^{Every per-}
5 punishment of which is not otherwise prescribed by any statute
6 of this state, shall be punished by imprisonment in the county
7 jail not more than one year, or by fine not exceeding five
8 hundred dollars, or by both such fine and imprisonment.

9 Sec. 179. Section seven hundred nine point nine (709.9),
10 Code 1971, is amended as follows:

11 709.9 TAKING GOODS FROM OFFICER. If any person,
12 and without authority of law, take, carry away, secrete, or ^{knowingly}
13 destroy any goods or chattels while the same are lawfully
14 in the custody of any sheriff, county medical examiner,
15 marshal, [constable,] or other officer, and held by such officer
16 by virtue of execution, writ of attachment, or other legal
17 process, he shall be guilty of larceny, and, when the value
18 of the property so taken, carried away, secreted, or destroyed
19 exceeds the sum of twenty dollars, be imprisoned in the
20 penitentiary not more than one year; and when it does not
21 exceed twenty dollars, be fined not exceeding one hundred
22 dollars, or imprisoned in the county jail not more than thirty
23 days.

24 Sec. 180. Section seven hundred twenty-five point nine
25 (725.9), Code 1971, is amended as follows:

26 725.9 WARRANTS FOR SEARCH OR SEIZURE. Any magistrate
27 [or police judge] is authorized, on complaint supported by
28 oath or affirmation of one or more persons, to issue a warrant,
29 directed to the sheriff of the county within which such
30 complaint is made, or to any [constable or] police officer
31 within said county, directing him or them, or any of them,
32 to search for, seize and take possession of such books, papers,
33 pictures, circulars, articles, and things named in this
34 chapter; and said magistrate [or police judge] shall deliver
35 personally, or shall transmit, enclosed and under seal,

1 specimens thereof to the county attorney of his county, and
2 shall deposit within the county jail of his county, or other
3 secure place, as to him shall seem meet, enclosed and under
4 seal, the remainder thereof, and shall, upon the conviction
5 of the person or persons offending under the provisions of
6 this chapter, forthwith, in the presence of the person or
7 persons upon whose complaint the seizure or arrest was made,
8 if he or they shall elect to be present, destroy, or cause
9 to be destroyed, the remainder thereof, and shall cause to
10 be entered upon the record of his court the fact of such
11 destruction.

12 Sec. 181. Section seven hundred thirty-one A point four
13 (731A.4), Code 1971, is amended as follows:

14 731A.4 JURISDICTION AND APPEAL. Juvenile courts shall
15 have jurisdiction in the prosecution of the offense set forth
16 herein, though the defendant or defendants in such actions
17 be adults. Said proceedings in juvenile court shall be
18 commenced by filing a sworn complaint or information and the
19 matter shall be tried summarily and without a jury. Provided,
20 however, that prior to the filing of such complaint or
21 information the probation officer for the territory in
22 question, or the county attorney, shall make such investigation
23 as he may deem necessary, and no such complaint or information
24 shall be filed without the approval of such probation officer
25 or county attorney, except by order of a judge of the juvenile
26 court. Any defendant convicted upon such trial shall have
27 the right of appeal and trial de novo, including the right
28 of trial by jury, in the district court[, the same as in case
29 of appeals thereto from the justice courts].

30 Sec. 182. Section seven hundred thirty-nine point nine
31 (739.9), Code 1971, is amended as follows:

32 739.9 SHERIFF OR OTHER OFFICERS RECEIVING BRIBES.

If

33 any sheriff, deputy sheriff, [or constable,] or any marshal,
34 deputy marshal, policeman, or police officer of any city or
35 town, receive from a defendant, or other person, any money

1 or other valuable thing as a consideration or inducement for
2 omitting or delaying to arrest any defendant or to carry him
3 before a magistrate or to prison, or for postponing, delaying,
4 or neglecting the sale of property on execution, or for
5 omitting or delaying to perform any other duty pertaining
6 to his office, he shall be fined not exceeding five hundred
7 dollars, or imprisoned in the county jail not exceeding six
8 months, or both fined and imprisoned, at the discretion of
9 the court.

10 Sec. 183. Section seven hundred forty point five (740.5),
11 Code 1971, is amended as follows:

12 740.5 FALSELY ASSUMING TO BE AN OFFICER. If a person
13 assume to be a judge, [justice of the peace,] *district*
14 magistrate, sheriff, deputy sheriff, peace officer, special
15 agent of the Iowa department of public safety, or conserva-
16 tion officer[, or constable], and take up himself to act as
17 such, or require anyone to aid or assist him in any matter
18 pertaining to the duty of any such officer, he shall be impris-
19 oned in the county jail not more than one year, or be fined
20 not exceeding three hundred dollars.

21 Sec. 184. Section seven hundred forty point six [740.6],
22 Code 1971, is amended as follows:

23 740.6 STIRRING UP QUARRELS AND SUITS. If any judge,
24 [justice of the peace,] clerk of any court, sheriff, [constable,]
25 attorney, or counselor at law, encourage, excite or stir up
26 any action, quarrel, or controversy between two or more
27 persons, with intent to injure such persons, he shall be fined
28 not exceeding five hundred dollars, and shall be answerable
29 to the party injured in treble damages.

30 Sec. 185. Section seven hundred forty-two point seven
31 (742.7), Code 1971, is amended as follows:

32 742.7 ARMED FORCES UNDER COMMAND OF SHERIFF.

33 armed force is called out, it shall obey the commands of the
34 sheriff or other person appointed by the governor for that
35 purpose, or by a judge of the supreme[, district, or superior

1 court, or other magistrate] *or district court, municipal*
2 *judge, or district magistrate* in the order named,
3 but such officer or person shall at all times be subject to
4 the direction of the governor.

5 Sec. 186. Section seven hundred forty-three point four
6 (743.4), Code 1971, is amended as follows:

7 743.4 UNLAWFUL ASSEMBLAGES—DISPERSION. When per-
8 sons
9 to the number of twelve or more, armed with dangerous weapons,
10 or persons to the number of thirty or more, whether armed
11 or not, are unlawfully or riotously assembled in any city
12 or town, any judge, sheriff, and his deputies if they be
13 present, the major, aldermen, marshal[, constables, and
14 justices of the peace] *and district magistrates* of such city
15 or town must go among the persons assembled, or as near them
16 as may be safe, and command them, in the name of the state,
17 immediately to disperse.

18 Sec. 187. Section seven hundred forty-six point seven
19 (746.7), Code 1971, is amended as follows:

20 746.7 TAKING BEFORE MAGISTRATE. If such arrest is made
21 during the night, the officer may keep the person arrested
22 in confinement until the next morning, unless bail be given[,
23 and if made within the jurisdiction of a police court, he
24 must be taken before such court, unless the judge is absent].

25 Sec. 188. Section seven hundred forty-eight point one
26 (748.1), Code 1971, is amended as follows:

27 748.1 "MAGISTRATE" DEFINED. The term "magistrate" in-
28 cludes.

29 [1. All judges of the supreme, district, superior, or
30 municipal courts, throughout the state.]

31 [2. All justices of the peace, mayors, and judges of the
32 police court, within their respective counties] *all judges*
33 *of the supreme and district courts and all municipal*
34 *judges and district magistrates.*

35 Sec. 189. Section seven hundred forty-eight point three
(748.3), Code 1971, is amended by striking subsection two

1 (2).

2 Sec. 190. Section seven hundred fifty-one point forty
3 (751.40), Code 1971, is amended as follows:

4 751.40 APPEAL BY CLAIMANT. Any person appearing as afore-
5 said may, when the proceedings are [not] before a [judge of the]
6 district [court] *magistrate*, appeal to [the] *a* district [court]
7 *judge* from said judgment or forfeiture, as to the whole or
8 any part of said property, *and the procedure on appeal, except*
9 *as herein modified, shall be as upon other appeals from*
10 *district magistrates' judgments.*

11 Sec. 191. Section seven hundred fifty-four point one
12 (754.1), Code 1971, is amended as follows:

13 754.1 DEFINITION. A complaint or preliminary information
14 is a statement in writing, under oath or affirmation, made
15 before a magistrate, *or in his absence before the district*
16 *court clerk or his deputy*, of the commission or threatened
17 commission of a public offense, and accusing someone thereof.

18 Sec. 192. Section seven hundred fifty-four point three
19 (754.3), Code 1971, is amended as follows:

20 754.3 FILING—ISSUING WARRANT. When a preliminary infor-
21 mation is made before a magistrate, *or district court clerk*
22 *or his deputy*, charging the commission of some designated
23 public offense triable on indictment in the county in which
24 such magistrate, *or district court clerk or his deputy*, has
25 local jurisdiction, by some person named therein, he may issue
26 a warrant for the arrest of such person.

27 Whenever the preliminary information charges a misdemeanor
28 the magistrate, *or district court clerk or his deputy*, may
29 in his discretion issue a summons instead of a warrant of
30 arrest. The summons shall set forth substantially the nature
31 of the offense and shall command the person against whom the
32 complaint was made to appear before the magistrate issuing
33 the summons at a time and place stated therein.

34 The summons may be served in the same manner as an original
35 notice in a civil action.

1 If the person named in the summons is actually served as
2 provided herein and fails without good cause to appear as
3 commanded by the summons, he shall be considered in contempt
4 of court and may be punished by a fine of not more than twenty
5 dollars. Upon such failure to appear, the magistrate, *or*
6 *district court clerk or his deputy*, shall issue a warrant
7 of arrest for the offense originally charged, and institute
8 proceedings in contempt as provided by chapter 665.

9 If after issuing a summons the magistrate, *or district*
10 *court clerk or his deputy*, becomes satisfied that the person
11 to whom such summons has been directed will not appear, he
12 may at once issue a warrant of arrest without waiting for
13 the date mentioned in the summons. *A warrant or summons*
14 *issued by a clerk or deputy shall be returnable before a*
15 *district magistrate for the county, or in his absence, before*
16 *the nearest district magistrate, whether the warrant is for*
17 *a felony as under section 757.2 or for a misdemeanor.*

18 Sec. 193. Section seven hundred fifty-four point five
19 (754.5), Code 1971, is amended as follows:

20 754.5 DIRECTED TO PEACE OFFICER—CONTENTS. The
21 must be directed to any peace officer in the state; give the ^{warrant}
22 name of the defendant, if known to the magistrate, *or dis-*
23 *trict court clerk or his deputy*; if known, may designate
24 him by any name, and must state by name or general description
25 an offense which authorizes a warrant to issue, the time of
26 issuing it, the county, city, town, village, or township where
27 issued, and be signed by the magistrate, *or district court*
28 *clerk or his deputy*, with his name of office.

29 Sec. 194. Section seven hundred fifty-four point six
30 (754.6), Code 1971, is amended as follows:

31 754.6 ORDER FOR BAIL—ENDORSED ON WARRANT. If the ^{offense}
32 stated in the warrant be a misdemeanor, the magistrate, *or*
33 *district court clerk or his deputy*, issuing it must make an
34 endorsement thereon as follows: "Let the defendant, when
35 arrested, be admitted to bail in the sum of

1 dollars", stating the amount in which bail may be taken.

2 Sec. 195. Section seven hundred fifty-eight point one
3 (758.1), Code 1971, is amended as follows:

4 758.1 DISPOSITION OF PRISONER. When an arrest is made
5 without a warrant, the person arrested shall, without
6 unnecessary delay, be taken before the nearest or most
7 accessible magistrate in the county in which the arrest is
8 made, *or if none is there available to the nearest available*
9 *magistrate*, and the grounds on which the arrest was made shall
10 be stated to the magistrate by affidavit, subscribed and sworn
11 to by the person making the statement, in the same manner
12 as upon a preliminary information, as nearly as may be.

13 Sec. 196. Section seven hundred sixty point four (760.4),
14 Code 1971, is amended as follows:

15 760.4 DISCHARGE ORDERED—COSTS. If it appear that there
16 is no just reason to fear the commission of the offense alleged
17 to have been threatened, the person complained of must be
18 discharged, and the complainant may be ordered to pay the
19 costs of the proceeding if the magistrate regards the complaint
20 as unfounded and frivolous, and, [unless when the proceeding
21 is before a judge of the supreme, district, or superior court,
22 may issue execution therefor, and when the proceeding is
23 before a judge of the supreme, district, or superior court,]
24 he shall transmit the complaint, affidavits, warrant, and
25 order to the clerk of the district court of the county, who
26 shall file the same, make a memorandum thereof in the judgment
27 docket, and issue execution therefor immediately.

28 Sec. 197. Section seven hundred sixty point seven (760.7),
29 Code 1971, is amended by striking the section and inserting
30 in lieu thereof the following:

31 "The undertaking, together with the complaints, affidavits,
32 if any, and other papers in the proceeding must be filed by
33 the magistrate with the clerk of district court of the county
34 to stand trial in the district court subject to the provisions
35 of sections seven hundred sixty point ten (760.10) and seven

1 hundred sixty point eleven (760.11] **of the Code."**

2 Sec. 198. Section seven hundred sixty-one point two
3 (761.2), Code 1971, is amended as follows:

4 761.2 CHANGE OF VENUE—GROUNDS. Before any evidence is
5 heard, the defendant may have a change of venue, upon filing
6 an affidavit *and establishing a ground* that the magistrate
7 is prejudiced against him, or is a material witness for either
8 party, or that the defendant cannot obtain justice before
9 him, as affiant verily believes.

10 Sec. 199. Section seven hundred sixty-one point three
11 (761.3), Code 1971, is amended as follows:

12 761.3 PROCEDURE ON CHANGE. On filing such an affidavit
13 a change of venue must be allowed[, and] *if a ground of the*
14 *affidavit is established, whereupon* the magistrate must imme-
15 diately transmit all original papers, and a transcript of
16 the entire record in the case, [to the nearest magistrate in
17 the township, if there be one, if not,] to the nearest
18 magistrate in the county, who shall proceed with said
19 examination as hereinafter provided; but one such change shall
20 be allowed. *If there be no other magistrate in the county*
21 *who is a district magistrate, then the papers and transcript*
22 *shall be transmitted to the nearest district magistrate in*
23 *the district.*

24 Sec. 200. Section seven hundred sixty-two point one
25 (762.1), Code 1971, is amended as follows:

26 762.1 JURISDICTION. [Justices of the peace] *District*
27 *magistrates* have jurisdiction of, and [must] *may* hear, try,
28 and determine all public offenses, less than felony, committed
29 within their respective counties, in which the punishment
30 prescribed by law does not exceed a fine of one hundred dollars
31 or imprisonment *for* thirty days.

32 Sec. 201. Section seven hundred sixty-two point six
33 (762.6), Code 1971, is amended as follows:

34 762.6 WARRANT OF ARREST. Immediately upon the filing
35 of such information, the [justice] *district magistrate, or in*

1 *his absence, the district court clerk or deputy* may, in his
2 discretion, issue a warrant for the arrest of the defendant,
3 directed in the same manner as a warrant of arrest upon a
4 preliminary information, which may be served in like manner.

5 Sec. 202. Section seven hundred sixty-two point seven
6 [762.7], Code 1971, is amended as follows:

7 762.7 SERVICE OF WARRANT. The officer who receives the
8 warrant must serve the same by arresting the defendant, if
9 in his power, and bringing him without unnecessary delay
10 before the [justice who issued the same] *district magistrate*.
11 *The district magistrate may fix bail and in his absence the*
12 *district court clerk or deputy may do so.*

13 Sec. 203. Section seven hundred sixty-two point fourteen
14 (762.14), Code 1971, is amended as follows:

15 762.14 CHANGE ALLOWED—TRANSMISSION OF PAPERS.
16 affidavit be filed[,] *and the grounds therein asserted are*
17 *established*, the change of place of trial must be allowed,
18 and the [justice] *district magistrate* must immediately transmit
19 all the original papers, and a transcript of all his docket
20 entries in the case, to the next nearest [justice in the
21 township] *district magistrate*, unless said [justice] *district*
22 *magistrate* be a party to the action, or is related to either
23 party by consanguinity, or affinity within the fourth degree,
24 or where he has been attorney for either party in the action
25 or proceeding; and in such case the [justice] *district magistrate*
26 before whom such action or proceeding is commenced shall
27 transmit all the original papers, together with a transcript
28 of all his docket entries, to the next nearest [justice in
29 the county] *district magistrate* against whom none of the above
30 objections exist, who shall proceed with the case as pro-
31 vided in this chapter, but no more than one change of place
32 of trial in the same case shall be allowed. *If a district*
33 *magistrate is not there found, the papers and transcript shall*
34 *be transmitted to a municipal judge or a district*
35 *judge as district magistrate.*

1 Sec. 204. Section seven hundred sixty-two point thirty-
2 one (762.31), Code 1971, is amended as follows:

3 762.31 JUDGMENT—RULES. When the defendant pleads guilty
4 or is convicted, [either by the justice or by a jury, the
5 justice] *the district magistrate* shall render judgment thereon
6 of fine or imprisonment, as the case may require, being
7 governed by the rules prescribed for the district court, as
8 far as the same are applicable, in rendering such judgment.

9 Sec. 205. Section seven hundred sixty-two point thirty-
10 two (762.32), Code 1971, is amended as follows:

11 762.32 IMPRISONMENT FOR NONPAYMENT OF FINE. A
12 that the defendant pay a fine may also direct that he be ^{judgment}
13 imprisoned until the fine is satisfied, *pursuant to section*
14 789.17 of the Code.

15 Sec. 206. Section seven hundred sixty-two point thirty-
16 three (762.33), Code 1971, is amended as follows:

17 762.33 DEFENDANT DISCHARGED. When the defendant is
18 acquitted, [either by the justice or by a jury,] he must be
19 immediately discharged.

20 Sec. 207. Section seven hundred sixty-two point thirty-
21 five (762.35), Code 1971, is amended as follows:

22 762.35 APPEAL. In either case the prosecuting witness
23 may appeal from such judgment to [the] a district [court] *judge*,
24 by giving notice thereof as provided [in this chapter] with
25 reference to appeals by defendant, and the fact of the giving
26 of such notice shall be entered by the [justice] *district*
27 *magistrate* on his record. *The same procedure shall obtain*
28 *as upon an appeal by the defendant.*

29 Sec. 208. Section seven hundred sixty-two point forty-
30 one (762.41), Code 1971, is amended as follows:

31 762.41 PAYMENT TO SHERIFF. If the defendant be committed
32 for not paying a fine, he may pay it to the sheriff of the
33 county, but to no other person, who must [in like manner],
34 within thirty days after the receipt thereof, pay it into
35 the county treasury.

1 Sec. 209. Section seven hundred sixty-two point forty-
2 two (762.42), Code 1971, is amended as follows:

3 762.42 RECEIPT FOR FINE. If the fine, or any part thereof,
4 is paid to the [justice] *district magistrate* or sheriff, he
5 must execute duplicate receipts therefor [, one of which he
6 must file without delay with the county auditor].

7 Sec. 210. Section seven hundred sixty-three point four
8 (763.4), Code 1971, is amended as follows:

9 763.4 FORM OF BAIL BOND. Bail is put in by a written
10 undertaking, executed by one or more sufficient sureties (with
11 or without the defendant, in the discretion of the court,
12 clerk, or magistrate), accepted by the court, clerk, or
13 magistrate taking the same, and may be substantially in the
14 following form:

15 County of

16 An order having been made on the day of

17 A. D., by A..... B....., a [justice of the peace (or
18 other magistrate), of the township of,] *magis-*
19 *trate, clerk, or deputy* (or as the case may be) that C.....
20 D..... be held to answer upon a charge of (stating briefly
21 the nature of the offense), upon which he has been duly
22 admitted to bail, in the sum of dollars.

23 We, E F..... and G..... H....., hereby undertake
24 that the said C D....., shall appear at the district
25 court of the county of, on the day of
26 (month), 19..... (year) (which date shall not be more
27 than twenty days after perfection of the undertaking), and
28 answer said charge, and submit to the orders and judgment of
29 said court, and not depart without leave of the same, or, if
30 he fail to perform either of these conditions, that we will
31 pay to the state of Iowa the sum of dollars insert-
32 ing the sum in which the defendant is admitted to bail).

33 E..... F.....

34 G..... H.....

35 Accepted by me as, in the township of

1 in the county of _____, this _____ day of _____,
2 A.D. _____

3 I. _____ J. _____ (with official title).

4 Sec. 211. Section seven hundred sixty-six point four
5 (766.4), Code 1971, is amended as follows:

6 766.4 FORFEITURE [IN JUSTICE OF THE PEACE COURT]
7 *BEFORE*

8 *A MAGISTRATE.* When forfeiture is entered before a [justice
9 of the peace, or a court of limited jurisdiction, or before
10 an examining magistrate, such court or officer] *magistrate,*
11 *the magistrate,* upon the forfeiture of the undertaking, shall
12 within ten days file the same, with a copy of all official
13 entries in relation thereto, in the office of the clerk of
14 the district court of the county; and thereupon it shall be
15 the duty of the clerk of the district court to direct the
16 sheriff to give notice as herein prescribed for appearance
17 before the district court at the date fixed in such notice,
18 and the district court shall then proceed in the same manner
19 as though such forfeiture had occurred in such court.

20 Sec. 212. Section seven hundred sixty-nine point two
21 (769.2), Code 1971, is amended by striking the section and
22 inserting in lieu thereof the following:

23 "The county attorney may file in the district court an
24 information charging a person with an indictable offense."

25 Sec. 213. Section six hundred two point five (602.5),
26 Code 1971, is amended as follows:

27 602.5 NUMBER OF JUDGES. In any municipal court district
28 having a population of less than forty thousand, wherein a
29 municipal court has been established, there shall be one municipal
30 judge: in districts having more than forty thousand and less
31 than sixty thousand inhabitants, there shall be two municipal
32 judges; in districts having more than sixty thousand inhabitants
33 there shall be one municipal judge for each forty thousand
34 inhabitants or major fraction thereof, but no district shall
35 have more than four judges.

36 *No person shall be appointed municipal court judge and no*

36 *municipal court judge shall stand for election to an additional*
37 *term as municipal court judge after he has reached seventy-two*
38 *years of age. If a municipal court judge becomes seventy-two*
39 *years of age after January 1, 1971, he shall be retired.*

40 Sec. 214. Sections one hundred thirteen point nine (113.9),
41 one hundred twenty-six point six (126.6), one hundred sixty
42 point fourteen (160.14), three hundred twenty-one point one
43 hundred ninety (321.190), three hundred thirty-six point two
44 (336.2), three hundred thirty-six point three (336.3), three
45 hundred fifty-five point nine (355.9), five hundred fifty-
46 eight point twenty (558.20), six hundred sixty-five point
47 two (665.2), seven hundred seventeen point seven (717.7),
48 seven hundred eighteen point twenty-three (718.23), seven
49 hundred thirty-three point two (733.2), seven hundred fifty-
50 one point twenty (751.20), seven hundred fifty-two point four
51 (752.4), seven hundred fifty-four point two (754.2), seven

1 hundred sixty-two point two (762.2), and seven hundred sixty-
2 two point three (762.3), Code 1971, are amended by striking
3 from such sections the words "justice of the peace" or
4 "justice of the peace" and inserting in lieu thereof the
5 words "district magistrate" or "district magistrates" as
6 indicated.

7 Sec. 215. Sections three hundred thirty-seven point twelve
8 (337.12), seven hundred thirty-three point two (733.2), seven
9 hundred sixty-one point twenty-nine (761.29), seven hundred
10 sixty-two point two (762.2), seven hundred sixty-two point
11 three (762.3), seven hundred sixty-two point four (762.4),
12 seven hundred sixty-two point five (762.5), seven hundred
13 sixty-two point nine (762.9), seven hundred sixty-two point
14 ten (762.10), seven hundred sixty-two point eleven (762.11),
15 seven hundred sixty-two point twelve (762.12), seven hundred
16 sixty-two point thirteen (762.13), seven hundred sixty-two
17 point thirty-four (762.34), seven hundred sixty-two point
18 thirty-eight (762.38), and seven hundred sixty-two point
19 thirty-nine (762.39), Code 1971, are amended by striking from
20 such sections the word "justice" or "justices" and inserting
21 in lieu thereof the words "district magistrate" or "district
22 magistrates" as indicated.

23 Sec. 216. Sections forty-nine point one hundred fifteen
24 (49.115), sixty-five point nine (65.9), one hundred eighty-
25 eight point twenty-nine (188.29), three hundred thirty-six
26 point four (336.4), four hundred twenty point sixteen (420.16),
27 six hundred two point seventeen (602.17) through six hundred two
28 point twenty-one (602.21), inclusive, six hundred five point nineteen
29 (605.19) through six hundred five point twenty-three (605.23),
30 inclusive, six hundred twenty-six point fifty-seven (626.57),
31 six hundred twenty-six point seventy-six (626.76), six hundred
32 twenty-six point one hundred two (626.102),
33 six hundred forty-eight point seven
34 (648.7), six hundred forty-eight point eight (648.8), six
35 hundred forty-eight point eleven (648.11), six hundred forty-

- 1 eight point twelve (648.12),
- 2 six hundred forty-eight point twenty-one (648.21),
- 3 six hundred fifty-seven point five (657.5), seven hundred
- 4 sixty-one point fifteen (761.15), seven hundred sixty-two
- 5 point fifteen (762.15) through seven hundred sixty-two point
- 6 thirty (762.30), inclusive, seven hundred sixty-two point
- 7 thirty-six (762.36), seven hundred sixty-two point thirty-
- 8 seven (762.37), seven hundred sixty-two point forty (762.40),
- 9 seven hundred sixty-two point forty-three (762.43) through
- 10 seven hundred sixty-two point fifty-two (762.52), inclusive,
- 11 and chapters
- 12 three hundred sixty-seven (367), six hundred one (601),
- 13 and six hundred three (603), Code 1971,
- 14 are repealed.
- 15 Sec. 217. This Act shall take effect January 1, 1973,
- 16 except for sections expressly providing otherwise.

EXPLANATION S. F. 428

This bill consolidates all trial courts into a unified trial court, to be manned by district judges having full jurisdiction and district magistrates having jurisdiction of nonindictable misdemeanors and small civil claims; it brings present municipal court judges into the unified court as district associate judges during the transition, with the jurisdiction which municipal court judges now possess and with the tenure of district judges; it establishes a traffic violations office to receive fines for admitted, non-hazardous violations; and it discontinues all courts below the district court.

SENATE FILE 428

1 Amend the Committee on Judiciary amendment to
2 Senate File 428, as amended, passed, and reprinted by
3 the Senate, as follows:
4 1. By striking lines 399 through 409, inclusive,
5 and inserting in lieu thereof the following:
6 "their last known addresses. Elective clerks and
7 elective bailiffs of municipal courts who are in
8 office on June 30, 1973, and municipal court deputy
9 clerks and deputy bailiffs who are in office on that
10 date, shall on July 1, 1973, become deputies of the
11 district court clerks and sheriffs respectively, in
12 the counties of their residence. The compensation
13 and other benefits of the individuals who so become
14 deputies shall not be reduced after June 30, 1973,
15 from the amount on that date, but shall be paid by
16 the counties of their residence; provided, that if
17 the salary of any deputy equals or exceeds the salary
18 of the district court clerk or sheriff of whom he is
19 deputy, then the salary of the particular district
20 court clerk or sheriff shall be increased so as to
21 exceed the salary of the deputy by the sum of two
22 hundred dollars per year.
23 The individuals who were elective municipal court
24 clerks and bailiffs on June 30, 1973, and who were
25 municipal court deputy clerks and deputy bailiffs on
26 that date, may as deputies of the district court
27 clerks and sheriffs be suspended, demoted, or dis-
28 charged by the district court clerks and sheriffs
29 only for neglect of duty, disobedience of orders,
30 misconduct, or failure to properly perform duties, by
31 pursuing the procedure provided by sections three
32 hundred sixty-five point nineteen (365.19) through
33 three hundred sixty-five point twenty-six (365.26),
34 inclusive, of the Code; and in these cases the dis-
35 trict court clerk or sheriff shall be deemed to be
36 the person having the appointing power, the county
37 auditor shall perform the functions of the mayor or
38 city manager, the board of supervisors shall perform
39 the functions of the civil service commission, and
40 the county attorney shall perform the functions of
41 the city attorney or solicitor.
42 All elective clerks and bailiffs of the municipal
43 court holding office on July 1, 1973 shall continue
44 in office until their terms expire. The clerk of the
45 district court and the sheriff of the county in
46 hiring additional deputies made necessary as a result
47 of this Act shall give preference to the elective
48 clerks and elective bailiffs of municipal courts and
49 their respective deputies and employees who are in
50 office on December 31, 1972.

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February 18, 1972

51 A municipal court bailiff and his deputies who
52 on December 31, 1972 are members of the retirement
53 system provided by chapter four hundred eleven (411)
54 of the Code shall continue to be such members threere-
55 after; and that chapter shall continue to apply to
56 them notwithstanding this Act, with the county in
57 question deducting from their compensation their
58 contributions to the retirement fund and the city
59 in question contributing the public's portion to
60 such fund."

Filed - W.D. 2-22
February 17, 1972

By HANSEN of Black Hawk
ELLSWORTH of Dubuque

SENATE FILE 428

1 Amend Senate File 428, as passed, amended, and
2 reprinted by the House, by inserting the following new
3 section on page 79A after line 23:
4 "Sec. _____. The governor may appoint a person to serve
5 as a judge or magistrate whenever federal funds are avail-
6 able for his salary, the cost of courtroom space, and the
7 salary of any additional court staff. The person ap-
8 pointed by the governor shall fill the position until
9 his successor is appointed or until federal funds are no
10 longer available as required in this section. The person
11 appointed under this section shall hear all cases which
12 are directly related to the use of alcohol and any
13 prosecution under section three hundred twenty-one point
14 two hundred eighty-one (321.281) of the Code may be
15 transferred within the judicial district to the jurisdic-
16 tion of the person appointed under this section."

Filed - W.D. 2-22
February 17, 1972

By DOYLE of Woodbury
ANDERSEN of Woodbury
SARGISSON of Woodbury
KELLY of Woodbury

SENATE FILE 428

1 Amend Senate File 428 as amended, passed, and re-
2 printed by the Senate as follows:

3 1. Page 22, by adding after line 20, the following
4 new sections:

5 "Sec. ____ Chapter two hundred sixty-one (261),
6 section two (2), Acts of the Sixty-fourth General
7 Assembly, First Session, amending section forty-six
8 point three (46.3), Code 1971, is amended by striking
9 the section and inserting in lieu thereof the following:

10 46.3 APPOINTMENT OF DISTRICT JUDICIAL NOMINATING
11 COMMISSIONERS. In January 1973 the governor shall ap-
12 point five electors of each judicial election district
13 to the district judicial nominating commission for terms
14 commencing February 1, 1973. He shall appoint two such
15 commissioners to serve until January 31, 1975, two to
16 serve until January 31, 1977, and one to serve until
17 January 31, 1979. In the month of January when each
18 of those terms expire and every six years thereafter
19 the governor shall appoint district judicial nominating
20 commissioners for six-year terms. In no event shall
21 more than three-fifths of the commissioners so appointed
22 within a particular judicial district belong to the
23 same political party.

24 This section shall take effect January 1, 1973."

25 "Sec. ____ Chapter two hundred sixty-one (261),
26 section three (3), Acts of the Sixty-fourth General
27 Assembly, First Session, amending section forty-six
28 point four (46.4), Code 1971, is amended to read as
29 follows:

30 46.4 ELECTION OF DISTRICT JUDICIAL NOMINATING COM-
31 MISSIONERS. In January ~~1972~~ 1973 the resident members
32 of the bar of each judicial election district shall
33 elect five electors of the district to the district
34 judicial nominating commission for terms commencing
35 February 1, ~~1972~~ 1973. One of such commissioners shall
36 serve until January 31, ~~1974~~ 1975, two until January
37 31, ~~1976~~ 1977, and two until January 31, ~~1979~~ 1979,
38 as determined by lot by such commissioners. In the
39 month of January when each of those terms expire and
40 every six years thereafter such members of the bar of
41 the respective judicial election districts shall elect
42 district nominating commissioners for six-year terms.

43 This section shall take effect January 1, 1973."

44 "Sec. ____ TERMINATION OF OFFICE OF PRESENT COMMIS-
45 SIONERS. The terms of office of all district judicial
46 nominating commissioners in Iowa who are in office on
47 December 31, 1972, shall terminate on that date.

48 This section shall take effect July 1, 1972."

House 7
February 18, 1972

SENATE FILE 428

1 Amend the Committee on Judiciary amendment to
2 Senate File 428, as amended, passed and reprinted by
3 the Senate as follows:
4 1. By adding after line 442 the following new
5 section:
6 "Sec. _____. FAILURE TO APPEAR. Any person who
7 willfully fails to appear in court as specified by the
8 citation shall be guilty of a misdemeanor and upon
9 conviction shall be punished by a fine of not more
10 than five hundred dollars or by imprisonment in the
11 county jail not exceeding three months, or by both
12 such fine and imprisonment."

Filed - W.D. 2-22
February 17, 1972

By KNOKE of Pottawattamie

SENATE FILE 428

1 Amend the Committee on Judiciary amendment
2 to Senate File 428 filed February 8, 1972 as follows:
3 Line 84, by adding after the period the follow-
4 ing: "Notwithstanding any other provision of law,
5 if any person, who was a municipal court judge and
6 who was displaced pursuant to the provisions of
7 this Act, is a resident of a district entitled to
8 receive an additional judgeship, such a person
9 shall become the district judge of the district
10 entitled to the additional judgeship."

Filed - W.D. 2-22
February 17, 1972

By HANSEN of Black Hawk
ELLSWORTH of Dubuque

SENATE FILE 428

1 Amend the Doyle, Anderson, Sargisson, and Kelly
2 amendment to Senate File 428 by striking the words
3 "judge or magistrate" in line 5 and inserting in lieu
4 thereof the words "municipal judge".

Filed - W.D. 2-22
February 17, 1972

By DOYLE of Woodbury

SENATE FILE 428

1 Amend Senate File 428 as amended and passed by the Senate
2 and reprinted, page 53A, by striking lines 12 through 14
3 inclusive.

Filed - W.D. 2-22
February 17, 1972

By FISCHER of Grundy

SENATE FILE 428

1 Amend Senate File 428, as passed by the Senate and
2 reprinted, as follows:

3 1. By striking everything after the enacting clause
4 and inserting in lieu thereof the following:

5 Section 1. Section sixteen point twenty-four (16.24),
6 Code 1971, as amended by chapter eighty (80), section
7 two (2), and chapter eighty-four (84), sections sixty-
8 four (64), sixty-five (65), and sixty-six (66), Acts
9 of the Sixty-fourth General Assembly, First Session,
10 is amended by adding the following new subsection:

11 "To each justice of the peace upon requisition by the
12 county board of supervisors of each county 1 copy".

13 Sec. 2. Section sixteen point twenty-five (16.25),
14 Code 1971, as amended by chapter eighty (80), section
15 three (3), and chapter eighty-four (84), section sixty-
16 seven (67), Acts of the Sixty-fourth General Assembly,
17 First Session, is amended by adding the following new
18 section:

19 "To each justice of the peace upon requisition by the
20 county board of supervisors of each county 1 copy".

21 Sec. 3. Section thirty-nine point twenty-one (39.21),
22 Code 1971, is amended by striking the section and
23 inserting in lieu thereof the following new section:

24 39.21 ELECTION OF JUSTICES. The county board of
25 supervisors shall establish single-member justice of
26 the peace districts based upon population within the
27 county. A justice of the peace shall be elected
28 biennially for two-year terms by the voters of his
29 district in the manner provided in this chapter.

30 A justice of the peace shall be an elector of the
31 county and shall reside in the district from which he
32 is elected and shall be less than seventy-two years
33 of age at the time of his election. He shall be a high
34 school graduate with a diploma or possess an equivalency
35 certificate which meets the minimum score required by
36 the state of Iowa as determined by the department of
37 public instruction.

38 The number of justices of the peace in each county
39 shall be determined as follows:

40 1. Counties which have a population of less than
41 ten thousand persons, one justice of the peace, except
42 that the board of supervisors may increase the number
43 of justices to two if two justices are deemed necessary.

44 2. Counties which have a population of at least
45 ten thousand persons, but less than twenty thousand
46 persons, two justices of the peace.

47 3. Counties which have a population of at least
48 twenty thousand, but less than forty thousand population,
49 three justices of the peace.

50 4. Counties which have at least forty thousand
51 population, four justices of the peace, except that

52 the number of justices shall be reduced by one for
53 each municipal court established within the county.
54 5. The board of supervisors may reduce the number
55 of justices in each county if such action appears
56 reasonable, based on the number of cases heard by
57 justices of the peace in the county for the preceding
58 year.

59 Sec. 4. Section forty-nine point one hundred six
60 (49.106), Code 1971, is amended to read as follows:

61 49.106 MAY COMMIT DISORDERLY PERSON. Any constable
62 or special policeman may forthwith arrest such person
63 and bring him before the judges of election, and they,
64 by a warrant under their hands, may commit him to
65 the jail of the county for a term not exceeding twenty-
66 four hours, but they shall permit him to vote.

67 Sec. 5. Section forty-nine point one hundred
68 fifteen (49.115), Code 1971, is amended to read as
69 follows:

70 49.115 CONSTABLES. ~~Except in~~ In voting precincts
71 ~~within any located outside a city, any constable of~~
72 ~~the township, who may be designated by~~ the judges
73 of election, may appoint from two to four special
74 policemen for each voting precinct. The special
75 policemen shall attend at the place of election, ~~if~~
76 ~~none attend, the judges of the election may, in~~
77 ~~writing, specially appoint one or more, who shall~~
78 ~~have all the powers of a regular constable and shall~~
79 ~~have the powers granted special policemen in section~~
80 ~~49.114.~~

81 Sec. 6. Section forty-nine point one hundred
82 sixteen (49.116), Code 1971, is amended to read as
83 follows:

84 49.116 PRESERVING ORDER. All special policemen
85 and constables are authorized and required to preserve
86 order and peace at all places of election, and such
87 special policemen, constables, and all other persons
88 are authorized and required to obey the lawful orders
89 and commands of said judges of election given to
90 prevent violations of this chapter.

91 Sec. 7. Section sixty-two point four (62.4), Code
92 1971, is amended to read as follows:

93 62.4 SHERIFF TO ATTEND. The court or presiding
94 judge may direct the attendance of the sheriff or
95 a constable when necessary.

96 Sec. 8. Section sixty-four point eight (64.8),
97 Code 1971, is amended to read as follows:

98 64.8 COUNTY OFFICERS. The bonds of the following
99 county officers, viz.: Clerks of the district courts,
100 county attorneys, recorders, auditors, superintendents
101 of schools, sheriffs, justices of the peace, and
102 constables, and assessors shall each be in a penal
103 sum to be fixed by the board of supervisors.

104 Sec. 9. Section sixty-four point nine (64.9),
105 Code 1971, is amended to read as follows:

106 64.9 MINIMUM BONDS OF COUNTY OFFICERS. Bonds
107 of members of the board of supervisors, clerks of
108 the district courts, county auditors, sheriffs, and
109 county attorneys shall not be in less sum than five
110 thousand dollars each, and those of justices and
111 constables of the peace, not less than five-hundred
112 one thousand dollars each.

113 Sec. 10. Section sixty-four point twenty-four
114 (64.24), subsection two (2), Code 1971, is amended
115 to read as follows:

116 2. In the record kept by the county auditor, the
117 official bonds of all county officers, elective or
118 appointive, justices of the peace, and township clerks,
119 and-constables.

120 Sec. 11. Section sixty-five point nine (65.9),
121 Code 1971, is amended to read as follows:

122 65.9 JUSTICE OF THE PEACE. If the proceedings
123 relate to a justice of the peace, and he is removed
124 from office, the county auditor shall notify the
125 proper-township-trustees-or-clerk appropriate county
126 board of supervisors of the removal.

127 Sec. 12. Section sixty-nine point eight (69.8),
128 subsection four (4), Code 1971, is amended to read
129 as follows:

130 4. COUNTY OFFICES. In county offices, including
131 justices of the peace and-constables, by the board
132 of supervisors.

133 Sec. 13. Section one hundred eighty-eight point
134 twenty-eight (188.28), unnumbered paragraph one (1),
135 Code 1971, is amended to read as follows:

136 188.28. PROOF OF SERVICE. Immediately after the
137 expiration of said ten days of posting, the person
138 taking up the estray shall, unless such estray has
139 been previously claimed by the owner, file with a
140 justice of the peace in the township county in which
141 the estray was taken up, or, in case there is no
142 justice-in-the-township, then-with-the-next-nearest
143 justice-in-the-county, his affidavit which shall show:

144 Sec. 14. Section three hundred thirty-two point
145 nine (332.9), Code 1971, is amended to read as follows:

146 332.9 OFFICES FURNISHED. The board of supervisors
147 shall furnish the clerk of the district court, sheriff,
148 recorder, treasurer, auditor, county attorney, county
149 superintendent, county surveyor or engineer, and
150 county assessor, with offices at the county seat,
151 but in no case shall any such officer, except the
152 county attorney, be permitted to occupy an office
153 also occupied by a practicing attorney. The board
154 may require justices of the peace to hold court in
155 facilities furnished by the county. If recommended
156 by the chief judge of the judicial district, the board

157 shall furnish suitable facilities for justices of
158 the peace to hold court.

159 Sec. 15. Section three hundred forty-three point
160 three (343.3), Code 1971, is amended to read as
161 follows:

162 343.3 ACTING AS COUNSEL. No sheriff, or deputy
163 sheriff, ~~or constable~~ shall appear in any court as
164 attorney or counsel for any party, nor make any writing
165 or process to commence any action or proceeding, or
166 to be in any manner used in the same; and such writing
167 or process made by any of them shall be rejected.

168 Sec. 16. Section three hundred forty-three point
169 four (343.4), Code 1971, is amended to read as follows:

170 343.3 PURCHASE OF PROPERTY. No sheriff, or deputy
171 sheriff, ~~or constable~~ shall become the purchaser,
172 either directly or indirectly, or any property by
173 him exposed to sale under any process of law; and
174 every such purchase shall be void.

175 Sec. 17. Section three hundred fifty-nine point
176 thirty-eight (359.38), Code 1971, is amended to read
177 as follows:

178 359.38 WATCHMEN APPOINTED. Such trustees,
179 directors, or other officers may appoint as many day
180 and night watchmen of their grounds as they may think
181 expedient, and such watchmen, and also all their
182 sextons, superintendents, gardeners, and agents,
183 stationed upon or near said grounds are hereby
184 authorized to take and subscribe, before any mayor
185 of a city or justice of the peace of the township
186 county where such cemetery is situated, an oath of
187 office, ~~similar to that required by law of constables.~~

188 Sec. 18. Section three hundred fifty-nine point
189 thirty-nine (359.39), Code 1971, is amended to read
190 as follows:

191 359.39 EX OFFICIO POLICE OFFICERS. Upon the
192 taking of such oath, such watchmen, sextons,
193 superintendents, gardeners, and agents shall have
194 and exercise all powers of police officers within
195 and adjacent to the cemetery grounds and each shall
196 have power to arrest any and all persons engaged in
197 violating the laws of this state, and to bring such
198 person so offending before any justice of the peace
199 within such township county, to be dealt with according
200 to law.

201 Sec. 19. Section three hundred sixty-seven point
202 five (367.5), Code 1971, is amended to read as follows:

203 367.5 JURISDICTION OF MAYOR. In other cities
204 and towns, the mayor, or mayor pro tempore when
205 authorized, may request approval from the chief judge
206 or the judicial district of the county to hold mayor's
207 court. If approval is granted by the chief judge
208 of the judicial district of the county, the mayor

209 shall have exclusive jurisdiction of all actions or
210 prosecutions for violations of city or town ordinances,
211 and ~~the-mayor~~ shall have, in criminal matters, the
212 jurisdiction of a justice of the peace, coextensive
213 with the county, and in civil cases, the jurisdiction
214 within the city or town that a justice of the peace
215 has within the township county.

216 Sec. 20. Section three hundred sixty-seven point
217 thirteen (367.13), Code 1971, is amended to read as
218 follows:

219 367.13 FEES. Police judges in criminal cases
220 under ordinances or state laws shall receive charge
221 the same fees as justices of the peace receive in
222 similar cases and all fees collected shall be paid
223 into the municipal treasury. In criminal cases under
224 ordinance, said fees shall be payable from the
225 municipal treasury, and in criminal cases under state
226 law, said fees shall be payable from the county
227 treasury. The council may shall by ordinance provide
228 a salary in lieu of all fees, ~~and thereafter all fees~~
229 ~~collected shall be paid into the municipal treasury~~
230 and the salary may be based upon the salaries paid
231 to justices of the peace.

232 Sec. 21. Section three hundred sixty-seven point
233 fourteen (367.14), Code 1971, is amended to read as
234 follows:

235 367.14 MARSHAL AS BAILIFF. The marshal or his
236 deputy shall attend upon the sittings of the mayor's
237 and police courts and perform the duties of bailiff
238 therein. The fees for such services shall be the
239 same as constables county sheriffs receive for similar
240 ~~services in justice of the peace court.~~ Fees shall
241 be payable from the municipal treasury for services
242 in connection with criminal cases under ordinances,
243 and from the county treasury for services in connection
244 with criminal cases under the state law. The council
245 may by ordinance provide a salary in lieu of all fees,
246 and thereafter all fees collected shall be paid into
247 the municipal treasury.

248 Sec. 22. Section three hundred sixty-seven point
249 fifteen (367.15), Code 1971, is amended to read as
250 follows:

251 367.15 MAYOR'S FEES. For holding a mayor's or
252 police court, or discharging the duties of a justice
253 of the peace, the mayor shall receive in addition
254 to his regular salary as mayor, such ~~fees or~~ salary
255 as is by law or ordinance provided for officers
256 performing such duties.

257 Sec. 23. Section four hundred forty-five point
258 forty-nine (445.49), Code 1971, is amended to read
259 as follows:

260 445.49 SHERIFF OR-CONSTABLE AS COLLECTOR. In

261 the discharge of his duties as collector, should it
262 become necessary to make the delinquent taxes by
263 distress and sale, or should no collector be appointed,
264 or should the collector fail to institute proceedings
265 to collect said delinquent taxes, the treasurer shall
266 place the same in the hands of the sheriff, ~~or-a~~
267 ~~constable~~, who shall proceed to collect the same,
268 and ~~either he~~ shall be entitled to receive the same
269 compensation in addition to the five percent, as
270 ~~constables-are~~ he is entitled to receive for the sale
271 of property on execution.

272 Sec. 24. Section five hundred eighty point four
273 (580.4), unnumbered paragraph one (1), Code 1971,
274 is amended to read as follows:

275 580.4 AFFIDAVIT OF FORECLOSURE. Liens may be
276 enforced by the holder filing ~~with-any-constable-of~~
277 ~~the-county-in-which-the-progeny-is-kept,-or~~ with the
278 sheriff of ~~such-county~~ the county in which the progeny
279 is kept, an affidavit which shall, in addition to
280 a demand for foreclosure, contain:

281 Sec. 25. Section five hundred eighty point five
282 (580.5), unnumbered paragraph one (1), Code 1971,
283 is amended to read as follows:

284 580.5 POSSESSION AND NOTICE. The ~~constable-or~~
285 sheriff shall, under said affidavit, take immediate
286 possession of said progeny, and give written notice
287 of the sale thereof, which notice shall contain:

288 Sec. 26. Section five hundred eighty point eight
289 (580.8), Code 1971, is amended to read as follows:

290 580.8 SALE--APPLICATION OF PROCEEDS. If payment
291 of the service fee, ~~and-constable-costs~~, be not made
292 prior to the time of sale, as fixed in such notice,
293 the ~~constable~~ sheriff may sell property so held by
294 him, or so much thereof as may be necessary, at public
295 auction to the highest bidder, and the proceeds shall
296 be applied, first, to the payment of the costs, and
297 second, in payment of amount due for service fee.
298 Any surplus arising from such sale shall be forthwith
299 paid to the owner of the property sold.

300 Sec. 27. Section six hundred one point three
301 (601.3), Code 1971, is amended to read as follows:

302 601.3 SUITS BROUGHT WHERE PARTY RESIDES. Actions
303 in all cases may be brought in the township justice
304 of the peace district where the plaintiff, or the
305 defendant, or one of several defendants, resides,
306 unless otherwise provided by law.

307 Sec. 28. Section six hundred one point four
308 (601.4), Code 1971, is amended to read as follows:

309 601.4 WHERE DEFENDANT SERVED. They may also be
310 brought in any other township justice of the peace
311 district of the same county, if actual service on

312 one or more of the defendants is made in such township
313 district.

314 Sec. 29. Section six hundred one point six (601.6),
315 Code 1971, is amended to read as follows:

316 601.6 ATTACHMENT. Actions aided by attachment
317 may be brought against nonresidents of the state in
318 any county ~~and township~~ wherein the property sought
319 to be levied upon is found.

320 Sec. 30. Section six hundred one point eight
321 (601.8), Code 1971, is amended to read as follows:

322 601.8 WRITTEN STIPULATION FOR PLACE OF SUIT.
323 On written contracts stipulating for payment at a
324 particular place, action may be brought in the township
325 justice of the peace district where the payment was
326 agreed to be made.

327 Sec. 31. Section six hundred one point eleven
328 (601.11), Code 1971, is amended to read as follows:

329 601.11 CHANGE OF VENUE FOR FRAUD. Where an action
330 is brought relying upon the foregoing provisions to
331 fix the venue in a township justice of the peace
332 district in a county other than the residence of the
333 signer of a written contract, and the defendant files
334 a verified answer setting forth a legal defense alleg-
335 ing fraud in the inception of the contract, and he
336 files therein a motion asking to have said cause
337 transferred to the county of his residence, accompanied
338 by a cost bond of fifty dollars to be approved by
339 the court where the action is brought, the justice
340 before whom such action is brought shall thereupon
341 order the same transferred to such county upon the
342 defendant paying fees of transcript and postage,
343 and all papers and transcript shall forthwith be
344 mailed, by certified mail ~~letter~~, to the clerk of
345 the district court of the county of defendant's
346 residence, and said cause shall be docketed for trial.

347 Sec. 32. Section six hundred one point fourteen
348 (601.14), Code 1971, is amended to read as follows:

349 601.14 IN ADJOINING ~~TOWNSHIP~~ DISTRICT. If there
350 is no justice in the proper township justice of the
351 peace district qualified or able to act, the action
352 may be commenced in any adjoining township justice
353 of the peace district in the same county. If there
354 ~~be no such~~ is no justice in an adjoining township
355 district, it may be commenced before ~~the a~~ a justice
356 ~~in the same county nearest to the township in which~~
357 ~~the defendant resides~~ an adjoining county.

358 Sec. 33. Section six hundred one point fifteen
359 (601.15), Code 1971, is amended by striking the section
360 and inserting in lieu thereof the following:

361 601.15 INVOICES FURNISHED. The board of
362 supervisors of each county shall furnish each justice

363 of the peace in the county with a record book
364 containing serially numbered invoice receipts in
365 triplicate. The original of each invoice receipt
366 shall be given to the defendant, one copy shall be
367 transmitted to the board of supervisors, and one copy
368 shall be retained by the justice of the peace. The
369 board of supervisors shall also furnish each justice
370 of the peace with a record book suitable for a docket.

371 Sec. 34. Section six hundred one point twenty-
372 three (601.23), Code 1971, is amended to read as
373 follows:

374 601.23 SERVICE AND RETURN. The service and return
375 thereto must be made in the same manner as in the
376 district court, except no service shall be made by
377 publication other than is herein provided, nor shall
378 any return made by another than the sheriff ~~or-a-~~
379 ~~constable~~ of the county be valid unless sworn to.

380 Sec. 35. Section six hundred one point thirty
381 five (601.35), Code 1971, is amended to read as
382 follows:

383 601.35 NEXT NEAREST JUSTICE. When a change is
384 allowed and the fees for transcript are paid, said
385 justice shall transmit all the original papers in
386 the case, and a transcript of his proceedings, to
387 the next nearest justice in the township county, if
388 there be any; if not, to the next nearest justice
389 in ~~his-county~~ an adjoining county, and said justice
390 shall proceed to try said case, and, if he cannot
391 try the same immediately, he shall then fix a time
392 therefor, of which all parties shall take notice;
393 provided, however, anything herein to the contrary
394 notwithstanding, if any party seeking to have the
395 place of trial changed shall so request and designate
396 a municipal or superior court within the county, said
397 cause and all original papers and transcript shall
398 be removed immediately to such designated municipal
399 court or superior court, if there be such municipal
400 or superior court within the county, and docketed,
401 the filing fee to be paid by plaintiff, for nonpayment
402 of which the cause shall be dismissed.

403 Sec. 36. Section six hundred one point forty-nine
404 (601.49), Code 1971, is amended to read as follows:

405 601.49 JURY SUMMONED. If a jury ~~be is~~ demanded,
406 the justice shall issue his precept to ~~some-constable~~
407 ~~of-the-township~~ the sheriff, directing him to summon
408 the requisite number of jurors possessing the same
409 qualifications as are required in the district court.

410 Sec. 37. Section six hundred one point seventy-
411 three (601.73), Code 1971, is amended to read as
412 follows:

413 601.73 FORM. Such execution shall be against
414 the goods and chattels of the defendant therein, and

415 shall be directed to ~~any-constable~~ the sheriff of
416 the county.

417 Sec. 38. Section six hundred one point one hundred
418 ten (601.110), Code 1971, is amended to read as
419 follows:

420 601.110 ATTACHMENT WITHOUT PERSONAL SERVICE.
421 In actions in which an attachment is sought, if it
422 is made to appear by affidavit that personal service
423 cannot be had on the defendant within the state, the
424 justice, upon the return day, unless the defendant
425 appear, shall make an order fixing the day for the
426 trial, not less than sixty days thereafter, and
427 requiring notice to be given by ~~any-constable~~ the
428 sheriff as provided in section 601.111.

429 Sec. 39. Section six hundred one point one hundred
430 eighteen (601.118), Code 1971, is amended to read
431 as follows:

432 601.118 INTERCHANGE. In case of sickness, or
433 other disability, or absence of a justice at the time
434 fixed for a trial of a cause or other proceeding,
435 any other justice of the ~~township~~ county or an
436 adjoining county may, at his request, attend and
437 transact the business for him without any transfer
438 to another office. The entries shall be made in the
439 docket of the justice at whose office the business
440 is transacted, and the same effect shall be given
441 to the proceedings as though no such interchange of
442 official service had taken place.

443 Sec. 40. Section six hundred one point one hundred
444 twenty-two (601.122), Code 1971, is amended to read
445 as follows:

446 601.122 SHERIFF AND-CONSTABLE. The ~~constable~~
447 sheriff is the proper executive officer in a justice's
448 ~~court, but the sheriff may perform any of the duties~~
449 ~~required of him.~~ The powers and duties of the sheriff
450 in relation to the business of the district court,
451 so far as the same are applicable and not modified
452 by statute, devolve upon the ~~constable~~ sheriff in
453 relation to the justice's court.

454 Sec. 41. Section six hundred one point one hundred
455 thirty-two (601.132), Code 1971, is amended to read
456 as follows:

457 601.132 ANNUAL REPORT TO BOARD OF SUPERVISORS.
458 All justices of the peace shall pay into the county
459 treasury all criminal and civil fees collected in
460 each year including all fees collected pursuant to
461 section 601.128. All justices of the peace and
462 constables shall under oath make an annual report
463 to the board of supervisors, upon blanks furnished
464 by the county auditor, of all criminal fees taxed
465 and collected during the year, which report shall

466 also show that all criminal fees and fines collectible
467 by law have been received, such annual report to be
468 made on the first second Monday in January, ~~and before~~
469 ~~the annual settlement shall be made,~~ and accompanied
470 with the receipts of the treasurer for all money paid
471 in to him.

472 All justices of the peace shall make an annual
473 report for the preceding calendar year to the board
474 of supervisors and to the district court, upon blanks
475 furnished by the board of supervisors, of their total
476 case loads including all actions brought before them.
477 The report shall be filed on or before January
478 fifteenth of each year for the preceding year.

479 Sec. 42. Section six hundred one point one hundred
480 thirty-three (601.133), Code 1971, is amended to read
481 as follows:

482 601.133 QUARTERLY REPORT TO COUNTY AUDITOR.
483 Justices of the peace shall make, under oath, quarterly
484 reports, upon blanks furnished by the county auditor,
485 and shall file the same with the county auditor, which
486 reports shall contain a true and correct transcript
487 of all criminal proceedings which have been instituted
488 or adjudicated in their courts, with the names of
489 all attending witnesses and jurors and fees taxes
490 ~~in their favor.~~

491 Sec. 43. Section six hundred one point one hundred
492 thirty-four (601.134), Code 1971, is amended to read
493 as follows:

494 601.134 ATTENDANCE AT JUDICIAL CONFERENCE. ~~It~~
495 ~~shall be the duty of justices of the peace to attend~~
496 ~~the conference or school of instruction designated~~
497 ~~for them by the chief justice of the supreme court.~~
498 Annually the court administrator of the judicial
499 department shall cause at least one conference or
500 school of instruction to be conducted for justices
501 of the peace, which each justice of the peace shall
502 attend unless excused by the court administrator for
503 good cause. Reimbursement for expenses of attending
504 one such conference conferences or school schools
505 of instruction per-year shall be made from the general
506 fund of their county and be subject to the limitation
507 contained in section 605.2. A justice of the peace
508 who does not attend a conference or school and has
509 not been excused by the court administrator is dis-
510 qualified from office and a new justice of the peace
511 shall be appointed within thirty days by the county
512 board of supervisors.

513 Sec. 44. Chapter six hundred one (601), Code 1971,
514 is amended by adding the following new sections:

515 1. "Any person appearing as a defendant before
516 a justice of the peace may have his case heard by

517 the judge of the nearest municipal court, and in such
518 case the judge of the municipal court shall act on
519 behalf of the justice of the peace. Prior to the
520 commencement of the hearing before the justice of
521 the peace, the justice of the peace shall inform the
522 defendant of his right to be tried by the judge of
523 the municipal court."

524 2. "If the chief judge of a judicial district
525 finds that cause exists for removal of a justice of
526 the peace, he shall remove the justice of the peace
527 and a successor shall be appointed by the county board
528 of supervisors."

529 3. "The chief judge of the judicial district on
530 the basis of the case load of each justice of the
531 peace, shall set the annual salary of each justice
532 of the peace as follows:

533 1. For hearing one hundred cases or less, six
534 hundred dollars.

535 2. For hearing not more than two hundred cases
536 but not less than one hundred one cases, nine hundred
537 dollars.

538 3. For hearing not more than four hundred cases
539 and not less than two hundred fifty cases, one thousand
540 eight hundred dollars.

541 4. For hearing not more than six hundred cases
542 and not less than four hundred one cases, two thousand
543 four hundred dollars.

544 5. For hearing not more than eight hundred cases,
545 and not less than six hundred one cases, three thousand
546 dollars.

547 6. For hearing not more than one thousand two
548 hundred cases and not less than eight hundred one
549 cases, four thousand two hundred dollars.

550 7. For hearing more than one thousand two hundred
551 cases, four thousand eight hundred dollars."

552 4. "The salary of the justice of the peace shall
553 be payable monthly from the court fund of the county
554 in which his justice of the peace district is located
555 and also his actual and necessary expenses in the
556 performance of his duties away from his district
557 pursuant to section six hundred five point two (605.2)
558 of the Code. The chief judge of the judicial district
559 shall certify to the appropriate county auditor the
560 annual salary to which each justice in his judicial
561 district is entitled."

562 5. "On January 1, 1975 justices of the peace whose
563 terms of office expire shall file all documents and
564 books pertaining to their office with the newly-elected
565 justices of the peace of the justice of the peace
566 district in which they are located. The newly elected
567 justices of the peace shall assume jurisdiction over
568 cases pending before the justices of the peace whose
569 terms have expired."

570 Sec. 45. Section six hundred two point one (602.1),
571 Code 1971, is amended to read as follows:

572 602.1 COURT ESTABLISHED--DISTRICT DEFINED. A
573 municipal court may be established in any city having
574 a population of five thousand or more, by proceeding
575 as hereinafter provided. All that part of each civil
576 township within the corporate limits of such city
577 shall constitute the municipal court district, except
578 that upon the request of a justice of the peace, a
579 municipal court judge shall have jurisdiction over
580 the specific action for which the request is made.

581 Sec. 46. Chapter six hundred four (604), Code
582 1971, is amended by adding the following new sections:

583 "The chief judge of a judicial district may remove
584 a justice of the peace of that judicial district from
585 office for cause."

586 "The chief judge of a judicial district on the
587 basis of case load of each justice of the peace shall
588 set the annual salary of each justice of the peace
589 pursuant to section forty-four (44), subsection three
590 (3) of this Act. For the initial year the case load
591 for each justice of the peace district shall be
592 determined by dividing the total number of cases of
593 justices of the peace in the county for the preceding
594 year by the number of justice of the peace districts
595 established in section three (3) of this Act in each
596 county. For each succeeding year, the caseload shall
597 be the caseload of the justice of the peace district
598 of the preceding year."

599 Sec. 47. Section six hundred twenty-two point
600 sixty-three (622.63), Code 1971, is amended to read
601 as follows:

602 622.63 SUBPOENAS. The clerks of the several
603 courts shall, on application of any person having
604 a cause or matter pending in court, issue a subpoena
605 for witnesses under the seal of the court, inserting
606 all the names required by the applicant in one
607 subpoena, if practicable, which may be served by the
608 sheriff ~~or any constable~~ of the county, or by the
609 party or any other person.

610 Sec. 48. Section six hundred twenty-two point
611 seventy-eight (622.78), Code 1971, is amended to read
612 as follows:

613 622.78 SERVING SUBPOENA. If a witness conceals
614 himself, or in any manner attempts to avoid being
615 personally served with a subpoena, any sheriff ~~or~~
616 ~~constable~~ having the subpoena may use all necessary
617 and proper means to serve the same, and may for that
618 purpose break into any building or other place where
619 the witness is to be found, having first made known
620 his business and demanded admission.

621 Sec. 49. Section six hundred thirty-nine point
622 sixty-eight (639.68), Code 1971, is amended to read
623 as follows:

624 639.68 SHERIFF--CONSTABLES. The word "sheriff"
625 or "officer", as used in this chapter is meant to
626 apply to ~~constables-when-the-proceedings-are-in-a~~
627 ~~justice's-court,-or~~ the like officer of any other
628 court.

629 Sec. 50. Section six hundred forty-two point one
630 (642.1), Code 1971, is amended to read as follows:

631 642.1 WHO MAY BE GARNISHED. A sheriff ~~or-constable~~
632 may be garnished for money of the defendant in his
633 hands; a judgment debtor of the defendant, when the
634 judgment has not been assigned on the record, or by
635 writing filed in the office of the clerk and by him
636 minuted as an assignment on the margin of the judgment
637 docket; and an executor, for money due from decedent.

638 Sec. 51. Section six hundred forty-four point
639 one (644.1), Code 1971, is amended to read as follows:

640 644.1 TAKING UP VESSELS, RAFTS, LOGS AND LUMBER.
641 If any person shall stop or take up any vessel or
642 watercraft, or any raft of logs, or part thereof,
643 or any logs suitable for making lumber or hewn timber,
644 or sawed lumber, found adrift within the limits or
645 upon the boundaries of this state, of the value of
646 five dollars or upwards, including the cargo, tackle,
647 rigging, and other appendages of such vessel or water-
648 craft, such person, within five days thereafter
649 provided the same shall not have been previously
650 proved and restored to the owner, shall go before
651 some justice of the peace in the township county where
652 such property is found, and make affidavit setting
653 forth the exact description of such property; where
654 and when the same was found; whether any, and if so
655 what cargo, tackle, rigging, or other appendages were
656 found on board or attached thereto; and that the same
657 has not been altered or defaced, either in whole or
658 in part, since the taking up, either by him or by
659 any other person to his knowledge.

660 Sec. 52. Section six hundred forty-four point
661 two (644.2), Code 1971, is amended to read as follows:

662 644.2 WARRANT--APPRAISAL--RETURN--RECORD. The
663 said justice shall thereupon issue his warrant,
664 directed to ~~some-constable-of-his-township~~ the sheriff
665 of the county, commanding him to summon three
666 respectable householders of the neighborhood, who
667 shall proceed without delay to examine and appraise
668 such property, including cargo, tackle, rigging, and
669 other appendages if any there be, and to make report
670 thereof under their hands to the justice issuing such
671 warrant, who shall enter the same, together with the

672 affidavit of the taker-up, at large in his estray
673 book, and within five days shall transmit a certified
674 copy thereof to the county auditor of the proper
675 county, to be by him recorded in his estray book and
676 filed in his office.

677 Sec. 53. Section six hundred forty-eight point
678 five (648.5), Code 1971, is amended to read as follows:

679 648.5 JURISDICTION--TRANSFER--APPEAL. The
680 district, municipal, and superior courts, and justices
681 of the peace within the county, and-justices-of-the
682 peace-within-the-township where the subject matter
683 of the action is situated, shall have concurrent
684 jurisdiction of actions for the forcible entry or
685 detention of real property, and the court first
686 acquiring jurisdiction of an action therefor shall
687 retain the same until judgment, unless it is
688 transferred as hereinafter provided. Where an action
689 is brought in the district, superior, ~~of or~~ municipal
690 court it shall be tried as an equitable action, and
691 upon presentation of the petition to the court or
692 judge after the same has been filed, the court or
693 judge shall make an order fixing the time and place
694 for hearing upon said petition and shall prescribe
695 that notice of the hearing be personally served upon
696 the defendant or defendants, which service shall be
697 at least five days prior to the date set for hearing.
698 By agreement of the parties, it may be transferred
699 from a justice's court to a municipal, superior, or
700 the district court, or from a superior or a municipal
701 to the district court, and all such actions in which
702 judgment is rendered in a justice's court may be
703 appealed to the district or superior court, as provided
704 by law.

705 Sec. 54. Section six hundred forty-eight point
706 eight (648.8), Code 1971, is amended to read as
707 follows:

708 648.8 VENUE. When brought before a justice of
709 the peace, and there is none present or qualified
710 to act in the ~~township~~ justice of the peace district
711 where the subject thereof is situated, it may be
712 brought in an adjoining township district in the
713 county. If there ~~be~~ is no such justice in an adjoining
714 township district in the county it may be commenced
715 before ~~the~~ a justice in ~~the-same~~ an adjoining county
716 nearest to the township justice of the peace district
717 in which the subject thereof is situated.

718 Sec. 55. Section six hundred sixty-seven point
719 five (667.5), Code 1971, is amended to read as follows:

720 667.5 SERVICE OF WARRANT. Any ~~constable-or~~ marshal
721 of any city or town may execute the warrant, whether
722 it issues from the office of the clerk of the district

723 or superior court, or of a justice.

724 Sec. 56. Section seven hundred nine point nine
725 (709.9), Code 1971, is amended to read as follows:

726 709.9 TAKING GOODS FROM OFFICER. If any person,
727 knowingly and without authority of law, take, carry
728 away, secrete, or destroy any goods or chattels while
729 the same are lawfully in the custody of any sheriff,
730 county medical examiner, marshal, ~~constable~~, or other
731 officer, and held by such officer by virtue of
732 execution, writ of attachment, or other legal process,
733 he shall be guilty of larceny, and, when the value
734 of the property so taken, carried away, secreted,
735 or destroyed exceeds the sum of twenty dollars, be
736 imprisoned in the penitentiary not more than one year;
737 and when it does not exceed twenty dollars, be fined
738 not exceeding one hundred dollars, or imprisoned in
739 county jail not more than thirty days.

740 Sec. 57. Section seven hundred twenty-five point
741 nine (725.9), Code 1971, is amended to read as follows:

742 725.9 WARRANTS FOR SEARCH OR SEIZURE. Any
743 magistrate or police judge is authorized, on complaint
744 supported by oath or affirmation of one or more
745 persons, to issue a warrant, directed to the sheriff
746 of the county within which such complaint is made,
747 ~~or to any constable~~ or police officer within said
748 county, directing him or them, or any of them, to
749 search for, seize and take possession of such books,
750 papers, pictures, circulars, articles, and things
751 named in this chapter; and said magistrate or police
752 judge shall deliver personally, or shall transmit,
753 enclosed and under seal, specimens thereof to the
754 county attorney of his county, and shall deposit
755 within the county jail or his county, or other secure
756 place, as to him shall seem meet, enclosed and under
757 seal, the remainder thereof, and shall, upon the
758 conviction of the person or persons offending under
759 the provisions of this chapter, forthwith, in the
760 presence of the person or persons upon whose complaint
761 the seizure or arrest was made, if he or they shall
762 elect to be present, destroy, or cause to be destroyed,
763 the remainder thereof and shall cause to be entered
764 upon the record of his court the fact of such
765 destruction.

766 Sec. 58. Section seven hundred thirty-nine point
767 nine (739.9), Code 1971, is amended to read as follows:

768 739.9 SHERIFF OR OTHER OFFICERS RECEIVING BRIBES.
769 If any sheriff, or deputy sheriff, ~~or constable~~, or
770 any marshal, deputy marshal, policeman, or police
771 officer of any city or town, receive from a defendant,
772 or other person, any money or other valuable thing
773 as a consideration or inducement for omitting or
774 delaying to arrest any defendant or to carry him
775 before a magistrate or to prison, or for postpon-

776 ing, delaying, or neglecting the sale of property
777 on execution, or for omitting or delaying to perform
778 any other duty pertaining to his office, he shall
779 be fined not exceeding five hundred dollars, or
780 imprisoned in the county jail not exceeding six months,
781 or both fined and imprisoned, at the discretion of
782 the court.

783 Sec. 59. Section seven hundred forty point five
784 (740.5), Code 1971, is amended to read as follows:

785 740.5 FALSELY ASSUMING TO BE OFFICER. If a person
786 falsely assumes to be a judge, justice of the peace,
787 magistrate, sheriff, deputy sheriff, peace officer,
788 special agent of the Iowa department of public safety,
789 or conservation officer, ~~or constable~~, and take upon
790 himself to act as such, or require anyone to aid or
791 assist him in any matter pertaining to the duty of
792 any such officer, he shall be imprisoned in the county
793 jail not more than one year, or be fined not exceeding
794 three hundred dollars.

795 Sec. 60. Section seven hundred forty point six
796 (740.6), Code 1971, is amended to read as follows:

797 740.6 STIRRING UP QUARRELS AND SUITS. If any
798 judge, justice of the peace, clerk of any court,
799 sheriff, ~~constable~~, attorney, or counselor at law,
800 encourage, excite or stir up any action, quarrel,
801 or controversy between two or more persons, with
802 intent to injure such persons, he shall be fined not
803 exceeding five hundred dollars, and shall be answerable
804 to the party injured in treble damages.

805 Sec. 61. Section seven hundred forty-three point
806 four (743.4), Code 1971, is amended to read as follows:

807 743.4 UNLAWFUL ASSEMBLAGES--DISPERSION. When
808 persons to the number of twelve or more, armed with
809 dangerous weapons, or persons to the number of thirty
810 or more, whether armed or not, are unlawfully or
811 riotously assembled in any city or town, any judge,
812 sheriff, and his deputies if they be present, the
813 mayor, aldermen, marshal, ~~constables~~, and justices
814 of the peace of such city or town must go among the
815 persons assembled, or as near them as may be safe,
816 and command them, in the name of the state, immediately
817 to disperse.

818 Sec. 62. Section seven hundred forty-eight point
819 three (748.3), subsection two (2), Code 1971, is
820 amended by striking the subsection.

821 Sec. 63. Section seven hundred sixty-one point
822 three (761.3), Code 1971, is amended to read as
823 follows:

824 761.3 PROCEDURE ON CHANGE. On filing such an
825 affidavit a change of venue must be allowed, and the
826 magistrate must immediately transmit all original

827 papers, and a transcript of the entire record in the
828 case, to the nearest magistrate in the ~~township~~-if
829 ~~there-be-one~~-if-not~~-to-the-nearest-magistrate-in~~
830 the county, who shall proceed with said examination
831 as hereinafter provided; but one such change shall
832 be allowed:

833 Sec. 64. Section seven hundred sixty-two point
834 fourteen (762.14), Code 1971, is amended to read as
835 follows:

836 762.14 CHANGE ALLOWED--TRANSMISSION OF PAPERS.
837 If such affidavit be filed, the change of place of
838 trial must be allowed, and the justice must immediately
839 transmit all the original papers, and a transcript
840 of all his docket entries in the case, to the next
841 nearest justice in the township county or an adjoining
842 county, unless said justice be a party to the action,
843 or is related to either party by consanguinity, or
844 affinity within the fourth degree, or where he has
845 been attorney for either party in the action or
846 proceeding; and in such case the justice before whom
847 such action or proceeding is commenced shall transmit
848 all the original papers, together with a transcript
849 of all his docket entries, to ~~the-next-nearest~~ another
850 justice in the county ~~or-adjoining-county~~ against
851 whom none of the above objections exist, who shall
852 proceed with the case as provided in this chapter,
853 but no more than one change of place of trial in the
854 same case shall be allowed:

855 Sec. 65. Section seven hundred sixty-two point
856 forty-four (762.44), unnumbered paragraph five (5),
857 Code 1971, is amended to read as follows:

858 Accepted by me, at....., in the township
859 county of, this.....day of
860, A.D.....

861 C.....D.....
862 Justice of the peace.

863 Sec. 66. Section seven hundred sixty-three point
864 four (763.4), Code 1971, is amended to read as follows:

865 763.4 FORM OF BAIL BOND. Bail is put in by a
866 written undertaking, executed by one or more sufficient
867 sureties (with or without the defendant, in the
868 discretion of the court, clerk, or magistrate),
869 accepted by the court, clerk or magistrate taking
870 the same, and may be substantially in the following
871 form:

872 County of.....

873 An order having been made on the....day of
874, A.D., by A.....B.....,
875 a justice of the peace (or other magistrate), of the
876 township county of....., (or as the case
877 may be) that C..... D.....be held

878 to answer upon a charge of (stating briefly the nature
879 of the offense), upon which he has been duly admitted
880 to bail, in the sum of.....dollars.

881 We, E F..... and G H
882, hereby undertake that the said C
883 D, shall appear at the
884 district court of the county of ,
885 on the day of (month), 19...
886 (year) (which date shall not be more than twenty days
887 after perfection of the undertaking), and answer said
888 charge, and submit to the orders and judgment of said
889 court, and not depart without leave of the same, or,
890 if he fail to perform either of these conditions,
891 that we will pay to the state of Iowa the sum of
892 dollars (inserting the sum in which
893 the defendant is admitted to bail).

894 E.....F.....
895 G.....H.....

896 Accepted by me as, in-the-township
897 of-....., in the county of ,
898 this day of, A.D.
899

900 I.....J.....(with official title).

901 Sec. 67. Sections six hundred one point one hundred
902 nineteen (601.119), six hundred one point one hundred
903 twenty-one (601.121), six hundred one point one hundred
904 twenty-nine (601.129), six hundred one point one
905 hundred thirty-one (601.131), and six hundred twenty-
906 six point seventy-six (626.76), Code 1971, are
907 repealed.

908 Sec. 68. The effective date of this Act shall
909 be July 1, 1974. Justices of the peace elected on
910 the first Tuesday after the first Monday in November
911 of 1972 shall complete their terms of office. Justices
912 of the peace shall be elected pursuant to the provi-
913 sions of this Act on the first Tuesday after the first
914 Monday in November of 1974.

915 2. Amend the title, page 1, line 1, by striking
916 all after the word "Act".

917 3. Amend the title, page 1, by striking lines
918 2 through 6, inclusive, and inserting in lieu thereof
919 the words "justice of the peace, mayor's courts,
920 police courts, and local law enforcement personnel."

Filed - Adopted as amended 2-17-72 By
February 15, 1972 (548)
motion to reconsider filed 2-17, lost 2-22
(607)

GRASSLEY of Butler
HOLDEN of Scott
RADL of Linn

SENATE FILE 428

1 Amend the Committee on Judiciary amendment to Sen-
2 ate File 428 as amended, passed and reprinted as fol-
3 lows:

4 1. By striking lines 43 through 47, inclusive,
5 and inserting in lieu thereof the following:

6 "6. In those judicial districts that contain
7 judicial election districts, no vacancy in any judicial
8 election district shall be filled if the total number
9 of judges in all judicial election districts within
10 the judicial district equals or exceeds the number
11 of judgeships to which all of the judicial election
12 districts of a judicial district combined are
13 authorized."

14 2. By striking lines 98 through 114, inclusive,
15 and inserting in lieu thereof the following:

16 "11. Page 3, by striking lines 19 through 21,
17 inclusive, and inserting in lieu thereof the following:

18 'Sec. 7. APPOINTMENT AND TERMINATION. Before
19 April 1, 1973 and before April first of each year
20 thereafter, the district judges of each judicial
21 district, sitting en banc, shall, by majority vote,
22 appoint Iowa district magistrates in such number as
23 provided in section of this Act, and at such'.

24 12. Page 3, line 25, by striking the words
25 'increase or'.

26 13. Page 3, by striking lines 28 and 29 and in-
27 serting in lieu thereof the following:

28 'of the judicial election district nominating
29 commission of the judicial election district within
30 which the magistrate resides within thirty days,
31 failing which the appointment'."

32 3. By striking lines 130 through 144, inclusive,
33 and inserting in lieu thereof the following:

34 "18. Page 4, by inserting after line 12, the
35 following:

36 The electors residing within a judicial district
37 may petition the judges of the district court to
38 terminate the appointment of a district magistrate
39 sitting in that district. Such petition shall be
40 signed by at least two percent of the qualified
41 electors of the judicial district and shall contain
42 a general statement of the grounds upon which termina-
43 tion is sought. Within thirty days after the petition
44 is filed with the clerk of the district court of the
45 county in which the district magistrate resides, the
46 district judges of that district sitting en banc shall
47 hold a hearing to determine the sufficiency and the
48 merits of such petition and shall determine whether
49 to continue or terminate the appointment of such
50 district magistrate.

- 51 Sec. ____ . ALLOTMENT. During January of each year
52 the supreme court administrator shall determine the
53 number of magistrates to which each judicial district
54 is entitled by taking the average of:
55 1. The number of judgeships to which the judicial
56 district is entitled multiplied by one and one-half,
57 and;
58 2. The number of counties within the judicial
59 district multiplied by one and one-half.
60 If the average so obtained contains a fraction
61 of one-half or less, the result shall be reduced to
62 the nearest whole number. If the average so obtained
63 contains a fraction above one-half, the result shall
64 be increased to the next whole number."
65 4. By striking line 168, and inserting in lieu
66 thereof the following: "lieu thereof the words 'from
67 the general fund of the state.'"
68 5. By adding after line 180, the following:
69 "District magistrates shall be members of the Iowa
70 public employees retirement system."
71 6. Line 199, by striking the word "magistration",
72 and inserting in lieu thereof the word "magistrates".
73 7. By adding after line 206, the following:
74 "Page 6, by striking lines 3 and 4, and inserting
75 in lieu thereof the following: 'resides shall furnish
76 the district magistrate, or district judge acting
77 as district magistrate, a docket, in which shall be
78 entered all proceedings except small claims.'"
79 8. By striking lines 514 through 516, inclusive,
80 and inserting in lieu thereof the following:
81 "52. Page 12, lines 17 and 18, by striking the
82 word 'summons', and inserting in lieu thereof the
83 word 'citation'."
84 9. By striking line 520, and inserting in lieu
85 thereof the following:
86 "54. Page 13, lines 21 and 23, by striking the
87 word".
88 10. By striking lines 539 through 546, inclusive,
89 and inserting in lieu thereof the following:
90 "61. Page 15A, by striking lines 1 through 12,
91 inclusive, and inserting in lieu thereof the follow-
92 ing:
93 'of the district court.
94 Sec. 28. JURISDICTION OF THE SMALL CLAIMS COURT.
95 The small claims court shall have jurisdiction over
96 civil actions for money damages where the amount in
97 controversy in money is five hundred dollars or less,
98 exclusive of interest and costs, and actions for
99 forcible entry and detainer. Small claims shall be
100 commenced, heard, and determined in accordance with
101 section twenty-seven (27).'"
102 11. By striking lines 765 through 767, inclusive.

EXPLANATION

This bill directs that each justice of the peace upon request of the county board of supervisors be provided with copies of the Code of Iowa and session laws. It reduces the number of justices from two in each township to a maximum of four in each county depending upon the number of municipal courts in the county and the population of the county and requires that justices be high school graduates and not have attained the age of seventy-two years at the time of their election. It allows justices to be provided suitable facilities by the county board of supervisors and requires that such facilities be provided if the district court requests them. Justices are required to inform all defendants that they may have their cases transferred to the nearest municipal court, and municipal court judges are given the authority to hear justice of the peace cases.

The bill allows the chief judge of a judicial district to remove a justice of the peace for cause, and the county board of supervisors is directed to appoint a successor.

The chief judge of the judicial district sets the salary of each justice in the district depending on case load of the justice. Justices are required to report their case loads annually to both the county board of supervisors and the district court. Justices are required to attend the conferences or schools of instruction designated for them by the court administrator.

The position of constable is abolished and the duties transferred to the sheriff.

- 1 Amend the Grassley, et al. amendment to Senate File
- 2 428, filed February 15, 1972, as follows:
- 3 1. Line 539, by striking the word "fifty" and
- 4 inserting the word "one".
- 5 2. Line 547, by striking the word "two".
- 6 3. Line 548, by striking the word "hundred".
- 7 4. By striking lines 550 and 551 and inserting in
- 8 lieu thereof the following:
- 9 "7. For hearing not more than one thousand two
- 10 hundred cases and not less than one thousand one cases,
- 11 four thousand eight hundred dollars.
- 12 8. For hearing not more than one thousand five
- 13 hundred cases and not less than one thousand two
- 14 hundred one cases, five thousand four hundred dollars.
- 15 9. For hearing not more than two thousand cases
- 16 and not less than one thousand five hundred one cases,
- 17 six thousand dollars.
- 18 10. For hearing not more than two thousand five
- 19 hundred cases and not less than two thousand one
- 20 cases, six thousand six hundred dollars.
- 21 11. For hearing not more than three thousand
- 22 cases and not less than two thousand five hundred
- 23 one cases, seven thousand five hundred dollars.
- 24 12. For hearing more than three thousand cases,
- 25 nine thousand dollars."

HOUSE CLIP SHEET
Friday, January 14, 1972

SENATE FILE 428

1 Amend Senate File 428 as amended, passed, and reprinted,
2 as follows:

3 1. Page 3, line 35, by striking the word "January", and
4 inserting in lieu thereof the word "July".

5 2. Page 4, line 12, by inserting after the period the
6 following new paragraph:

7 "The electors residing within a judicial district may
8 petition the judges of the district court to terminate the
9 appointment of a district magistrate sitting in that dis-
10 trict. Such petition shall be signed by at least two per-
11 cent of the qualified electors of the judicial district and
12 shall contain a general statement of the grounds upon which
13 termination is sought. Within thirty days after the petition
14 is filed with the clerk of the district court of the county
15 in which the district magistrate resides, the district
16 judges of that district sitting en banc shall hold a hearing
17 to determine the sufficiency and the merits of such petition
18 and shall determine whether to continue or terminate the
19 appointment of such district magistrate."

20 3. Page 4, lines 16 and 17, by striking the words "shall
21 be admitted to the practice of law in Iowa or".

22 4. Page 4, lines 21 and 22, by striking the words "or
23 court fund of the county or counties regularly served by
24 him" and inserting in lieu thereof the words "fund of the
25 state".

26 5. Page 4, lines 27 and 28, by striking the words
27 "proper county auditor" and inserting in lieu thereof the
28 words "state comptroller".

29 6. Page 8, line 1, by striking the word "January", and
30 inserting in lieu thereof the word "July".

31 7. Page 14, lines 5 and 6, by striking the words
32 "county treasurer and be credited to the general fund of
33 the county", and inserting in lieu thereof the words
34 "treasurer of state and credited to the general fund of
35 the state".

36 8. Page 81, line 15, by striking the word "January",
37 and inserting in lieu thereof the word "July".

38 9. Page 81, line 16, by inserting after the period the
39 following new section:

40 "Sec. _____. The budget for the district courts shall be
41 submitted pursuant to Chapter eight (8) of the Code and
42 shall provide for full implementation of the provisions of
43 this Act."

SENATE FILE 428

- 1 Amend Senate File 428 as amended, passed and
2 reprinted, as follows:
- 3 1. Page 1A, line 2, by adding after the word
4 "discontinue" the words "inferior courts;".
- 5 2. Page 1A, line 3, by striking the words "superior,
6 justice of the peace, and police courts; and".
- 7 3. Page 1A, line 5, by striking the word "penalties."
8 and inserting in lieu thereof the words "penalties;
9 and prescribing procedures for district courts."
- 10 4. Page 2A, line 2, by striking the word "January"
11 and inserting in lieu thereof the word "July".
- 12 5. Page 2A, by inserting after line 13 the following
13 new sections:
- 14 "Sec. _____. Section six hundred four point eight
15 (604.8), subsections two (2) and three (3), Code 1971,
16 are amended to read as follows:
- 17 2. The number of judgeships to which each of the
18 judicial districts shall be entitled shall be determined
19 from time to time according to the following formula,
20 giving equal weight to cases filed and population:
21 ~~In districts containing a city of fifty thousand or~~
22 ~~more population, there shall be one judgeship per five~~
23 ~~hundred fifty combined civil and criminal filings and~~
24 ~~forty thousand population, or major fraction of either,~~
25 ~~in In all other districts there shall be one judgeship~~
26 ~~per four five hundred fifty combined civil and, criminal~~
27 ~~and juvenile filings and forty thousand population,~~
28 ~~or major fraction of either, provided, the seat of~~
29 ~~government shall be entitled to one additional judge-~~
30 ~~ship.~~ The figures on filings shall be the average for
31 the latest available previous three-year period and
32 when current census figures on population are not
33 available, figures shall be taken from the state
34 department of health computations.
- 35 3. A vacancy, for purposes of this section, is
36 defined as the death, retirement, removal, or failure
37 of retention in office at the judicial election, of
38 a judge or increase in judgeships under this section."
- 39 "Sec. _____. Section six hundred four point eight
40 (604.8), subsection six (6), Code 1971, is amended by
41 striking the subsection and inserting in lieu thereof
42 the following:
- 43 6. In those districts that are subdistricted, no
44 vacancy in one subdistrict shall be filled if the total
45 number of judges in the two subdistricts equals or
46 exceeds the number of judgeships to which both
47 subdistricts together are authorized."
- 48 "Sec. _____. Section six hundred four point eight
49 (604.8), subsections seven (7) and eight (8), Code 1971,
50 are amended to read as follows:

51 7. ~~After the number of judges in each district~~
52 ~~equals the proper number of judgeships, as determined~~
53 ~~under subsection 2 hereof, subsection 6 hereof shall~~
54 ~~be of no further effect.---Thereafter, a new judge shall~~
55 ~~be appointed in any district which becomes entitled~~
56 ~~to an additional judgeship, under subsection 2 hereof,~~
57 ~~and vacancies~~ Vacancies shall not be filled in any
58 district which may become entitled to fewer judgeships
59 under said subsection; but no incumbent judge shall
60 ever be removed from office by reason thereof.

61 8. ~~On~~ During January 2 of each year, and at such
62 other times as may be appropriate, the ~~chief justice~~
63 supreme court administrator shall make the determinations
64 required under this section, and shall notify the
65 nominating commissions involved and the governor of
66 any appointments that may be required as a result
67 thereof."

68 "Sec. _____. During January 1973 in computing the
69 three-year average combined filings under section six
70 hundred four point eight (604.8), subsection two (2),
71 the supreme court administrator shall add thereto class
72 'A' civil, indictable misdemeanor, and juvenile petitions
73 filed in municipal courts. Before April 1, 1973, the
74 supreme court administrator shall notify the secretary
75 of state of any additional judgeships created by this
76 Act. The secretary of state shall notify the proper
77 judicial nominating commission in accordance with chapter
78 forty-six (46) of the Code. Such commission shall
79 proceed as provided in that chapter. Effective July
80 1, 1973, a district judge shall be appointed for the
81 district pursuant to chapter forty-six (46) of the Code,
82 if the district is entitled to an additional judge under
83 the formula in section six hundred four point eight
84 (604.8), subsection two (2), of the Code."

85 6. Page 2A, lines 16 and 17, by striking the words
86 "and municipal judges".

87 7. Page 2A, line 21, by striking the words "except
88 that all entries" and inserting in lieu thereof a period.

89 8. Page 2A, by striking lines 22 through 32,
90 inclusive.

91 9. Page 3, line 13, by striking the words "provided
92 by law" and inserting in lieu thereof the words "in
93 each county, as designated by the chief judge of the
94 judicial district,".

95 10. Page 3, line 16, by adding after the word
96 "county" the words "previously designated by the chief
97 judge as a place for holding court,".

98 11. Page 3, line 19, by striking the word "The"
99 and inserting in lieu thereof the words "Before April
100 1, 1973 and before April first, of each year thereafter,
101 as provided in section ____ of this Act, or any lesser
102 number, the".

103 12. Page 3, line 23, by adding after the word "coun-
104 ties." the following:

105 "If the district judges determine that a lesser
106 number of magistrates are needed than those provided
107 in section eight (8) of this Act, the chief judge shall
108 notify the supreme court administrator of the number
109 available for reallocation. Whereupon the supreme court
110 administrator shall reallocate that number to another
111 judicial district in accordance with section eight (8)
112 of this Act."

113 13. Page 3, line 25, by striking the words "increase
114 or".

115 14. Page 3, line 31, by striking the words "statis-
116 tician of the judicial department" and inserting in
117 lieu thereof the words "supreme court administrator".

118 15. Page 3, line 35, by striking the words "January
119 1, 1973." and inserting in lieu thereof the words "July
120 1, 1973. Thereafter, magistrates shall take office
121 on July 1 each year."

122 16. Page 4, line 9, by striking the words "Annually,
123 the chief justice of the supreme court" and inserting
124 in lieu thereof the words "Before July 1, 1973, and
125 annually thereafter, the supreme court administrator".

126 17. Page 4, line 11, by adding after the word "magis-
127 trate" the words "appointed by the district judges as
128 provided in this section prior to the time he takes
129 office".

130 18. Page 4, by inserting after line 12 the following
131 new sections:

132 "Sec. _____. NUMBER. On January second of each year
133 the supreme court administrator shall determine the
134 total number of magistrates for the state as follows:
135 By multiplying the number of judgeships to which all
136 of the judicial districts are entitled, as provided
137 by section six hundred four point eight (604.8), by
138 one and one-fourth and by adding the number of judicial
139 districts within the state."

140 "Sec. _____. ALLOTMENT. Each judicial district shall
141 be allotted the number of magistrates as determined
142 by multiplying the number of judgeships to which it
143 is entitled, as provided by section six hundred four
144 point eight (604.8), by one and one-fourth."

145 19. Page 4, lines 16 and 17, by striking the words
146 "shall be admitted to the practice of law in Iowa or".

147 20. Page 4, lines 18 and 19, by striking the words
148 "chief justice of the".

149 21. Page 4, line 19, by adding after the word "court"
150 the word "administrator".

151 22. Page 4, by adding after line 19 the following
152 new section:

153 "Sec. _____. PROHIBITIONS. No magistrate shall accept
154 any fee or reward from or on behalf of anyone for
155 services rendered in the conduct of any official business
156 except as provided in this Act.

157 A magistrate or any member of any corporation,
158 partnership, firm or association with which he may be
159 connected, may not be directly or indirectly engaged
160 in any capacity for any party in any action or proceeding
161 pending or arising within his jurisdiction based upon
162 substantially the same facts upon which a prosecution
163 or proceeding has been prosecuted or commenced before
164 him."

165 23. Page 4, lines 21 and 22, by striking the words
166 "monthly from the general" or court fund of the county
167 or counties regularly served by him" and inserting in
168 lieu thereof the words "fund of the state".

169 24. Page 4, lines 27 and 28, by striking the words
170 "proper county auditor" and inserting in lieu thereof
171 the words "state comptroller".

172 25. Page 4, by striking lines 29 through 35,
173 inclusive.

174 26. Page 5, by striking lines 1 through 9, inclusive,
175 and inserting in lieu thereof the following:

176 "No district magistrate shall receive an annual
177 salary in excess of eighty percent of the salary of
178 a district judge. However, the average salaries for
179 all magistrates within a judicial district shall not
180 exceed fifty percent of the salary of a district judge."

181 27. Page 5, line 13, by adding after the word "pro-
182 ceedings" the words "forcible entry and detainer
183 actions,".

184 28. Page 5, by striking lines 19, 20, and 21 and
185 inserting in lieu thereof the following:

186 "shall hold court at the places designated by the
187 district judges appointing him. In the designation
188 of the places where the magistrate shall hold court,
189 the district judges shall insure that a magistrate shall
190 hold court in each county at least two days each week.
191 The boards of supervisors shall provide facilities for
192 the holding of court at the county seats. If court
193 is held in a city or town".

194 29. Page 5, line 23, by striking the words "and
195 a bailiff".

196 30. Page 5, by adding after line 24 the follow-
197 ing:

198 "The schedule of places and times of availability
199 of magistration and of any changes therein shall be
200 disseminated by the chief judge of the judicial district
201 to the peace officers within the district."

202 31. Page 5, by striking lines 32 through 35,
203 inclusive, and inserting in lieu thereof the following:

204 "magistrates shall be provided as in sections _____,

205 _____, and _____ of this Act and chapter six hundred
206 forty-eight (648) of the Code."

207 32. Page 6, line 9, by striking the words "judgment,
208 including costs" and inserting the words "judgment
209 including costs,".

210 33. Page 6, line 20, by striking the words "APPEALS.
211 Appeals" and inserting in lieu thereof the words "CIVIL
212 APPEALS. Civil appeals".

213 34. Page 6, line 24, by striking the words "In civil
214 cases an" and inserting in lieu thereof the word "An".

215 35. Page 6, by striking line 25.

216 36. Page 6, line 26, by striking the words "In civil
217 cases the" and inserting in lieu thereof the word "The".

218 37. Page 6, line 28, by striking the words "In
219 criminal".

220 38. Page 6, by striking lines 29 through 31, inclu-
221 sive.

222 39. Page 6, line 32, by striking the words "delivered
223 to the clerk. In civil cases, within" and inserting
224 in lieu thereof the word "Within".

225 40. Page 6, line 35, by adding after the word "clerk"
226 the words "as part of the record".

227 41. Page 7, by striking lines 1 through 35,
228 inclusive, and inserting in lieu thereof the following:
229 "any, and in the event the report was made electron-
230 ically, the tape or other medium on which the proceedings
231 were preserved. A district judge shall promptly hear
232 the appeal upon the record thus filed without further
233 evidence; and the judge shall decide the appeal without
234 regard to technicalities or defects which have not
235 prejudiced the substantial rights of the parties, and
236 may affirm, reverse, or modify the judgment or render
237 judgment as the magistrate should have rendered. Execu-
238 tion of a judgment of a district magistrate shall be
239 stayed upon the filing with the clerk of the district
240 court an appeal bond with surety approved by the clerk,
241 in the sum specified in the judgment."

242 "Sec. _____. DISCRETIONARY REVIEW BY SUPREME COURT.

243 1. No judgment of conviction of a nonindictable
244 misdemeanor or civil action over which a district court
245 magistrate has jurisdiction shall be appealed to the
246 supreme court except by discretionary review as provided
247 herein.

248 2. 'Discretionary review' is the process by which
249 the supreme court may exercise its discretion, in like
250 manner as under the rules pertaining to interlocutory
251 appeals and certiorari in civil cases, to review
252 specified matters not subject to appeal as a matter
253 of right. The supreme court may adopt additional rules
254 to control access to discretionary review.

255 3. The party seeking review shall be known as the
256 appellant and the adverse party as the appellee, but
257 the title of the action shall not be changed from that
258 in the court below.

259 4. When defendants are tried jointly, they may seek
260 discretionary review or may appeal separately or they
261 may join. The supreme court may, in the interest of
262 justice, consolidate appeals or applications for discre-
263 tionary review.

264 5. A petition for review shall be filed in writing
265 with the clerk of the court within ten days after judg-
266 ment.

267 6. When an application is made for discretionary
268 review, it is the duty of the applicant to serve on
269 the attorney for the adverse party, and if the state
270 is the adverse party, upon the attorney general, a copy
271 of the application within ten days after judgment.

272 7. When an application for discretionary review
273 is filed, the clerk of the court in which the judgment
274 or order was rendered shall:

275 a. Immediately prepare and transmit to the adverse
276 party and his attorney of record a true copy of the
277 application, together with the date of filing.

278 b. Immediately prepare and transmit to the clerk
279 of the supreme court a transcript of all record entries
280 relevant to the application, together with copies of
281 all papers in the case on file in his office, a
282 transcript of the official report, if any, and in the
283 event the report was made electronically, the tape or
284 other medium on which the proceedings were preserved,
285 all duly certified under seal of his court.

286 Failure of the clerk of the district court to transmit
287 all the papers as required by this subsection shall
288 not prejudice the rights of the parties.

289 8. The record and case shall be presented to the
290 supreme court as provided by its rules; and the
291 provisions of law in civil procedure relating to the
292 filing of decisions and opinions of the supreme court
293 shall apply in such cases.

294 9. An application shall not be dismissed for an
295 informality or defect in taking it if corrected as
296 directed by the supreme court. The supreme court, after
297 an examination of the entire record, may dispose of
298 the case by affirmation, reversal or modification of
299 the lower court judgment. It may also dismiss the
300 application if it (a) determines that there has been
301 no substantial miscarriage of justice, and (b) no
302 violation of the rights of an accused, and that (c)
303 the arguments do not present definite grounds for a
304 hearing. The supreme court may also order a new trial,

305 or modify the judgment; provided, however, in criminal
306 cases the punishment may not be increased.

307 10. In all criminal actions:

308 a. When an application is made by the state or the
309 defendant the county attorney shall promptly prepare
310 and deliver to the attorney general so much of the
311 proceedings as are material to the proper disposition
312 of the matter.

313 b. When an application has been filed by an adverse
314 party, the county attorney shall immediately furnish
315 the attorney general with a copy of said application.

316 c. An application for discretionary review by the
317 state does not stay the operation of a judgment in favor
318 of the defendant.

319 d. An application for discretionary review taken
320 by the defendant does not stay the execution of the
321 judgment unless the defendant is released on bail or
322 otherwise as provided by law.

323 e. The personal appearance of the defendant in the
324 supreme court upon the hearing of a matter of
325 discretionary review, is in no case necessary.

326 f. If a judgment against the defendant is reversed,
327 such reversal shall be deemed an order for a new trial,
328 unless the supreme court shall direct a different
329 disposition. In reversing the case, the supreme court
330 may direct that the defendant be discharged and his
331 bail exonerated, or if money is deposited instead, that
332 it be returned to him.

333 g. On a judgment of affirmance against the defendant,
334 the original judgment shall be carried into execution
335 as the supreme court shall direct.

336 h. Unless some proceeding in the district court
337 is directed, a copy of the judgment of the trial court
338 and decision on review, or of the judgment and decision
339 on review certified by the clerk of the trial court
340 shall be delivered to the sheriff or proper officer
341 as an execution. He shall be authorized to execute
342 the judgment of the court, or take any legal measures
343 required to bring the action to a conclusion.

344 i. A defendant, imprisoned during the pendency of
345 an unsuccessful review, or convicted at a new trial
346 ordered by the supreme court, shall have the period
347 of his former imprisonment deducted from the period
348 of imprisonment fixed on the last verdict of conviction
349 by the district court.

350 11. The decision of the supreme court with any
351 opinion filed or judgment rendered must be recorded
352 by its clerk. After the expiration of the period allowed
353 for a rehearing, or as ordered by the court or provided
354 by its rules, a certified copy of the decision and
355 opinion shall be transmitted to the clerk of the trial
356 court, filed and entered of record by him.

357 12. The jurisdiction of the supreme court shall
358 cease after the certified copy of the decision and
359 opinion is transmitted to the clerk of the trial court.
360 All proceedings for executing the judgment shall be
361 had in the trial court or by its clerk."

362 "Sec. _____. FUNDS, REPORTS. Each month each district
363 magistrate shall file with the clerk of the district
364 court of the proper county a sworn, itemized statement,
365 by case, of all funds received and disbursed, and at
366 least monthly shall remit to the clerk all funds received
367 by him. The clerk shall remit all fines and forfeited
368 bail received from a magistrate to the city or town
369 that was the plaintiff in any action. The clerk shall
370 remit to the treasurer of the county, for the benefit
371 of the school fund, all other fines and forfeited bail
372 received from a magistrate. All fees and costs received
373 from a magistrate shall be remitted monthly by the clerk
374 as follows:

375 1. Three-fifths to the state treasurer to be credited
376 to the general fund of the state.

377 2. Two-fifths to the county treasurer to be credited
378 to the court fund of the county."

379 "Sec. _____. MAGISTRATES NOT HOLDING OFFICE. When
380 a district magistrate ceases to hold office, his docket
381 and all records relating to his office shall be promptly
382 deposited with the clerk of the district court who
383 issued the docket."

384 "Sec. _____. COURTS ABOLISHED, TRANSITION. All mayor's
385 courts, justice of the peace courts, police courts,
386 superior courts, and municipal courts and offices
387 connected therewith, are abolished as of July 1, 1973.
388 Promptly after July 1, 1973, the officials of these
389 courts shall file all documents and books pertaining
390 to their offices with the clerk of the district court
391 of their counties. District judges shall assign to
392 district magistrates the pending cases within district
393 magistrates' jurisdiction, and such cases shall then
394 be pending before those district magistrates. All other
395 pending cases shall be pending in the district court
396 of the county, and the clerk of that court shall within
397 thirty days give written notice of that fact by ordinary
398 mail to the parties or their attorneys of record at
399 their last known addresses. All municipal court judges,
400 clerks of the municipal court, bailiffs of municipal
401 court, police court judges, justices of the peace and
402 constables holding office on July 1, 1972 shall continue
403 in office through June 30, 1973. The clerk of the
404 district court and the sheriff of the county in hiring
405 additional deputies made necessary as a result of this
406 Act shall give preference to the elective clerks and

407 elective bailiffs of municipal courts and their
408 respective deputies and employees who are in office
409 on December 31, 1972."

410 "Sec. _____. Notwithstanding the provisions of sec-
411 tions six hundred five A point six (605A.6) and six
412 hundred five A point eight (605A.8) of the Code, a judge
413 of a municipal court who would have completed an aggre-
414 gate of six years of service but for the provisions
415 of this Act, and shall have attained the age of sixty-
416 five years, and who shall have otherwise qualified as
417 provided in chapter six hundred five A (605A) of the
418 Code, shall be entitled to an annuity in accordance
419 with section six hundred five A point six (605A.6) of
420 the Code."

421 42. Page 8, by striking lines 1 through 16,
422 inclusive.

423 43. Page 9, by striking lines 1 through 18,
424 inclusive, and inserting in lieu thereof the following:

425 "POLICE CITATIONS"

426 "Sec. _____. CONDITIONS. Whenever it would be lawful
427 for a peace officer to arrest a person without a warrant,
428 he may issue a citation instead of making the arrest
429 and taking the person before a magistrate."

430 "Sec. _____. FORM. The citation shall include the
431 name and address of the person, the nature of the
432 offense, the time and place at which the person is to
433 appear in court, and the penalty for nonappearance."

434 "Sec. _____. PROCEDURE. Before he is released, the
435 cited person shall sign the citation as a written promise
436 to appear in court at the time and place specified.
437 A copy of the citation shall be given to the person."

438 "Sec. _____. COMPLAINT. The law enforcement officer
439 issuing the citation shall cause to be filed a complaint
440 in the court in which the cited person is required to
441 appear, as soon as practicable, charging the crime
442 stated in said notice."

443 "Sec. _____. UNIFORM CITATION AND COMPLAINT. The
444 commissioner of public safety shall adopt a uniform,
445 combined traffic citation and complaint, which shall
446 be used for charging all traffic violations in Iowa
447 under state law or municipal ordinance, unless the
448 defendant is charged by information or section twenty-
449 five (25) of this Act is applicable. Each citation
450 and complaint shall be serially numbered and shall be
451 in quadruplicate, and the officer shall deliver the
452 original and a copy to the court where the defendant
453 is to appear, a copy to the defendant, and a copy to
454 the law enforcement agency of the officer. The citation
455 and complaint shall contain, among other things, spaces
456 for the parties' names and for the information required
457 by section three hundred twenty-one point four hundred
458 eighty-five (321.485), subsection two (2), of the Code;

459 a place where the defendant may sign the promise to
460 appear referred to in section three hundred twenty-one
461 point four hundred (321.400)."

462 44. Page 10A, lines 6 and 10, by striking the word
463 "summons" and inserting in lieu thereof the words
464 "citation and complaint".

465 45. Page 10A, by striking lines 15 through 25,
466 inclusive, and inserting in lieu thereof the words "of
467 the district court. Additional traffic violations".

468 46. Page 11, lines 13, 14, 15, 18, and 30, by
469 striking the word "summons" and inserting in lieu thereof
470 the words "citation and complaint".

471 47. Page 11, by adding after line 9:

472 "Violations of the schedule of axle and tandem axle
473 and gross or group of axle weight violations in section
474 three hundred twenty-one point four hundred sixty-three
475 (321.463) of the Code, shall be scheduled violations
476 subject to the provisions, procedures, and exceptions
477 contained in sections twenty-five (25), twenty-six (26),
478 twenty-eight (28), twenty-nine (29), thirty (30) and
479 thirty-one (31) of this Act, irrespective of the amount
480 of the fine under such schedule. Violations of the
481 schedule of weight violations shall be chargeable, where
482 ~~the~~ fine charged does not exceed one hundred dollars,
483 only by uniform citation and complaint. Violations
484 of the schedule of weight violations, where the fine
485 charged exceeds one hundred dollars: (1) shall, when
486 the violation is admitted and section three (3) of this
487 Act applies, be chargeable upon uniform citation and
488 complaint, indictment, or county attorney's information,
489 (2) but otherwise, shall be chargeable only upon
490 indictment or county attorney's information. In all
491 cases of charges under the schedule of weight violations,
492 the charge shall specify the amount of fine charged
493 under the schedule. Where a defendant is convicted
494 and the fine under the foregoing schedule of weight
495 violations exceeds one hundred dollars, the conviction
496 shall be of an indictable offense although section three
497 (3) of this Act is employed and whether the violation
498 is charged upon uniform citation and complaint,
499 indictment, or county attorney's information."

500 48. Page 11, line 16, by striking the word "four"
501 and inserting in lieu thereof the word "five".

502 49. Page 11, line 28, by striking the word "four"
503 and inserting in lieu thereof the word "five".

504 50. Page 12, line 5, by striking the word "summons"
505 and inserting in lieu thereof the words "citation and
506 complaint".

507 51. Page 12, by adding after line 7 the following:

508 "The officer may allow the defendant to mail a check
509 in the proper amount in lieu of cash. If the check

510 is not paid by the drawee for any reason, the defendant
511 may be held in contempt of court. The officer shall
512 advise the defendant of the penalty for nonpayment of
513 the check."

514 52. Page 12, line 18, by striking the words "summons
515 and complaint" and inserting in lieu thereof the words
516 "citation and complaint".

517 53. Page 12, lines 5, 11, and 20, by striking the
518 word "four" and inserting in lieu thereof the word
519 "five".

520 54. Page 13, lines 21 and ²³22, by striking the word
521 "summons" and inserting in lieu thereof the words
522 "citation and complaint".

523 55. Page 12, line 31, by adding after the word
524 "suspension" the words "of the fine".

525 56. Page 13, line 5, by striking the words "but
526 with regular" and inserting in lieu thereof the words
527 "with five dollars".

528 57. Page 13, line 30, by adding after the word
529 "suspension" the words "of the fine".

530 58. Page 13, line 31, by striking the word "regular"
531 and inserting in lieu thereof the words "five dollars".

532 59. Page 14, by striking lines 1 through 6, inclu-
533 sive, and inserting in lieu thereof the following:

534 "forfeiture of bail, fees, and costs collected for
535 all traffic violations shall be remitted in accordance
536 with section fifteen (15) of this Act.

537 60. Page 14, line 32, by striking the word "January"
538 and inserting in lieu thereof the word "July".

539 61. Page 15A, by striking lines 9 through 12, inclu-
540 sive, and inserting in lieu thereof the following:

541 "for money damages where the amount in controversy
542 in money is five hundred dollars or less, exclusive
543 of interest and costs, and actions for forcible entry
544 and detainer. Small claims shall be commenced, heard,
545 and determined in accordance with section twenty-seven
546 (27)".

547 62. Page 15A, line 16, by adding after the word
548 "dismissed" the words "by the clerk".

549 63. Page 17, line 16, by adding after the period
550 the following:

551 "Before filing an original notice, the clerk shall
552 receive a filing fee of one dollar plus the amount of
553 postage for mailing the original notice to each defen-
554 dant to which it is to be mailed."

555 64. Page 17, line 29, by adding after the word
556 "court." the following:

557 "All fees and costs collected for small claims shall
558 be remitted to county treasurers as provided in section
559 six hundred six point sixteen (606.16) of the Code.

560 65. Page 20, lines 9, 10, 12, 15 and 26, by striking
561 the word "court" and inserting in lieu thereof the words
562 "district magistrate".
563 66. Page 21, line 14, by striking the word "supreme,"
564 and inserting in lieu thereof the words "supreme, and".
565 67. Page 21, line 15, by striking the word
566 "district," and inserting in lieu thereof the words
567 "district courts".
568 68. Page 21, line 15, by striking the words "and
569 municipal courts" and inserting in lieu thereof the
570 words "~~and-municipal-courts~~".
571 69. Page 21, by striking lines 20 and 21 and
572 inserting in lieu thereof the words "5. To each judge
573 of the supreme and district, ~~superior-and-municipal~~
574 courts and district court magistrates . . . 1 copy".
575 70. Page 21, lines 25 and 26, by striking the words
576 "to the clerk of each (superior or) municipal court
577 in the state" and inserting in lieu thereof the words
578 "~~to-the-clerk-of-each-superior-or-municipal-court-in~~
579 ~~the-state~~".
580 71. Page 21, lines 27 and 28, by striking the words
581 "or municipal court" and inserting in lieu thereof the
582 words "~~or-municipal-court~~ at the county seat".
583 72. Page 22, by striking line 2 and inserting in
584 lieu thereof the following:
585 "supreme, and district, ~~superior, and-municipal~~
586 courts, and of the".
587 73. Page 22, by striking line 6 and inserting in
588 lieu thereof the following:
589 "supreme, and district, ~~superior-and-municipal~~ courts
590 of this".
591 74. Page 22, line 8, by adding after the word "dis-
592 trict(,)" the words "at the county seat".
593 75. Page 22, line 9, by striking the words "and
594 municipal courts" and inserting in lieu thereof the
595 words "~~and-municipal-courts~~".
596 76. Page 22, line 12, by striking the figure "1971"
597 and inserting in lieu thereof the figure "1972".
598 77. Page 24, by adding after line 24 the following
599 new section:
600 "Sec. ____ . Section sixty-four point six (64.6),
601 Code 1971, is amended by adding the following new
602 subsection:
603 'District court magistrates, five thousand dollars.'"
604 78. Page 25, line 30, by striking the word "supreme,"
605 and inserting in lieu thereof the words "supreme, and".
606 79. Page 25, line 31, by striking the words "and
607 municipal courts." and inserting in lieu thereof the
608 words "~~and-municipal~~ courts, and district court
609 magistrates".
610 80. Page 25, line 33, by striking the words "and

611 municipal" and inserting in lieu thereof the words "and
612 ~~municipal~~".

613 81. Page 26, line 1, by striking the word "supreme,"
614 and inserting in lieu thereof the word "supreme, and".

615 82. Page 26, by striking line 2 and inserting in
616 lieu thereof the words "district~~7-superior7-police-and~~
617 ~~municipal~~ courts."

618 83. Page 27, line 23, by striking the words "or
619 municipal" and inserting in lieu thereof the words "or
620 ~~municipal~~".

621 84. Page 30, line 21, by striking the words "or
622 municipal" and inserting in lieu thereof the words "or
623 ~~municipal~~".

624 85. Page 31, line 5, by striking the words "or
625 municipal" and inserting in lieu thereof the words "or
626 ~~municipal~~".

627 86. Page 35A, by striking lines 5 through 11, inclu-
628 sive, and inserting in lieu thereof the following new
629 section:

630 "Sec. _____. Section two hundred thirty-one point
631 one (231.1), Code 1971, is amended to read as follows:

632 231.1 JURISDICTION. There is hereby established
633 in each county a juvenile court within the district
634 court, which, and the judges thereof, shall have and
635 exercise the jurisdiction and powers provided by law."

636 87. Page 35A, by striking lines 15 through 25,
637 inclusive, and inserting in lieu thereof the following:

638 "The judges of the district court may designate one
639 of their number to act as judge of the juvenile court
640 in any county or counties, ~~and may designate a superior~~
641 ~~or municipal court judge to act as judge of the juvenile~~
642 ~~court in cases arising in any city in which any such~~
643 ~~court is organized and in cases arising in any part~~
644 ~~of any county convenient thereto. In counties having~~
645 ~~a population of one hundred thousand or over, unless~~
646 ~~said district judges designate a superior or municipal~~
647 ~~court judge to act as juvenile judge, they shall after~~
648 ~~each election, designate one of their number to act~~
649 ~~as juvenile judge for the ensuing four years."~~

650 88. Page 35A, by striking line 26 and inserting
651 in lieu thereof the following:

652 "This section shall take effect July 1, 1973."

653 89. Page 36, by striking line 7 and inserting in
654 lieu thereof the following:

655 "of the supreme, and district~~7-superior-and-municipal~~
656 courts".

657 90. Page 36, by striking lines 14 and 15 and insert-
658 ing in lieu thereof the following:

659 "All jurors' fees, jurors' meals, and witness fees
660 paid by the county in all criminal cases before a
661 district magistrate."

- 662 91. Page 39, by striking lines 1 through 32, inclu-
663 sive.
- 664 92. Page 40, line 2, by striking the word "summons"
665 and inserting in lieu thereof the words "summons
666 citation".
- 667 93. Page 40, line 5, by striking the word "summoned"
668 and inserting in lieu thereof the words "summoned cited".
- 669 94. Page 40, lines 11, 12, and 13, by striking the
670 words "(magistrate or judge of a court not of record
671 and every) district magistrate and clerk of a" and
672 inserting in lieu thereof the words "magistrate-or
673 judge-of-a-court-not-of-record-and-every-clerk-of-a".
- 674 95. Page 40, line 13, by striking the words "of
675 record" and inserting in lieu thereof the words "of
676 record".
- 677 96. Page 42A, line 4, by striking the words "munici-
678 pal judges,".
- 679 97. Page 43, line 6, by striking the word "--MAGIS-
680 TRATE" and inserting in lieu thereof the word "--MAGIS-
681 TRATE".
- 682 98. Page 44, lines 22 and 23, by striking the words
683 "attend upon the sittings of the mayor's and police
684 court, and" and inserting in lieu thereof the words
685 "attend-upon-the-sittings-of-the-mayer's-and-police
686 court-and".
- 687 99. Page 44, line 28, by striking the words "as
688 follows:" and inserting in lieu thereof the words "by
689 striking the subsection."
- 690 100. Page 44, by striking lines 29 through 35,
691 inclusive.
- 692 101. Page 45, by striking lines 1 through 9, inclu-
693 sive.
- 694 102. Page 45, line 25, by striking the words "or
695 municipal" and inserting in lieu thereof the words "or
696 municipal".
- 697 103. Page 47, line 26, by striking the words "OR
698 CONSTABLE" and inserting in lieu thereof the words "OR
699 CONSTABLE".
- 700 104. Page 50, line 18, by striking the words "court,
701 a municipal" and inserting in lieu thereof the word
702 "court".
- 703 105. Page 50, line 19, by striking the word "judge,".
- 704 106. Page 50, by striking lines 20 through 25,
705 inclusive, and inserting in lieu thereof the following
706 new section:
- 707 "Sec. _____. Section six hundred point one (600.1),
708 unnumbered paragraph one (1), Code 1971, is amended
709 as follows:
- 710 Any person of lawful age may petition the district
711 court of the county in which he or the child resides
712 for permission to adopt any child not his own, but no

713 person other than the parent of a child may assume the
714 permanent care and custody of a child under fourteen
715 years of age except in accordance with the provisions
716 of this chapter or chapter 238. If the petitioner be
717 married, the spouse shall join in the petition unless
718 such spouse is a natural parent of the child. An adult
719 may be adopted, and only such provisions of this chapter
720 shall apply thereto as the court may order. ~~The judges~~
721 ~~of the district court may designate a municipal court~~
722 ~~judge to act as judge in adoption matters with~~
723 ~~jurisdiction in cases arising in the county in which~~
724 ~~such municipal court is organized."~~

725 107. Page 51, by striking lines 1 through 35, inclu-
726 sive.

727 108. Page 52, by striking lines 1 through 35, inclu-
728 sive.

729 109. Page 53A, by striking lines 1 through 11,
730 inclusive.

731 110. Page 53A, line 13, by striking the figure
732 "1971" and inserting in lieu thereof the figure "1972".

733 111. Page 53B, line 37, by striking the figure
734 "1971" and inserting in lieu thereof the figure "1972".

735 112. Page 54, lines 6 and 7, by striking the words
736 "not to exceed the sum of fifteen dollars per day" and
737 inserting in lieu thereof the words ~~"not to exceed the~~
738 ~~sum of fifteen dollars per day"~~.

739 113. Page 56, line 7, by striking the words "or
740 municipal court" and inserting in lieu thereof the words
741 ~~"or municipal court"~~.

742 114. Page 57, line 8, by adding after the word
743 "clerk" the words "or magistrate".

744 115. Page 59, line 12, by striking the word "municipal,"
745 and inserting in lieu thereof the word
746 ~~"municipal,"~~.

747 116. Page 59, by striking lines 31 through 35,
748 inclusive.

749 117. Page 60, by striking lines 1 through 5, inclu-
750 sive, and inserting in lieu thereof the following:

751 639.11 BOND. In all cases before it can be issued,
752 the plaintiff must file with the clerk a bond for the
753 use of the defendant, with sureties to be approved by
754 such clerk, in a penalty at least double the value of
755 the property sought to be attached, and in no case,
756 ~~except in a class B case in municipal court,~~ less than
757 two hundred fifty dollars ~~in a court of record, on~~
758 ~~less than fifty dollars if in a justice court or a class~~
759 ~~B case in municipal court,~~ conditioned that the plain-
760 tiff will pay all damages which the defendant may sustain
761 by reason of the wrongful suing out of the attachment.

762 118. Page 61, line 21, by striking the words "judge,
763 municipal judge," and inserting in lieu thereof the
764 word "judge".

765 119. Page 61, line 21, by striking the words "judge,
766 municipal judge," and inserting in lieu thereof the
767 words "judge".

768 120. Page 63, line 3, by striking the words "or
769 municipal judge".

770 121. Page 63, by striking lines 27 through 35,
771 inclusive.

772 122. Page 64A, by striking lines 1 through 13,
773 inclusive, and inserting in lieu thereof the following:

774 648.5 JURISDICTION--TRANSFER--APPEAL. ~~The district,~~
775 ~~municipal,--and superior courts within the county,--and~~
776 ~~justices of the peace within the township where the~~
777 ~~subject matter of the action is situated, The district~~
778 ~~court within the county shall have concurrent jurisdic-~~
779 ~~tion of actions for the forcible entry or detention~~
780 ~~of real property, and the court first acquiring jurisdic-~~
781 ~~tion of an action therefor shall retain the same until~~
782 ~~judgment, unless it is transferred as hereinafter pro-~~
783 ~~vided. Where an action is brought in the district,~~
784 ~~superior,--or municipal~~ court it shall be tried as an
785 equitable action, and upon presentation of the petition
786 to the ~~court or~~ district judge or district court
787 magistrate after the same has been filed, the court
788 ~~or judge~~ shall make an order fixing the time and place
789 for hearing upon said petition and shall prescribe that
790 notice of the hearing be personally served upon the
791 defendant or defendants, which service shall be at least
792 five days prior to the date set for hearing. By
793 ~~agreement of the parties, it may be transferred from~~
794 ~~a justice's court to a municipal, superior, or the~~
795 ~~district court, or from a superior or a municipal to~~
796 ~~the district court,--and all such actions in which~~
797 ~~judgment is rendered in a justice's court may be appealed~~
798 ~~to the district or superior court,--as provided by law.~~

799 123. Page 64A, by striking lines 25 through 28,
800 inclusive, and inserting in lieu thereof the following:

801 648.13 TITLE IN ISSUE. The question of title can
802 only be investigated in the district court,--and can
803 ~~be pleaded in a municipal court or a justice's court~~
804 ~~only as provided in subsection 4 of section 648-1.~~

805 124. Page 64A, by striking lines 31 through 35,
806 inclusive.

807 125. Page 64B, by striking lines 36 through 39,
808 inclusive.

809 126. Page 65, line 15, by striking the words
810 "supreme, district, or municipal" and inserting in lieu
811 thereof the words "supreme, or district,--or municipal".

812 127. Page 65, line 27, by striking the words "and
813 municipal," and inserting in lieu thereof the word
814 "municipal".

- 815 128. Page 65, line 28, by striking the word "courts"
816 and inserting in lieu thereof the word "court".
817 129. Page 67, line 9, by striking the word "statis-
818 tician" and inserting in lieu thereof the words
819 "statistician court administrator".
820 130. Page 67, line 20, by striking the words "and
821 municipal" and inserting in lieu thereof the words "and
822 municipal".
823 131. Page 67, line 24, by striking the word "munici-
824 pal" and inserting in lieu thereof the word "municipal".
825 132. Page 67, line 25, by striking the word "or"
826 and inserting in lieu thereof the word "or".
827 133. Page 67, by striking lines 27 through 35,
828 inclusive.
829 134. Page 68, by striking lines 1 through 8, inclu-
830 sive.
831 135. Page 70, line 23, by adding after the word
832 "judge," the words "district magistrate".
833 136. Page 71, line 1, by striking the words "court,
834 municipal" and inserting in lieu thereof the word
835 "court".
836 137. Page 71, line 2, by striking the word "judge".
837 138. Page 71, line 13, by striking the words "and
838 district magistrates".
839 139. Page 71, lines 32 and 33, by striking the words
840 "and all municipal judges".
841 140. Page 72, by adding after line 17 the following:
842 "This section shall not apply to the uniform traffic
843 citations and complaints under section _____ of
844 this Act."
845 141. Page 72, line 27, by adding after the word
846 "information" the words "or complaint".
847 142. Page 75, by striking lines 24 through 31,
848 inclusive, and inserting in lieu thereof the following
849 new section:
850 "Sec. _____. Section seven hundred sixty-two point
851 two (762.2), Code 1971, is amended to read as follows:
852 762.2 INFORMATION. Criminal actions for the commis-
853 sion of a public offense must be commenced before a
854 justice-of-the-peace district magistrate by an
855 information, subscribed and sworn to, and filed with
856 the justice district magistrate or complaint for a
857 scheduled traffic violation."
858 143. Page 76, line 34, by striking the words "a
859 municipal judge or".
860 144. Page 76, by adding after line 35 the following
861 new sections:
862 "Sec. _____. Section seven hundred sixty-two point
863 fifteen (762.15), Code 1971, is amended by striking
864 the section and inserting in lieu thereof the following:

865 762.15 JURY TRIAL. Either party in a criminal
866 action shall be entitled to jury trial by filing with
867 the district magistrate a written jury demand within
868 ten days after the information is filed, or at least
869 two days before the trial if the action is tried before
870 ten days elapses. Failure to make a jury demand in
871 the manner prescribed herein constitutes a waiver of
872 jury. If demand is made, the action shall be tried
873 by a jury of six members."

874 "Sec. _____. Section seven hundred sixty-two point
875 sixteen (762.16), Code 1971, is amended by striking
876 the section and inserting in lieu thereof the following:

877 762.16 If trial by jury is demanded, the district
878 magistrate shall notify the sheriff who shall furnish
879 a bailiff at that time and place to act as officer of
880 the court."

881 "Sec. _____. Section seven hundred sixty-two point
882 seventeen (762.17), Code 1971, is amended by striking
883 the section and inserting in lieu thereof the following:

884 762.17 If a trial by jury is demanded, the district
885 magistrate shall notify the clerk of the time and place
886 of trial. The clerk shall thereupon select by lot
887 eighteen names from the district court jury panel
888 selected pursuant to section six hundred nine point
889 nineteen (609.19). The clerk shall notify the jurors
890 of the time and place for trial."

891 "Sec. _____. Section seven hundred sixty-two point
892 eighteen (762.18), Code 1971, is amended by striking
893 the section and inserting in lieu thereof the following:

894 762.18 CHALLENGES. The same challenges may be taken
895 by either party to any individual juror as on the trial
896 of an indictment for a misdemeanor, but no challenge
897 to the panel is allowed."

898 "Sec. _____. Section seven hundred sixty-two point
899 nineteen (762.19), Code 1971, is amended by striking
900 the section and inserting in lieu thereof the following:

901 762.19 Sections seven hundred seventy-nine point
902 four (779.4) through seven hundred seventy-nine point
903 sixteen (779.16), inclusive, of the Code, relating to
904 trial juries, shall apply to trials by jury in front
905 of a district magistrate."

906 "Sec. _____. Section seven hundred sixty-two point
907 twenty (762.20), Code 1971, is amended by striking the
908 section and inserting in lieu thereof the following:

909 762.20 If for any reason the district court magis-
910 trates panel as chosen by the clerk becomes insufficient
911 to obtain a jury, he may direct the officer of the court
912 to summon any bystander or others who may be competent,
913 and against whom no sufficient cause of challenge
914 appears, to act as jurors."

915 "Sec. _____. Section seven hundred sixty-two point
916 twenty-seven (762.27), Code 1971, is amended to read
917 as follows:

918 762.27 RETIREMENT FOR CONSIDERATION--OATH. If they
919 do not immediately agree, they must retire with the
920 officer, who shall take the following oath: 'You do
921 swear that you will keep the jury together in some pri-
922 vate and convenient place~~7-without-food-or-drink7-water~~
923 ~~excepted7-unless-otherwise-ordered-by-the-court~~; that
924 you will not permit any person to speak to them, nor
925 speak to them yourself, unless it be to ask them if
926 they have agreed upon a verdict, and that you will
927 return them into court when they have so agreed.'"

928 145. Page 78, by adding after line 5 the following
929 new sections:

930 "Sec. _____. Section seven hundred sixty-two point
931 forty-three (762.43), Code 1971, is amended by striking
932 the section and inserting in lieu thereof the following:

933 762.43 APPEAL. An appeal may only be taken by the
934 defendant and only upon a judgment of conviction.
935 Execution of a judgment of a district magistrate shall
936 be stayed upon the filing with the clerk of the district
937 court an appeal bond with surety approved by the clerk,
938 in the sum specified in the judgment. The defendant
939 may take an appeal, by giving notice orally to the
940 magistrate that he appeals, or by delivering to the
941 magistrate not later than ten days thereafter, a written
942 notice of his appeal, and in either case the magistrate
943 must make an entry on its docket of the giving of such
944 notice. Payment of fine or service of a sentence of
945 imprisonment does not waive the right to appeal, nor
946 render the appeal moot. When an appeal is taken, the
947 magistrate shall forward to the appropriate district
948 court clerk a copy of the docket entries in his court,
949 together with copies of the complaint, warrant, motions,
950 pleadings or other papers in the case. A district judge
951 shall promptly hear the appeal upon the record thus
952 filed without further evidence. The judge shall decide
953 the appeal without regard to technicalities or defects.
954 Judgment shall be rendered as though the case were being
955 originally tried."

956 "Sec. _____. Section seven hundred sixty-two point
957 forty-four (762.44), Code 1971, is amended by striking
958 the section and inserting in lieu thereof the following:

959 762.44 No judgment of conviction of a district court
960 judge shall be appealed to the supreme court except
961 by discretionary review as provided in sections ____
962 and ____ of this Act."

963 146. Page 79A, by striking lines 24 through 35,
964 inclusive.

- 965 147. Page 79B, by striking lines 36 through 39,
966 inclusive.
967 148. Page 80, line 9, by striking the words "seven
968 hundred".
969 149. Page 80, line 10, by striking the words "sixty-
970 two point two (762.2)",
971 150. Page 80, line 16, by adding after the figure
972 "(762.13)," the following:
973 seven hundred sixty-two point twenty-five (762.25),
974 seven hundred sixty-two point twenty-eight (762.28),
975 seven hundred sixty-two point twenty-nine (762.29),
976 seven hundred sixty-two point thirty (762.30),".
977 151. Page 80, by striking lines 27 and 28 and insert-
978 ing in lieu thereof the following:
979 "four hundred twenty point thirty-four (420.34),".
980 152. Page 80, line 32, by adding after the figure
981 "(626.102)," the following:
982 "six hundred forty-eight point six (648.6),".
983 153. Page 81, line 3, by striking the words "seven
984 hundred".
985 154. Page 81, line 4, by striking the words and
986 figure "sixty-one point fifteen (761.15)," and inserting
987 in lieu thereof the words and figure "seven hundred
988 sixty-two point one (762.1),".
989 155. Page 81, line 5, by striking the word and
990 figure "fifteen (762.15)," and inserting in lieu thereof
991 the word and figure "twenty-one (762.21),".
992 156. Page 81, line 6, by striking the word and
993 figure "thirty (762.30)," and inserting in lieu thereof
994 the word and figure "twenty-three (762.23),".
995 157. Page 81, line 9, by striking the word and
996 figure "forty-three (762.43)," and inserting in lieu
997 thereof the word and figure "forty-five (762.45),".
998 158. Page 81, by adding after line 12, the following:
999 "six hundred two (602),".
1000 159. Page 81, by striking lines 15 and 16 and insert-
1001 ing in lieu thereof the following new section:
1002 "Sec. _____. EFFECTIVE DATE. This Act shall take
1003 effect July 1, 1973, except sections seven (7) through
1004 twenty-five (25), inclusive, as renumbered, which shall
1005 take effect July 1, 1972, and sections specifically
1006 providing otherwise."
1007 160. Renumber sections and correct internal refer-
1008 ences in conformance with the provisions of this amend-
1009 ment.

Division 1

- 1 Amend Senate File 428 as follows:
- 2 1. Page 3, line 21, by inserting after the word
- 3 "appoint" the words ",with the approval of the board
- 4 of supervisors of each county involved,".

Division 2

- 5 2. Page 3, by striking lines 26 through 30, inclu-
- 6 sive, and inserting in lieu thereof the words "of
- 7 district magistrates. Upon the request of the district".
- 8 3. Page 5, by striking lines 4 and 5 and the word
- 9 "judge." in line 6.

Filed, Division 1, Lost By MESSERLY
Division 2, Amended and Lost
April 14, 1971

Senate

- 1 Amend Senate File 428, as amended, passed and
- 2 reprinted by the Senate as follows:
- 3 1. Page 24, lines 23 and 24, by striking the words
- 4 "municipal judges,".
- 5 2. Page 26, by striking lines 12 through 25, in-
- 6 clusive.
- 7 3. Page 27, by striking lines 1 through 3, inclu-
- 8 sive.
- 9 4. Page 61, line 33, by striking the words
- 10 "municipal judge,".
- 11 5. Page 63, lines 7 and 8, by striking the words
- 12 "or municipal judge".

Filed - *W. L. 2-16*
February 16, 1972

By PELTON of Clinton
KNOKE of Pottawattamie

House

- 1 Amend the Committee on Judiciary amendment to
- 2 Senate File 428 as amended, passed, reprinted and
- 3 filed February 8, 1972, as follows:
- 4 By striking from line 552 the words "one dollar"
- 5 and by inserting in lieu thereof the words "two
- 6 dollars".

Filed - *W. L. 2-16*
February 16, 1972

By KNOKE of Pottawattamie

House

- 1 Amend the title to Senate File 428 by striking
- 2 all of said title after the word "Act" and inserting
- 3 in lieu thereof the following: "relating to district
- 4 court judges, justice of the peace courts, mayors'
- 5 courts, police courts, and local law-enforcement
- 6 personnel."

Offered from the floor and adopted
February 22, 1972

By GRASSLEY of Butler

House

HOUSE AMENDMENT TO SENATE FILE 428

1 Amend Senate File 428, as amended and passed by
2 the Senate and reprinted, as follows:
3 1. By striking everything after the enacting
4 clause and inserting in lieu thereof the following:
5 Section 1. Section sixteen point twenty-four
6 (16.24), Code 1971, as amended by chapter eighty (80),
7 section two (2), and chapter eighty-four (84), sections
8 sixty-four (64), sixty-five (65), and sixty-six (66),
9 Acts of the Sixty-fourth General Assembly, First
10 Session, is amended by adding the following new
11 subsection:
12 "To each justice of the peace upon requisition by the
13 county board of supervisors of each county.....1 copy".
14 Sec. 2. Section sixteen point twenty-five (16.25),
15 Code 1971, as amended by chapter eighty (80), section
16 three (3), and chapter eighty-four (84), section
17 sixty-seven (67), Acts of the Sixty-fourth General
18 Assembly, First Session, is amended by adding the
19 following new section:
20 "To each justice of the peace upon requisition by the
21 county board of supervisors of each county.....1 copy".
22 Sec. 3. Section thirty-nine point twenty-one
23 (39.21), Code 1971, is amended by striking the section
24 and inserting in lieu thereof the following new
25 section:

PAGE 2

1 39.21 ELECTION OF JUSTICES. The county board
2 of supervisors shall establish single-member justice
3 of the peace districts based upon population within
4 the county. A justice of the peace shall be elected
5 biennially for two-year terms by the voters of his
6 district in the manner provided in this chapter.
7 A justice of the peace shall be an elector of the
8 county and shall reside in the district from which
9 he is elected and shall be less than seventy-two years
10 of age at the time of his election. He shall be a
11 high school graduate with a diploma or possess an
12 equivalency certificate which meets the minimum score
13 required by the state of Iowa as determined by the
14 department of public instruction.
15 The number of justices of the peace in each county
16 shall be determined as follows:
17 1. Counties which have a population of less than
18 ten thousand persons, one justice of the peace, except
19 that the board of supervisors may increase the number
20 of justices to two if two justices are deemed
21 necessary.
22 2. Counties which have a population of at least
23 ten thousand persons, but less than twenty thousand

PAGE 2

24 persons, two justices of the peace.
25 3. Counties which have a population of at least

PAGE 3

1 twenty thousand, but less than forty thousand
2 population, three justices of the peace.

3 4. Counties which have at least forty thousand
4 population, four justices of the peace, except that
5 the number of justices shall be reduced by one for
6 each municipal court established within the county.

7 5. The board of supervisors may reduce the number
8 of justices in each county if such action appears
9 reasonable, based on the number of cases heard by
10 justices of the peace in the county for the preceding
11 year.

12 Sec. 4. Section forty-nine point one hundred six
13 (49.106), Code 1971, is amended to read as follows:

14 49.106 MAY COMMIT DISORDERLY PERSON. Any constable
15 or special policeman may forthwith arrest such person
16 and bring him before the judges of election, and they,
17 by a warrant under their hands, may commit him to
18 the jail of the county for a term not exceeding twenty-
19 four hours, but they shall permit him to vote.

20 Sec. 5. Section forty-nine point one hundred
21 fifteen (49.115), Code 1971, is amended to read as
22 follows:

23 49.115 CONSTABLES. ~~Except in In~~ voting precincts
24 ~~within any located outside a city, any constable of~~
25 ~~the township, who may be designated by~~ the judges

PAGE 4

1 of election, may appoint from two to four special
2 policemen for each voting precinct. The special
3 policemen shall attend at the place of election, if
4 none attend, the judges of the election may, in
5 writing, specially appoint one or more, who shall
6 have all the powers of a regular constable and shall
7 have the powers granted special policemen in section
8 49.114.

9 Sec. 6. Section forty-nine point one hundred
10 sixteen (49.116), Code 1971, is amended to read as
11 follows:

12 49.116 PRESERVING ORDER. All special policemen
13 and constables are authorized and required to preserve
14 order and peace at all places of election, and such
15 special policemen, constables, and all other persons
16 are authorized and required to obey the lawful orders
17 and commands of said judges of election given to
18 prevent violations of this chapter.

19 Sec. 7. Section sixty-two point four (62.4), Code
20 1971, is amended to read as follows:

PAGE 4

21 62.4 SHERIFF TO ATTEND. The court or presiding
22 judge may direct the attendance of the sheriff or
23 ~~a-constable~~ when necessary.
24 Sec. 8. Section sixty-four point eight (64.8),
25 Code 1971, is amended to read as follows:

PAGE 5

1 64.8 COUNTY OFFICERS. The bonds of the following
2 county officers, viz.: Clerks of the district courts,
3 county attorneys, recorders, auditors, superintendents
4 of schools, sheriffs, justices of the peace, and
5 ~~constables~~, and assessors shall each be in a penal
6 sum to be fixed by the board of supervisors.

7 Sec. 9. Section sixty-four point nine (64.9),
8 Code 1971, is amended to read as follows:

9 64.9 MINIMUM BONDS OF COUNTY OFFICERS. Bonds
10 of members of the board of supervisors, clerks of
11 the district courts, county auditors, sheriffs, and
12 county attorneys shall not be in less sum than five
13 thousand dollars each, and those of justices and
14 constables of the peace, not less than ~~five-hundred~~
15 one thousand dollars each.

16 Sec. 10. Section sixty-four point twenty-four
17 (64.24), subsection two (2), Code 1971, is amended
18 to read as follows:

19 2. In the record kept by the county auditor, the
20 official bonds of all county officers, elective or
21 appointive, justices of the peace, and township clerks,
22 ~~and-constables~~.

23 Sec. 11. Section sixty-five point nine (65.9),
24 Code 1971, is amended to read as follows:

25 65.9 JUSTICE OF THE PEACE. If the proceedings

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1 relate to a justice of the peace, and he is removed
2 from office, the county auditor shall notify the
3 ~~proper-township-trustees-or-clerk~~ appropriate county
4 board of supervisors of the removal.

5 Sec. 12. Section sixty-nine point eight (69.8),
6 subsection four (4), Code 1971, is amended to read
7 as follows:

8 4. COUNTY OFFICES. In county offices, including
9 justices of the peace ~~and-constables~~, by the board
10 of supervisors.

11 Sec. 13. Section one hundred eighty-eight point
12 twenty-eight (188.28), unnumbered paragraph one (1),
13 Code 1971, is amended to read as follows:

14 188.28. PROOF OF SERVICE. Immediately after the
15 expiration of said ten days of posting, the person
16 taking up the estary shall, unless such estray has
17 been previously claimed by the owner, file with a

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18 justice of the peace in the township county in which
19 the estray was taken up, ~~or, in case there is no~~
20 ~~justice in the township, then with the next nearest~~
21 ~~justice in the county,~~ his affidavit which shall show:
22 Sec. 14. Section three hundred thirty-two point
23 nine (332.9) , Code 1971, is amended to read as follows:
24 332.9 OFFICES FURNISHED. The board of supervisors
25 shall furnish the clerk of the district court, sheriff,

PAGE 7

1 recorder, treasurer, auditor, county attorney, county
2 superintendent, county surveyor or engineer, and
3 county assessor, with offices at the county seat,
4 but in no case shall any such officer, except the
5 county attorney, be permitted to occupy an office
6 also occupied by a practicing attorney. The board
7 may require justices of the peace to hold court in
8 facilities furnished by the county. If recommended
9 by the chief judge of the judicial district, the board
10 shall furnish suitable facilities for justices of
11 the peace to hold court.

12 Sec. 15. Section three hundred forty-three point
13 three (343.3), Code 1971, is amended to read as
14 follows:

15 343.3 ACTING AS COUNSEL. No sheriff, or deputy
16 sheriff, ~~or constable~~ shall appear in any court as
17 attorney or counsel for any party, nor make any writing
18 or process to commence any action or proceeding, or
19 to be in any manner used in the same; and such writing
20 or process made by any of them shall be rejected.

21 Sec. 16. Section three hundred forty-three point
22 four (343.4), Code 1971, is amended to read as follows:

23 343.4 PURCHASE OF PROPERTY. No sheriff, or deputy
24 sheriff, ~~or constable~~ shall become the purchaser,
25 either directly or indirectly, of any property by

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1 him exposed to sale under any process of law; and
2 every such purchase shall be void.

3 Sec. 17. Section three hundred fifty-nine point
4 thirty-eight (359.8), Code 1971, is amended to read
5 as follows:

6 359.38 WATCHMEN APPOINTED. Such trustees,
7 directors, or other officers may appoint as many day
8 and night watchmen of their grounds as they may think
9 expedient, and such watchmen, and also all their
10 sextons, superintendents, gardeners, and agents,
11 stationed upon or near said grounds are hereby
12 authorized to take and subscribe, before any mayor

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13 of a city or justice of the peace of the township
14 county where such cemetery is situated, an oath of
15 office, ~~similar to that required by law of constables.~~

16 Sec. 18. Section three hundred fifty-nine point
17 thirty-nine (359.39), Code 1971, is amended to read
18 as follows:

19 359.39 EX OFFICIO POLICE OFFICERS. Upon the
20 taking of such oath, such watchmen, sextons,
21 superintendents, gardeners, and agents shall have
22 and exercise all powers of police officers within
23 and adjacent to the cemetery grounds and each shall
24 have power to arrest any and all persons engaged in
25 violating the laws of this state, and to bring such

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1 person so offending before any justice of the peace
2 within such township county, to be dealt with according
3 to law.

4 Sec. 19. Section three hundred sixty-seven point
5 five (367.5), Code 1971, is amended to read as follows:

6 367.5 JURISDICTION OF MAYOR. In other cities
7 and towns, the mayor, or mayor pro tempore ~~when~~
8 ~~authorized~~, may request approval from the chief judge
9 of the judicial district of the county to hold mayor's
10 court. If approval is granted by the chief judge
11 of the judicial district of the county, the mayor
12 shall have exclusive jurisdiction of all actions or
13 prosecutions for violations of city or town ordinances,
14 and the mayor shall have, in criminal matters, the
15 jurisdiction of a justice of the peace, coextensive
16 with the county, and in civil cases, the jurisdiction
17 within the city or town that a justice of the peace
18 has within the township county.

19 Sec. 20. Section three hundred sixty-seven point
20 thirteen (367.13), Code 1971, is amended to read as
21 follows:

22 367.13 FEES. Police judges in criminal cases
23 under ordinances or state laws shall receive charge
24 the same fees as justices of the peace receive in
25 similar cases and all fees collected shall be paid

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1 into the municipal treasury. In criminal cases under
2 ordinance, said fees shall be payable from the
3 municipal treasury, and in criminal cases under state
4 law, said fees shall be payable from the county
5 treasury. The council ~~may~~ shall by ordinance provide
6 a salary in lieu of all fees, ~~and thereafter all fees~~
7 ~~collected shall be paid into the municipal treasury~~

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8 and the salary may be based upon the salaries paid
9 to justices of the peace.

10 Sec. 21. Section three hundred sixty-seven point
11 fourteen (367.14), Code 1971, is amended to read as
12 follows:

13 367.14 MARSHAL AS BAILIFF. The marshall or his
14 deputy shall attend upon the sittings of the mayor's
15 and police courts and perform the duties of bailiff
16 therein. The fees for such services shall be the
17 same as ~~constables~~ county sheriffs receive for similar
18 services ~~in-justice-of-the-peace-court~~. Fees shall
19 be payable from the municipal treasury for services
20 in connection with criminal cases under ordinances,
21 and from the county treasury for services in connection
22 with criminal cases under the state law. The council
23 may by ordinance provide a salary in lieu of all fees,
24 and thereafter all fees collected shall be paid into
25 the municipal treasury.

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1 Sec. 22. Section three hundred sixty-seven point
2 fifteen (367.15), Code 1971, is amended to read as
3 follows:

4 367.15 MAYOR'S FEES. For holding a mayor's or
5 police court, or discharging the duties of a justice
6 of the peace, the mayor shall receive in addition
7 to his regular salary as mayor, such ~~fees-or~~ salary
8 as is by law or ordinance provided for officers
9 performing such duties.

10 Sec. 23. Section four hundred forty-five point
11 forty-nine (445.49), Code 1971, is amended to read
12 as follows:

13 445.49 SHERIFF OR-CONSTABLE AS COLLECTOR. In
14 the discharge of his duties as collector, should it
15 become necessary to make the delinquent taxes by
16 distress and sale, or should no collector be appointed,
17 or should the collector fail to institute proceedings
18 to collect said delinquent taxes, the treasurer shall
19 place the same in the hands of the sheriff, ~~or-a~~
20 ~~constable~~, who shall proceed to collect the same,
21 and ~~either~~ he shall be entitled to receive the same
22 compensation in addition to the five percent, as
23 ~~constables-are~~ he is entitled to receive for the sale
24 of property on execution.

25 Sec. 24. Section five hundred eighty point four

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1 (580.4), unnumbered paragraph one (1), Code 1971,
2 is amended to read as follows:

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3 580.4 AFFIDAVIT OF FORECLOSURE. Liens may be
4 enforced by the holder filing ~~with-any-constable-of~~
5 ~~the-county-in-which-the-progeny-is-kept,-or~~ with the
6 sheriff of ~~such-county~~ the county in which the progeny
7 is kept, an affidavit which shall, in addition to
8 a demand for foreclosure, contain:

9 Sec. 25. Section five hundred eighty point five
10 (580.5), unnumbered paragraph one (1), Code 1971,
11 is amended to read as follows:

12 580.5 POSSESSION AND NOTICE. The ~~constable-or~~
13 sheriff shall, under said affidavit, take immediate
14 possession of said progeny, and give written notice
15 of the sale thereof, which notice shall contain:

16 Sec. 26. Section five hundred eighty point eight
17 (580.8), Code 1971, is amended to read as follows:

18 580.8 SALE--APPLICATION OF PROCEEDS. If payment
19 of the service fee, ~~and-constable-costs,~~ be not made
20 prior to the time of sale, as fixed in such notice,
21 the ~~constable~~ sheriff may sell property so held by
22 him, or so much thereof as may be necessary, at public
23 auction to the highest bidder, and the proceeds shall
24 be applied, first, to the payment of the costs, and
25 second, in payment of amount due for service fee.

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1 Any surplus arising from such sale shall be forthwith
2 paid to the owner of the property sold.

3 Sec. 27. Section six hundred one point three
4 (601.3), Code 1971, is amended to read as follows:

5 601.3 SUITS BROUGHT WHERE PARTY RESIDES. Actions
6 in all cases may be brought in the township justice
7 of the peace district where the plaintiff, or the
8 defendant, or one of several defendants, resides,
9 unless otherwise provided by law.

10 Sec. 28. Section six hundred one point four
11 (601.4), Code 1971, is amended to read as follows:

12 601.4 WHERE DEFENDANT SERVED. They may also be
13 brought in any other township justice of the peace
14 district of the same county, if actual service on
15 one or more of the defendants is made in such township
16 district.

17 Sec. 29. Section six hundred one point six (601.6),
18 Code 1971, is amended to read as follows:

19 601.6 ATTACHMENT. Actions aided by attachment
20 may be brought against nonresidents of the state in
21 any county ~~and-township~~ wherein the property sought
22 to be levied upon is found.

23 Sec. 30. Section six hundred one point eight
24 (601.8), Code 1971, is amended to read as follows:

25 601.8 WRITTEN STIPULATION FOR PLACE OF SUIT.

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1 On written contracts stipulating for payment at a
2 particular place, action may be brought in the township
3 justice of the peace district where the payment was
4 agreed to be made.
5 Sec. 31. Section six hundred one point eleven
6 (601.11), Code 1971, is amended to read as follows:
7 601.11 CHANGE OF VENUE FOR FRAUD. Where an action
8 is brought relying upon the foregoing provisions to
9 fix the venue in a township justice of the peace
10 district in a county other than the residence of the
11 signer of a written contract, and the defendant files
12 a verified answer setting forth a legal defense alleg-
13 ing fraud in the inception of the contract, and he
14 files therein a motion asking to have said cause
15 transferred to the county of his residence, accompanied
16 by a cost bond of fifty dollars to be approved by
17 the court where the action is brought, the justice
18 before whom such action is brought shall thereupon
19 order the same transferred to such county upon the
20 defendant paying fees of transcript and postage,
21 and all papers and transcript shall forthwith be
22 mailed, by certified mail ~~letter~~, to the clerk of
23 the district court of the county of defendant's
24 residence, and said cause shall be docketed for trial.
25 Sec. 32. Section six hundred one point fourteen

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1 (601.14), Code 1971, is amended to read as follows:
2 601.14 IN ADJOINING ~~TOWNSHIP~~ DISTRICT. If there
3 is no justice in the proper township justice of the
4 peace district qualified or able to act, the action
5 may be commenced in any adjoining township justice
6 of the peace district in the same county. If there
7 ~~be no such~~ is no justice in an adjoining township
8 district, it may be commenced before ~~the a~~ justice
9 ~~in the same county nearest to the township in which~~
10 ~~the defendant resides~~ an adjoining county.
11 Sec. 33. Section six hundred one point fifteen
12 (601.15), Code 1971, is amended by striking the section
13 and inserting in lieu thereof the following:
14 601.15 INVOICES FURNISHED. The board of
15 supervisors of each county shall furnish each justice
16 of the peace in the county with a record book
17 containing serially numbered invoice receipts in
18 triplicate. The original of each invoice receipt
19 shall be given to the defendant, one copy shall be
20 transmitted to the board of supervisors, and one copy
21 shall be retained by the justice of the peace. The
22 board of supervisors shall also furnish each justice
23 of the peace with a record book suitable for a docket.
24 Sec. 34. Section six hundred one point twenty-
25 three (601.23), Code 1971, is amended to read as

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1 follows:

2 601.23 SERVICE AND RETURN. The service and return
3 thereto must be made in the same manner as in the
4 district court, except no service shall be made by
5 publication other than is herein provided, nor shall
6 any return made by another than the sheriff ~~or-a~~
7 ~~constable~~ of the county be valid unless sworn to.

8 Sec. 35. Section six hundred one point thirty-
9 five (601.35), Code 1971, is amended to read as
10 follows:

11 601.35 NEXT NEAREST JUSTICE. When a change is
12 allowed and the fees for transcript are paid, said
13 justice shall transmit all the original papers in
14 the case, and a transcript of his proceedings, to
15 the next nearest justice in the township county, if
16 there be any; if not, to the next nearest justice
17 in ~~his-county~~ an adjoining county, and said justice
18 shall proceed to try said case, and, if he cannot
19 try the same immediately, he shall then fix a time
20 therefor, of which all parties shall take notice;
21 provided, however, anything herein to the contrary
22 notwithstanding, if any party seeking to have the
23 place of trial changed shall so request and designate
24 a municipal or superior court within the county, said
25 cause and all original papers and transcript shall

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1 be removed immediately to such designated municipal
2 court or superior court, if there be such municipal
3 or superior court within the county, and docketed,
4 the filing fee to be paid by plaintiff, for nonpayment
5 of which the cause shall be dismissed.

6 Sec. 36. Section six hundred one point forty-nine
7 (601.49), Code 1971, is amended to read as follows:

8 601.49 JURY SUMMONED. If a jury ~~be is~~ demanded,
9 the justice shall issue his precept to ~~some-constable~~
10 ~~of-the-township~~ the sheriff, directing him to summon
11 the requisite number of jurors possessing the same
12 qualifications as are required in the district court.

13 Sec. 37. Section six hundred one point seventy-
14 three (601.73), Code 1971, is amended to read as
15 follows:

16 601.73 FORM. Such execution shall be against
17 the goods and chattels of the defendant therein, and
18 shall be directed to ~~any-constable~~ the sheriff of
19 the county.

20 Sec. 38. Section six hundred one point one hundred
21 ten (601.110), Code 1971, is amended to read as
22 follows:

23 601.110 ATTACHMENT WITHOUT PERSONAL SERVICE.

24 In actions in which an attachment is sought, if it
25 is made to appear by affidavit that personal service

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1 cannot be had on the defendant within the state, the
2 justice, upon the return day, unless the defendant
3 appear, shall make an order fixing the day for the
4 trial, not less than sixty days thereafter, and
5 requiring notice to be given by ~~any-constable~~ the
6 sheriff as provided in section 601.111.

7 Sec. 39. Section six hundred one point one hundred
8 eighteen (601.118), Code 1971, is amended to read
9 as follows:

10 601.118 INTERCHANGE. In case of sickness, or
11 other disability, or absence of a justice at the time
12 fixed for a trial of a cause or other proceeding,
13 any other justice of the ~~township~~ county or an
14 adjoining county may, at his request, attend and
15 transact the business for him without any transfer
16 to another office. The entries shall be made in the
17 docket of the justice at whose office the business
18 is transacted, and the same effect shall be given
19 to the proceedings as though no such interchange of
20 official service had taken place.

21 Sec. 40. Section six hundred one point one hundred
22 twenty-two (601.122), Code 1971, is amended to read
23 as follows:

24 601.122 SHERIFF AND-CONSTABLE. The ~~constable~~
25 sheriff is the proper executive officer in a justice's

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1 ~~court, but the sheriff may perform any of the duties~~
2 ~~required of him.~~ The powers and duties of the sheriff
3 in relation to the business of the district court,
4 so far as the same are applicable and not modified
5 by statute, devolve upon the ~~constable~~ sheriff in
6 relation to the justice's court.

7 Sec. 41. Section six hundred one point one hundred
8 thirty-two (601.132), Code 1971, is amended to read
9 as follows:

10 601.132 ANNUAL REPORT TO BOARD OF SUPERVISORS.
11 All justices of the peace shall pay into the county
12 treasury all criminal and civil fees collected in
13 each year including all fees collected pursuant to
14 section 601.128. All justices of the peace and
15 ~~constables~~ shall under oath make an annual report
16 to the board of supervisors, upon blanks furnished
17 by the county auditor, of all criminal fees taxed
18 and collected during the year, which report shall
19 also show that all criminal fees and fines collectible
20 by law have been received, such annual report to be
21 made on the ~~first~~ second Monday in January, ~~and before~~
22 ~~the annual settlement shall be made,~~ and accompanied
23 with the receipts of the treasurer for all money paid
24 in to him.

25 All justices of the peace shall make an annual

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1 report for the preceding calendar year to the board
2 of supervisors and to the district court, upon blanks
3 furnished by the board of supervisors, of their total
4 case loads including all actions brought before them.
5 The report shall be filed on or before January
6 fifteenth of each year for the preceding year.

7 Sec. 42. Section six hundred one point one hundred
8 thirty-three (601.133), Code 1971, is amended to read
9 as follows:

10 601.133 QUARTERLY REPORT TO COUNTY AUDITOR.
11 Justices of the peace shall make, under oath, quarterly
12 reports, upon blanks furnished by the county auditor,
13 and shall file the same with the county auditor, which
14 reports shall contain a true and correct transcript
15 of all criminal proceedings which have been instituted
16 or adjudicated in their courts, with the names of
17 all attending witnesses and jurors and fees taxed
18 ~~in their favor.~~

19 Sec. 43. Section six hundred one point one hundred
20 thirty-four (601.134), Code 1971, is amended to read
21 as follows:

22 601.134 ATTENDANCE AT JUDICIAL CONFERENCE. ~~It~~
23 ~~shall be the duty of justices of the peace to attend~~
24 ~~the conference or school of instruction designated~~
25 ~~for them by the chief justice of the supreme court.~~

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1 Annually the court administrator of the judicial
2 department shall cause at least one conference or
3 school of instruction to be conducted for justices
4 of the peace, which each justice of the peace shall
5 attend unless excused by the court administrator for
6 good cause. Reimbursement for expenses of attending
7 one such conference conferences or school schools
8 of instruction per-year shall be made from the general
9 fund of their county and be subject to the limitation
10 contained in section 605.2. A justice of the peace
11 who does not attend a conference or school and has
12 not been excused by the court administrator is dis-
13 qualified from office and a new justice of the peace
14 shall be appointed within thirty days by the county
15 board of supervisors.

16 Sec. 44. Chapter six hundred one (601), Code 1971,
17 is amended by adding the following new sections:

18 1. "Any person appearing as a defendant before
19 a justice of the peace may have his case heard by
20 the judge of the nearest municipal court, and in such
21 case the judge of the municipal court shall act on
22 behalf of the justice of the peace. Prior to the
23 commencement of the hearing before the justice of
24 the peace, the justice of the peace shall inform the
25 defendant of his right to be tried by the judge of

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- 1 the municipal court."
- 2 2. "If the chief judge of a judicial district
- 3 finds that cause exists for removal of a justice of
- 4 the peace, he shall remove the justice of the peace
- 5 and a successor shall be appointed by the county board
- 6 of supervisors."
- 7 3. "The chief judge of the judicial district on
- 8 the basis of the case load of each justice of the
- 9 peace, shall set the annual salary of each justice
- 10 of the peace as follows:
- 11 1. For hearing one hundred cases or less, six
- 12 hundred dollars.
- 13 2. For hearing not more than two hundred cases
- 14 but not less than one hundred one cases, nine hundred
- 15 dollars.
- 16 3. For hearing not more than four hundred cases
- 17 and not less than two hundred one cases, one thousand
- 18 eight hundred dollars.
- 19 4. For hearing not more than six hundred cases
- 20 and not less than four hundred one cases, two thousand
- 21 four hundred dollars.
- 22 5. For hearing not more than eight hundred cases,
- 23 and not less than six hundred one cases, three thousand
- 24 dollars.
- 25 6. For hearing not more than one thousand cases

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- 1 and not less than eight hundred one cases, four
- 2 thousand two hundred dollars.
- 3 7. For hearing not more than one thousand two
- 4 hundred cases and not less than one thousand one
- 5 cases, four thousand eight hundred dollars.
- 6 8. For hearing not more than one thousand five
- 7 hundred cases and not less than one thousand two hun-
- 8 dred one cases, five thousand four hundred dollars.
- 9 9. For hearing not more than two thousand cases
- 10 and not less than one thousand five hundred one cases,
- 11 six thousand dollars.
- 12 10. For hearing not more than two thousand five
- 13 hundred cases and not less than two thousand one
- 14 cases, six thousand six hundred dollars.
- 15 11. For hearing not more than three thousand cases
- 16 and not less than two thousand five hundred one cases,
- 17 seven thousand five hundred dollars.
- 18 12. For hearing more than three thousand cases,
- 19 nine thousand dollars."
- 20 4. "The salary of the justice of the peace shall
- 21 be payable monthly from the court fund of the county
- 22 in which his justice of the peace district is located
- 23 and also his actual and necessary expenses in the
- 24 performance of his duties away from his district
- 25 pursuant to section six hundred five point two (605.2)

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1 of the Code. The chief judge of the judicial district
2 shall certify to the appropriate county auditor the
3 annual salary to which each justice in his judicial
4 district is entitled."
5 5. "On January 1, 1975 justices of the peace whose
6 terms of office expire shall file all documents and
7 books pertaining to their office with the newly-elected
8 justices of the peace of the justice of the peace
9 district in which they are located. The newly elected
10 justices of the peace shall assume jurisdiction over
11 cases pending before the justices of the peace whose
12 terms have expired."
13 Sec. 45. Section six hundred two point one (602.1),
14 Code 1971, is amended to read as follows:
15 602.1 COURT ESTABLISHED--DISTRICT DEFINED. A
16 municipal court may be established in any city having
17 a population of five thousand or more, by proceeding
18 as hereinafter provided. All that part of each civil
19 township within the corporate limits of such city
20 shall constitute the municipal court district, except
21 that upon the request of a justice of the peace, a
22 municipal court judge shall have jurisdiction over
23 the specific action for which the request is made.
24 Sec. 46. Chapter six hundred four (604), Code
25 1971, is amended by adding the following new sections:

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1 "The chief judge of a judicial district may remove
2 a justice of the peace of that judicial district from
3 office for cause."
4 "The chief judge of a judicial district on the
5 basis of case load of each justice of the peace shall
6 set the annual salary of each justice of the peace
7 pursuant to section forty-four (44), subsection three
8 (3) of this Act. For the initial year the case load
9 for each justice of the peace district shall be
10 determined by dividing the total number of cases of
11 justices of the peace in the county for the preceding
12 year by the number of justice of the peace districts
13 established in section three (3) of this Act in each
14 county. For each succeeding year, the caseload shall
15 be the caseload of the justice of the peace district
16 of the preceding year."
17 Sec. 47. Section six hundred twenty-two point
18 sixty-three (622.63), Code 1971, is amended to read
19 as follows:
20 622.63 SUBPOENAS. The clerks of the several
21 courts shall, on application of any person having
22 a cause or matter pending in court, issue a subpoena
23 for witnesses under the seal of the court, inserting
24 all the names required by the applicant in one
25 subpoena, if practicable, which may be served by the

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1 sheriff ~~or-any-constable~~ of the county, or by the
2 party or any other person.

3 Sec. 48. Section six hundred twenty-two point
4 seventy-eight (622.78), Code 1971, is amended to read
5 as follows:

6 622.78 SERVING SUBPOENA. If a witness conceals
7 himself, or in any manner attempts to avoid being
8 personally served with a subpoena, any sheriff ~~or~~
9 ~~constable~~ having the subpoena may use all necessary
10 and proper means to serve the same, and may for that
11 purpose break into any building or other place where
12 the witness is to be found, having first made known
13 his business and demanded admission.

14 Sec. 49. Section six hundred thirty-nine point
15 sixty-eight (639.68), Code 1971, is amended to read
16 as follows:

17 639.68 SHERIFF--CONSTABLES. The word "sheriff",
18 or "officer", as used in this chapter is meant to
19 apply to ~~constables-when-the-proceedings-are-in-a~~
20 ~~justice's-court, or~~ the like officer of any other
21 court.

22 Sec. 50. Section six hundred forty-two point one
23 (642.1), Code 1971, is amended to read as follows:

24 642.1 WHO MAY BE GARNISHED. A sheriff ~~or-constable~~
25 may be garnished for money of the defendant in his

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1 hands; a judgment debtor of the defendant, when the
2 judgment has not been assigned on the record, or by
3 writing filed in the office of the clerk and by him
4 minuted as an assignment on the margin of the judgment
5 docket; and an executor, for money due from decedent.

6 Sec. 51. Section six hundred forty-four point
7 one (644.1), Code 1971, is amended to read as follows:

8 644.1 TAKING UP VESSELS, RAFTS, LOGS AND LUMBER.
9 If any person shall stop or take up any vessel or
10 watercraft, or any raft of logs, or parts thereof,
11 or any logs suitable for making lumber or hewn timber,
12 or sawed lumber, found adrift within the limits or
13 upon the boundaries of this state, of the value of
14 five dollars or upwards, including the cargo, tackle,
15 rigging, and other appendages of such vessel or water-
16 craft, such person, within five days thereafter,
17 provided the same shall not have been previously
18 proved and restored to the owner, shall go before
19 some justice of the peace in the township county where
20 such property is found, and make affidavit setting
21 forth the exact description of such property; where
22 and when the same was found; whether any, and if so
23 what cargo, tackle, rigging, or other appendages were
24 found on board or attached thereto; and that the same
25 has not been altered or defaced, either in whole or

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1 in part, since the taking up, either by him or by
2 any other person to his knowledge.
3 Sec. 52. Section six hundred forty-four point
4 two (644.2), Code 1971, is amended to read as follows:
5 644.2 WARRANT--APPRAISAL--RETURN--RECORD. The
6 said justice shall thereupon issue his warrant,
7 directed to ~~some constable of his township~~ the sheriff
8 of the county, commanding him to summon three
9 respectable householders of the neighborhood, who
10 shall proceed without delay to examine and appraise
11 such property, including cargo, tackle, rigging, and
12 other appendages if any there be, and to make report
13 thereof under their hands to the justice issuing such
14 warrant, who shall enter the same, together with the
15 affidavit of the taker-up, at large in his estray
16 book, and within five days shall transmit a certified
17 copy thereof to the county auditor of the proper
18 county, to be by him recorded in his estray book and
19 filed in his office.
20 Sec. 53. Section six hundred forty-eight point
21 five (648.5), Code 1971, is amended to read as follows:
22 648.5 JURISDICTION--TRANSFER--APPEAL. The
23 district, municipal, and superior courts, and justices
24 of the peace within the county, and justices of the
25 peace within the township where the subject matter

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1 of the action is situated, shall have concurrent
2 jurisdiction of actions for the forcible entry or
3 detention of real property, and the court first
4 acquiring jurisdiction of an action therefor shall
5 retain the same until judgment, unless it is
6 transferred as hereinafter provided. Where an action
7 is brought in the district, superior, ~~of~~ or municipal
8 court it shall be tried as an equitable action, and
9 upon presentation of the petition to the court or
10 judge after the same has been filed, the court or
11 judge shall make an order fixing the time and place
12 for hearing upon said petition and shall prescribe
13 that notice of the hearing be personally served upon
14 the defendant or defendants, which service shall be
15 at least five days prior to the date set for hearing..
16 By agreement of the parties, it may be transferred
17 from a justice's court to a municipal, superior, or
18 the district court, or from a superior or a municipal
19 to the district court, and all such actions in which
20 judgment is rendered in a justice's court may be
21 appealed to the district or superior court, as provided
22 by law.
23 Sec. 54. Section six hundred forty-eight point
24 eight (648.8), Code 1971, is amended to read as
25 follows:

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1 648.8 VENUE. When brought before a justice of
2 the peace, and there is none present or qualified
3 to act in the township justice of the peace district
4 where the subject thereof is situated, it may be
5 brought in an adjoining township district in the
6 county. If there be is no such justice in an adjoining
7 township district in the county it may be commenced
8 before ~~the~~ a justice in ~~the-same~~ an adjoining county
9 nearest to the township justice of the peace district
10 in which the subject thereof is situated.

11 Sec. 55. Section six hundred sixty-seven point
12 five (667.5), Code 1971, is amended to read as follows:

13 667.5 SERVICE OF WARRANT. Any ~~constable-or~~ marshal
14 of any city or twon may execute the warrant, whether
15 it issues from the office of the clerk of the district
16 or superior court, or of a justice.

17 Sec. 56. Section seven hundred nine point nine
18 (709.9), Code 1971, is amended to read as follows:

19 709.9 TAKING GOODS FROM OFFICER. If any person
20 knowingly and without authority of law, take, carry
21 away, secrete, or destroy any goods or chattels while
22 the same are lawfully in the custody of any sheriff
23 county medical examiner, marshal, ~~constable~~, or other
24 officer, and held by such officer by virtue of
25 execution, writ of attachment, or other legal process,

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1 he shall be guilty of larceny, and, when the value
2 of the property so taken, carried away, secreted,
3 or destroyed exceeds the sum of twenty dollars, be
4 imprisoned in the penitentiary not more than one year;
5 and when it does not exceed twenty dollars, be fined
6 not exceeding one hundred dollars, or imprisoned in
7 the county jail not more than thirty days.

8 Sec. 57. Section seven hundred twenty-five point
9 nine (725.9), Code 1971, is amended to read as follows:

10 725.9 WARRANTS FOR SEARCH OR SEIZURE. Any
11 magistrate or police judge is authorized, on complaint
12 supported by oath or affirmation of one or more
13 persons, to issue a warrant, directed to the sheriff
14 of the county within which such complaint is made,
15 ~~or-to-any-constable~~ or police officer within said
16 county, directing him or them, or any of them, to
17 search for, seize and take possession of such books,
18 papers, pictures, circulars, articles, and things
19 named in this chapter; and said magistrate or police
20 judge shall deliver personally, or shall transmit,
21 enclosed and under seal, specimens thereof to the
22 county attorney of his county, and shall deposit
23 within the county jail of his county, or other secure
24 place, as to him shall seem meet, enclosed and under
25 seal, the remainder thereof, and shall, upon the

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1 conviction of the person or persons offending under
2 the provisions of this chapter, forthwith, in the
3 presence of the person or persons upon whose complaint
4 the seizure or arrest was made, if he or they shall
5 elect to be present, destroy, or cause to be destroyed,
6 the remainder thereof and shall cause to be entered
7 upon the record of his court the fact of such
8 destruction.

9 Sec. 58. Section seven hundred thirty-nine point
10 nine (739.9), Code 1971, is amended to read as follows:

11 739.9 SHERIFF OR OTHER OFFICERS RECEIVING BRIBES.
12 If any sheriff, or deputy sheriff, ~~or constable~~, or
13 any marshal, deputy marshal, policeman, or police
14 officer of any city or town, receive from a defendant,
15 or other person, any money or other valuable thing
16 as a consideration or inducement for omitting or
17 delaying to arrest any defendant or to carry him
18 before a magistrate or to prison, or for postpon-
19 ing, delaying, or neglecting the sale of property
20 on execution, or for omitting or delaying to perform
21 any other duty pertaining to his office, he shall
22 be fined not exceeding five hundred dollars, or
23 imprisoned in the county jail not exceeding six months,
24 or both fined and imprisoned at the discretion of
25 the court.

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1 Sec. 59. Section seven hundred forty point five
2 (740.5), Code 1971, is amended to read as follows:
3 740.5 FALSELY ASSUMING TO BE OFFICER. If a person
4 falsely assumes to be a judge, justice of the peace,
5 magistrate, sheriff, deputy sheriff, peace officer,
6 special agent of the Iowa department of public safety,
7 or conservation officer, ~~or constable~~, and take upon
8 himself to act as such, or require anyone to aid or
9 assist him in any matter pertaining to the duty of
10 any such officer, he shall be imprisoned in the county
11 jail not more than one year, or be fined not exceeding
12 three hundred dollars.

13 Sec. 60. Section seven hundred forty point six
14 (740.6), Code 1971, is amended to read as follows:

15 740.6 STIRRING UP QUARRELS AND SUITS. If any
16 judge, justice of the peace, clerk of any court,
17 sheriff, ~~constable~~, attorney, or counselor at law,
18 encourage, excite or stir up any action, quarrel,
19 or controversy between two or more persons, with
20 intent to injure such persons, he shall be fined not
21 exceeding five hundred dollars, and shall be answerable
22 to the party injured in treble damages.

23 Sec. 61. Section seven hundred forty-three point
24 four (743.4), Code 1971, is amended to read as follows:

25 743.4 UNLAWFUL ASSEMBLAGES--DISPERSION. When

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1 persons to the number of twelve or more, armed with
2 dangerous weapons, or persons to the number of thirty
3 or more, whether armed or not, are unlawfully or
4 riotously assembled in any city or town, any judge,
5 sheriff, and his deputies if they be present, the
6 mayor, aldermen, marshal, ~~constables~~, and justices
7 of the peace of such city or town must go among the
8 persons assembled, or as near them as may be safe,
9 and command them, in the name of the state, immediately
10 to disperse.

11 Sec. 62. Section seven hundred forty-eight point
12 three (748.3), subsection two (2), Code 1971, is
13 amended by striking the subsection.

14 Sec. 63. Section seven hundred sixty-one point
15 three (761.3), Code 1971, is amended to read as
16 follows:

17 761.3 PROCEDURE ON CHANGE. On filing such an
18 affidavit a change of venue must be allowed, and the
19 magistrate must immediately transmit all original
20 papers, and a transcript of the entire record in the
21 case, to the nearest magistrate in the ~~township~~, ~~if~~
22 ~~there be one, if not, to the nearest magistrate in~~
23 ~~the~~ county, who shall proceed with said examination
24 as hereinafter provided; but one such change shall
25 be allowed.

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1 Sec. 64. Section seven hundred sixty-two point
2 fourteen (762.14), Code 1971, is amended to read as
3 follows:

4 762.14 CHANGE ALLOWED--TRANSMISSION OF PAPERS.
5 If such affidavit be filed, the change of place of
6 trial must be allowed, and the justice must immediately
7 transmit all the original papers, and a transcript
8 of all his docket entries in the case, to the next
9 nearest justice in the township county or an adjoining
10 county, unless said justice be a party to the action,
11 or is related to either party by consanguinity, or
12 affinity within the fourth degree, or where he has
13 been attorney for either party in the action or
14 proceeding; and in such case the justice before whom
15 such action or proceeding is commenced shall transmit
16 all the original papers, together with a transcript
17 of all his docket entries, to ~~the next nearest~~ another
18 justice in the county or adjoining county against
19 whom none of the above objections exist, who shall
20 proceed with the case as provided in this chapter,
21 but no more than one change of place of trial in the
22 same case shall be allowed.

23 Sec. 65. Section seven hundred sixty-two point
24 forty-four (762.44), unnumbered paragraph five (5),
25 Code 1971, is amended to read as follows:

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1 Accepted by me, at, in the township
2 county of, this day of
3, A. D.....
4 C.....D.....
5 Justice of the peace.
6 Sec. 66. Section seven hundred sixty-three point
7 four (763.4), Code 1971, is amended to read as follows:
8 763.4 FORM OF BAIL BOND. Bail is put in by a
9 written undertaking, executed by one or more sufficient
10 sureties (with or without the defendant, in the
11 discretion of the court, clerk, or magistrate),
12 accepted by the court, clerk, or magistrate taking
13 the same, and may be substantially in the following
14 form:
15 County of.....
16 An order having been made on the.....day of
17, A.D....., By A..... B.....,
18 a justice of the peace (or other magistrate), of the
19 township county of, (or as the case
20 may be) that C..... D be held
21 to answer upon a charge of (stating briefly the nature
22 of the offense), upon which he has been duly admitted
23 to bail, in the sum of dollars.
24 We, E..... F and G H
25, hereby undertake that the said C

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1 D....., shall appear at the
2 district court of the county of
3 on the day of(month), 19...
4 (year) (which date shall not be more than twenty days
5 after perfection of the undertaking), and answer said
6 charge, and submit to the orders and judgment of said
7 court, and not depart without leave of the same, or,
8 if he fail to perform either of these conditions,
9 that we will pay to the state of Iowa the sum of
10 dollars (inserting the sum in which
11 the defendant is admitted to bail).
12 E.....F.....
13 G.....H.....
14 Accepted by me as, ~~in the township~~
15 ~~of-----~~, in the county of,
16 this day of, A. D.
17
18 I.....J.....(with official title).
19 Sec. 67. Sections six hundred one point one hundred
20 nineteen (601.119), six hundred one point one hundred
21 twenty-one (601.121), six hundred one point one hundred
22 twenty-nine (601.129), six hundred one point one
23 hundred thirty-one (601.131), and six hundred twenty-
24 six point seventy-six (626.76), Code 1971, are
25 repealed.

Senate 22
February 29, 1972

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1 Sec. 68. The effective date of this Act shall
2 be July 1, 1974. Justices of the peace elected on
3 the first Tuesday after the first Monday in November
4 of 1972 shall complete their terms of office. Justices
5 of the peace shall be elected pursuant to the provi-
6 sions of this Act on the first Tuesday after the first
7 Monday in November of 1974.

8 2. Amend the title by striking all of said title
9 after the word "Act" and inserting in lieu thereof the
10 following: "relating to district court judges, justice
11 of the peace courts, mayors' courts, police courts, and
12 local law-enforcement personnel."

Received from the House
February 28, 1972

*Senate refused to concur 2-29-72
(585)
House insisted 3-1-72 (869)*

1 Amend Senate File 428 as follows:

2 1. Page 10, by striking line 9 and inserting "general fund
3 of the county of residence of the district associate judge,
4 shall be eighty-five percent".

5 2. Page 10, by striking in lines 17 and 18 the words
6 "state of Iowa" and inserting the words "county of residence".

Filed - *Withdrawn 4/14*
April 8, 1971

By RILEY and NEU

1 Amend the Mowry amendment to Senate File 428 filed
2 April 8, 1971, page 10, line 21, by striking the word and
3 figure "line 7,".

Filed - *Adopted 4/14*
April 12, 1971

By MOWRY

1 Amend Senate File 428 as follows:

2 1. Page 4, line 15, by striking the words "seventy-
3 two" and inserting the words "sixty-two".

4 2. Page 4, line 16 by striking the words "that age"
5 and inserting in lieu thereof the words "the age of
6 seventy-two".

Filed and Lost
April 14, 1971

By DODERER

1 Amend the Messerly amendment filed April 14, 1971 to
2 Senate File 428 by adding a new section as follows:
3 "4. Page 4, by striking all of lines 29 through 32 and
4 inserting in lieu thereof the following: "A district
5 magistrate regularly serving an area shall receive a salary
6 not to exceed as follows:"

Filed and Adopted
April 14, 1971

By MESSERLY

Senate 6
April 15, 1971

SENATE FILE 428

- 1 Amend Senate File 428 as follows:
2 1. Page 85, by adding the following new section after
3 line 23:
4 "Sec. 229. Section six hundred two point five (602.5),
5 Code 1971, is amended as follows:
6 '602.5 Number of judges. In any municipal court district
7 having a population of less than forty thousand, wherein a
8 municipal court has been established, there shall be one
9 municipal judge: in districts having more than forty
10 thousand and less than sixty thousand inhabitants, there shall
11 be two municipal judges; in districts having more than sixty
12 thousand inhabitants there shall be one municipal judge for
13 each forty thousand inhabitants or major fraction thereof,
14 but no district shall have more than four judges.
15 No person shall be appointed municipal court judge and
16 no municipal court judge shall stand for election to an
17 additional term as municipal court judge after he has reached
18 seventy-two years of age. If a municipal court judge becomes
19 seventy-two years of age after January 1, 1971, he shall be
20 retired.'"
21 2. By renumbering the remaining sections in conformity
22 with this amendment.

Filed and Adopted
April 14, 1971

By DCDERER, RILEY and VAN DRIE

SENATE FILE 428

- 1 Amend Senate File 428 as follows:
2 1. Page 5, line 23, by striking the words "and a
3 bailiff".

Filed and Lost
April 14, 1971

By STEPHENS

SENATE FILE 428

- 1 Amend Senate File 428 as follows:
2 1. Page 2, line 24, by inserting after the word "action" the
3 words "before a district judge who is exercising the jurisdiction
4 of a district magistrate".
5 2. Page 2, by striking lines 28 and 29 and inserting in lieu
6 thereof the following: "elapses. The laws relating to appeals to
7 the supreme court from judgments or orders of district judges
8 shall apply to all judgments or orders of district judges while
9 exercising the jurisdiction of district magistrates."

Filed and Adopted
April 14, 1971

By RILEY

SENATE CLIP SHEET
Thursday, April 15, 1971

SENATE FILE 428

1 Amend the Mowry amendment to Senate File 428, filed
2 April 8, 1971, as follows: Page 16, by adding the following
3 new section after line 1:
4 Sec. ____: Section six hundred two point sixteen (602.16),
5 Code 1971, is amended as follows: "602.16 TERRITORIAL
6 JURISDICTION AND POWERS. The jurisdiction of the municipal
7 court shall be coextensive with the territorial limits of
8 the county. However, in counties having two jurisdictions of
9 the district court, the jurisdiction of the municipal court
10 is restricted to the territory of the district court where the
11 municipal court is situated. The district courts shall have
12 and exercise both supervisory and administrative authority
13 over the municipal courts. The powers exercised by the district
14 court and the judges thereof relating to county attorney
15 informations and the prosecution of misdemeanor offenses is
16 conferred upon and may be exercised by the municipal court
17 the judges thereof. In all matters of which the municipal
18 court has jurisdiction, the court and the judges shall have
19 the same powers in reference to injunctions, writs, orders,
20 and other proceedings in and out of court as are possessed
21 by the district court and the judges thereof. Where a
22 municipality with a municipal court extends into a second
23 county, the territorial jurisdiction for both municipal and
24 district court powers shall be extended only to the additional
25 area within the corporate limits of the municipality within

Page 2

1 the second county. The second county is defined for purposes
2 of this section as the county into which an affected city
3 annexes additional territory after January 1, 1969.

Filed and Adopted
April 14, 1971

By GLENN

SENATE FILE 428

1 Amend the Mowry amendment to Senate File 428 filed April 8,
2 1971, page 10, by striking lines 18, 19, and 20, inclusive.

Filed and Lost
April 14, 1971

By MOWRY

Senate 4
April 12, 1971

SENATE FILE 428

- 1 Amend Senate File 428 as follows:
 - 2 1. Page 2, line 3, by striking the word "one" and
 - 3 inserting in lieu thereof the words "a unified".
 - 4 2. Page 2, lines 12 and 13, by striking the words
 - 5 ", and , during the transition to the unified trial court,
 - 6 by Iowa district associate judges".
 - 7 3. Page 2, lines 17 and 18, by striking the words
 - 8 "district associate" and inserting in lieu thereof the
 - 9 word "municipal".
 - 10 4. Page 7, lines 34 and 35, by striking the words
 - 11 "superior courts, and municipal courts" and inserting in
 - 12 lieu thereof the words "and superior courts".
 - 13 5. Page 8, by striking lines 17 through 35, inclu-
 - 14 sive.
 - 15 6. Page 9, by striking lines 1 through 35, inclu-
 - 16 sive.
 - 17 7. Page 10, by striking lines 1 through 35, inclu-
 - 18 sive.
 - 19 8. Page 11, by striking lines 1 through 35, inclu-
 - 20 sive.
 - 21 9. Page 12, by striking lines 1 through 35, inclu-
 - 22 sive.
 - 23 10. Page 13, by striking lines 1 through 17, inclu-
 - 24 sive.
 - 25 11. Page 13, line 19, by striking the word "Iowa".
- Page 2
- 1 12. Page 18, by striking lines 4 through 8,
 - 2 inclusive, and inserting in lieu thereof the following:
 - 3 "the plaintiff. Costs collected by traffic viola-
 - 4 tions offices shall be remitted monthly to the county
 - 5 treasurer and be credited to the general fund of the
 - 6 county."
 - 7 13. Page 19, line 1, by striking the word
 - 8 "district" and inserting in lieu thereof the word
 - 9 "municipal".
 - 10 14. Page 19, line 7, by striking the word
 - 11 "district" and inserting in lieu thereof the word
 - 12 "municipal".
 - 13 15. Page 19, lines 18 and 19, by striking the words
 - 14 "or under the statutes relating to probate
 - 15 proceedings,".
 - 16 16. Page 19, lines 23 and 24, by striking the words
 - 17 "and probate".
 - 18 17. Page 19, lines 27 and 28, by striking the words
 - 19 "or probate docket, as appropriate" and inserting in
 - 20 lieu thereof the word "docket".
 - 21 18. Page 20, line 13, by striking the words
 - 22 "DISTRICT COURT OF IOWA" and inserting in lieu thereof
 - 23 the words "MUNICIPAL COURT".

Senate 2
April 15, 1971

SENATE FILE 428

1 Amend the Mowry amendment to Senate File 428
2 filed April 8, 1971 as follows:
3 1. Page 2, by striking lines 7 through 25.
4 2. Page 3, by striking lines 1 through 12.
5 3. By renumbering the remaining items to conform
6 with this amendment.

Filed and Adopted By NEU
April 14, 1971

SENATE FILE 428

1 Amend Senate File 428, page 19, line 1, by adding
2 before the period the following:
3 ", however, if there is a municipal court within the
4 county, the small claims court shall be a division of
5 the municipal court and in such case any reference to
6 district courts contained in sections thirty-five (35)
7 through forty-five (45), inclusive, of this Act shall be
8 construed to mean the municipal court".

Filed and Adopted By MOWRY
April 14, 1971

SENATE FILE 428

1 Amend Senate File 428 as follows:
2 Page 14, line 15, by adding after the period the
3 words "Where there is a municipal court within a county,
4 the office of the clerk of such municipal court shall con-
5 stitute the traffic violations office, in lieu of the dis-
6 trict court, for violations of city ordinances of the city
7 in which such court is located; violations of state laws,
8 within its jurisdiction, committed within the corporate
9 limits of such city; and matters transferred to such court
10 for trial. Notwithstanding section thirty-one (31), court
11 costs attributable to all such violations and matters shall
12 be remitted to the treasurer of the city in which the munic-
13 ipal court is located."

Filed and Adopted By MCWRY and RILEY
April 14, 1971

Senate 6
April 12, 1971

24 "district associate" and inserting in lieu thereof the
25 word "municipal".

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1 35. Page 30, by striking lines 30 through 32, inclu-
2 sive, and inserting in lieu thereof the following:

3 "1. Judges of the supreme, district, ~~superior,~~
4 ~~municipal,~~ ~~and police~~ and municipal courts."

5 36. Page 30, lines 33 and 34, by striking the words
6 "~~and-municipal~~" and inserting in lieu thereof the words
7 "and municipal".

8 37. Page 31, by striking lines 1 and 2, and insert-
9 ing in lieu thereof the following:

10 "3. Clerks and deputy clerks of the supreme
11 district, ~~superior,~~ ~~police,~~ and municipal courts."

12 38. Page 31, by striking lines 12 through 21, inclu-
13 sive.

14 39. Page 32, line 23, by striking the words "~~er~~
15 ~~municipal~~" and inserting in lieu thereof the words "or
16 municipal".

17 40. Page 35, by striking lines 15 through 24, inclu-
18 sive.

19 41. Page 35, line 26, by striking the number
20 "(22.16)" and inserting in lieu thereof the number
21 "(222.16)", and line 31, by striking the words "~~er~~
22 ~~municipal~~" and inserting in lieu thereof the words "or
23 municipal".

24 42. Page 36, line 5, by striking the words "~~er~~
25 ~~municipal~~" and inserting in lieu thereof the words "or

Page 6

1 municipal".

2 43. Page 40, by striking lines 5 through 22, inclu-
3 sive, and inserting in lieu thereof the following:

4 "Sec. 94. Section two hundred thirty-one point two
5 (231.2), subsection two (2), Code 1971, is amended as
6 follows:

7 2. In counties wherein there is a ~~superior-or~~
8 municipal court, of the ~~judges~~ judge thereof,
9 ~~respectively,~~ when designated as ~~judges~~ judge of the
10 juvenile court by the judges of the district court.

11 Sec. 95. Section two hundred thirty-one point three
12 (231.3), unnumbered paragraph one (1), Code 1971, is
13 amended as follows:

14 'The judges of the district court may designate one
15 of their number to act as judge of the juvenile court in
16 any county or counties, and may designate a ~~superior-or~~
17 municipal court judge to act as judge of the juvenile
18 court in cases arising in any city in which any such
19 court is organized and in cases arising in any part of
20 any county convenient thereto. In counties having a
21 population of one hundred thousand or over, unless said
22 district judges designate a ~~superior-or~~ municipal court
23 judge to act as juvenile judge, they shall after each

24 19. Page 20, line 14, by striking the word ". . . .
25 COUNTY" and inserting in lieu thereof the words "THE

Page 3

1 CITY OF".

2 20. Page 21, line 28, by striking the word "district"
3 and inserting in lieu thereof the word "municipal".

4 21. Page 24, line 24, by striking the word
5 "district" and inserting in lieu thereof the word
6 "municipal".

7 22. Page 24, line 32, by striking the word
8 "district" and inserting in lieu thereof the word
9 "municipal".

10 23. Page 24, line 34, by striking the word
11 "district" and inserting in lieu thereof the word
12 "municipal".

13 24. Page 25, by striking lines 14 through 17,
14 inclusive, and inserting in lieu thereof the following:
15 "list of state officers and deputies, judges of the
16 supreme, district, ~~superior~~, and municipal courts and
17 members of the general assembly."

18 25. Page 25, by striking lines 21 through 24,
19 inclusive, and inserting in lieu thereof the following:
20 "5. To each judge of the supreme, district,
21 ~~superior~~, and municipal courts of Iowa.....1 copy"

22 26. Page 25, by striking lines 28 through 32,
23 inclusive, and inserting in lieu thereof the following:
24 "superintendent of each county in the state, to the
25 clerk of each ~~superior-or~~ municipal court in the state,

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1 and also for use in each courtroom of the district-,
2 ~~superior~~, or municipal court.....1 copy".

3 27. Page 26, by striking lines 2 through 5, inclu-
4 sive, and inserting in lieu thereof the following:

5 "supreme, district, ~~superior~~, and municipal courts,
6 and of the federal courts in Iowa.....1 copy".

7 28. Page 26, by striking lines 8 through 10, inclu-
8 sive, and inserting in lieu thereof the following:

9 "supreme, district, ~~superior~~ and municipal courts of
10 this state.....1 copy".

11 29. Page 26, by striking line 12 and inserting in
12 lieu thereof the words "~~superior~~, and municipal courts
13 1 copy".

14 30. Page 26, by striking lines 24 through 35,
15 inclusive.

16 31.- Page 27, by striking lines 1 through 35, inclu-
17 sive.

18 32. Page 28, by striking lines 1 through 13, inclu-
19 sive.

20 33. Page 28, line 25, by striking the word
21 "constables" and inserting in lieu thereof the word
22 "~~constables~~".

23 34. Page 29, lines 23 and 24, by striking the words

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24 "In all criminal matters the court shall exercise the
25 jurisdiction conferred on the district court and dis-
Page 9

1 trict magistrates for the prosecution of misdemeanors."

2 (3) Section six hundred two point twenty-eight
3 (602.28), Code 1971, is repealed and the following
4 enacted in lieu thereof:

5 "All criminal actions for nonindictable misdemeanors
6 shall be governed by the procedure employed by district
7 magistrates. Prisoners may be committed to either the
8 city or county jail. The judge shall have the same
9 powers of parole and suspension of sentence as are
10 possessed by the judges of the district court. All
11 criminal actions for indictable misdemeanors shall be
12 governed by the procedure employed in like cases in
13 district court."

14 (4) Section six hundred two point thirty-two (602.32),
15 Code 1971, is amended as follows:

16 602.32 FEES, COSTS, AND EXPENSES. If no provision
17 is made in the laws applicable to the district court for
18 fees, costs, and expenses, ~~they shall be the same as in~~
19 ~~justice of the peace courts except that~~ the clerk of the
20 municipal court shall charge and collect as fees one-half
21 the amount charged and collected by the clerk of the
22 district court in that county. The bailiff may retain
23 the amounts allowed to him by law for mileage and
24 necessary actual expenses in addition to his salary.

25 All other fees, fines, forfeitures, costs, and expenses
Page 10

1 shall be turned over to the city treasurer by the
2 officer collecting the same on or before the tenth day
3 of each succeeding month, and the city treasurer shall
4 forthwith pay to the county treasurer, for the benefit
5 of the school fund, the portion of the fines and for-
6 feitures collected for the violation of state laws.

7 (5) Section six hundred two point forty-four (602.44),
8 Code 1971, is amended as follows:

9 602.44 APPEALS. The laws relating to appeals from
10 judgments or orders of the district court, or a judge
11 thereof, to the supreme court shall apply to judgments
12 or orders of the municipal court, or a judge thereof, in
13 all civil actions. In class "C" actions, appeals shall
14 be taken direct to the supreme court the same as from
15 the district court. In class "D" actions, appeals shall
16 be taken to the district court as provided in the case of
17 appeals from justice district magistrates' courts.

18 (6) CREATION OF NEW MUNICIPAL COURTS TERMINATED.
19 After July 1, 1971, no new municipal courts shall be
20 established.

21 56. Page 59, line 7, by striking lines 6 through 11,
22 inclusive.

23 57. Page 59, by striking lines 12 through 35, inclu-

Senate 7
April 12, 1971

24 election, designate one of their number to act as juve-
25 nile judge for the ensuing four years.'" "

Page 7

1 44. Page 41, by striking line 7 and inserting in
2 lieu thereof the words "of the supreme, district,
3 ~~superior~~, and municipal courts,".
4 45. Page 45, line 32, by striking the words
5 ", associate judges,".
6 46. Page 47, line 4, by striking the words "district
7 associate" and inserting in lieu thereof the word
8 "municipal".
9 47. Page 47, by striking lines 30 through 35, inclu-
10 sive.
11 48. Page 48, by striking lines 1 through 27, inclu-
12 sive.
13 49. Page 51, line 14, by striking the words "~~or~~
14 ~~municipal~~" and inserting in lieu thereof the words "or
15 municipal".
16 50. Page 51, lines 25 and 26, by striking the words
17 "~~or-municipal~~" and inserting in lieu thereof the words
18 "or municipal".
19 51. Page 51, by striking lines 31 through 35, inclu-
20 sive, and page 52, by striking lines 1 through 6, inclu-
21 sive.
22 52. Page 54, by striking lines 16 through 35, inclu-
23 sive.
24 53. Page 56, by striking from lines 18 and 19 the
25 words "district associate" and inserting in lieu thereof

Page 8

1 the word "municipal".
2 54. Page 56, by striking lines 20 through 35, inclu-
3 sive.
4 55. Page 57, by striking lines 1 through 10, inclu-
5 sive, and inserting in lieu thereof the following new
6 section:
7 (1) Section six hundred two point seven (602.7), Code
8 1971, is amended as follows:
9 602.7 QUALIFICATION AND DUTIES OF OFFICERS. Each
10 officer of the court shall be a qualified elector resid-
11 ing in the municipal court district. The judge shall be
12 a practicing lawyer, and shall subscribe to the oath
13 required of judges of the district court, which shall be
14 filed with the city clerk. The duties of the clerk and
15 the bailiff shall be the same, so far as applicable, as
16 those of the clerk of the district court, and of
17 ~~constables-and~~ sheriffs, respectively. All regular
18 police officers shall be ex officio special bailiffs
19 when so ordered by a judge, without other compensation
20 than that paid for their services as police officers.
21 (2) Section six hundred two point fifteen (602.15),
22 Code 1971, is repealed and the following enacted in lieu
23 thereof:

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April 12, 1971

24 a municipal court to the district court, ~~and all such~~
25 ~~actions in which the judgment is rendered in a justice's~~

Page 13

1 ~~court may be appealed to the district or superior court,~~
2 ~~as provided by law."~~

3 73. Section six hundred forty-eight point thirteen
4 (648.13), Code 1971, is amended as follows:

5 "648.13 TITLE IN ISSUE. The question of title can
6 only be investigated in the district court, and can be
7 pleaded in a municipal court ~~or a justice's court~~ only
8 as provided in subsection 4 of section 648.1."

9 74. Section six hundred forty-eight point fourteen
10 (648.14), Code 1971, is amended as follows:

11 "648.14 TRANSFER TO DISTRICT COURT. When ~~so~~ title
12 is put in issue in a ~~justice's court or~~ municipal court,
13 the ~~justice or the~~ judge of the municipal court shall
14 forthwith, without further proceedings, certify the
15 cause and the papers with a transcript of his docket,
16 showing the reason of such transfer to the district
17 court, where the same shall be tried on the merits, as
18 an equitable action. Such cause shall not be dismissed
19 because of ~~error~~ in transferring the same."

20 75. Page 71, by striking line 15 and inserting in
21 lieu thereof the words "by the supreme, district, or
22 ~~municipal, or superior~~ court,".

23 76. Page 71, by striking lines 27 and 28, and
24 inserting in lieu thereof the words "and municipal,
25 ~~superior, and police courts, mayors of cities and towns,~~

Page 14

1 ~~and justices of the peace courts~~ shall, on the first".

2 77. Page 73, line 6, by striking the words "district
3 associate judges,".

4 78. Page 73, line 19, by inserting after the number
5 "(685.9)" the words "of the Code".

6 79. Page 73, line 20, by inserting after the word
7 "district" the words "and municipal".

8 80. Page 73, line 24, by striking the word
9 "~~municipal~~" and inserting in lieu thereof the word
10 "municipal".

11 81. Page 73, line 25, by striking the word "~~or~~"
12 and inserting in lieu thereof the word "or".

13 82. Page 77, lines 1 and 2, by striking the words
14 "district associate" and inserting in lieu thereof the
15 word "municipal".

16 83. Page 77, line 32, by striking the words
17 "district associate" and inserting in lieu thereof the
18 word "municipal".

19 84. Page 81, line 1, by inserting before the period
20 the words "of the Code".

21 85. Page 82, line 34, by striking the words
22 "district associate" and inserting in lieu thereof the
23 word "municipal".

24 sive.

25 58. -Page 60, by striking lines 1 through 35, inclu-
Page 11

1 sive.

2 59. Page 61, by striking lines 1 through 31, inclu-
3 sive.

4 60. Page 62, line 7, by striking the words "~~er~~
5 ~~municipal-court~~" and inserting in lieu thereof the words,
6 "or municipal court".

7 61. Page 62, by striking lines 12 through 14, inclu-
8 sive.

9 62. Page 64, by striking lines 6, 7, and 8.

10 63. Page 65, line 12, by striking the word
11 "~~municipal,~~" and inserting in lieu thereof the word
12 "municipal,".

13 64. Page 65, line 35, by striking the words "~~except~~
14 ~~in-a-class-B-case-in~~" and inserting in lieu thereof the
15 words ", except in a class B case in".

16 65. Page 66, by striking lines 1 through 3, and
17 inserting in lieu thereof the following:
18 "municipal court, less than two hundred fifty dollars
19 in a court of record, or less than fifty dollars if in a
20 ~~justice-court-or~~ a class B case in municipal court,
21 conditioned that".

22 66. Page 67, line 21, by striking the words
23 "~~district associate~~" and inserting in lieu thereof the
24 word "municipal".

25 67. Page 67, line 33, by striking the words

Page 12

1 "~~district associate~~" and inserting in lieu thereof the
2 word "municipal".

3 68. Page 69, line 3, by striking the words
4 "~~associate district~~" and inserting in lieu thereof the
5 word "municipal".

6 69. Page 69, line 8, by striking the words
7 "~~associate district~~" and inserting in lieu thereof the
8 word "municipal".

9 70. Page 69, by striking lines 27 through 30, inclu-
10 sive, and inserting in lieu thereof the following:

11 "648.5 JURISDICTION--TRANSFER--APPEAL. The
12 ~~district, and municipal,--and-superior~~ courts within the
13 ~~county,--and-justices-of-the-peace-within-the-township~~
14 ~~where-the-subject-matter-of-the-action-is-situated,--~~ shall
15 have".

16 71. Page 69, line 35, and page 70, line 1, by
17 striking the words "~~or municipal~~" and inserting in lieu
18 thereof the words "or municipal".

19 72. Page 70, by striking lines 8 through 13, inclu-
20 sive, and inserting in lieu thereof the following:

21 "for hearing. By agreement of the parties, it may be
22 transferred from ~~a-justice's-court-to-a-municipal,~~
23 ~~superior,--or-the-district-court,--or-from-a-superior-or~~

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24 86. Page 83, line 14, by inserting before the period
25 the words "of the Code".

Page 15

1 87. Page 86, lines 27 and 28, by striking the words
2 and numerals "four hundred twenty point thrity-four
3 (420.34), six hundred four point one (604.1)" and
4 inserting in lieu thereof the words and numerals "six
5 hundred two point seventeen (602.17) through six hundred
6 two point twenty-one (602.21), inclusive,".

7 88. Page 86, lines 32, 33, and 34, by striking the
8 words and numerals "six hundred forty-eight point six
9 (648.6),".

10 89. Page 87, lines 1, 2, and 3, by striking the
11 words and numerals "six hundred forty-eight point thir-
12 teen (648.13), six hundred forty-eight point fourteen
13 (648.14),".

14 90. Page 87, lines 12 and 13, by striking the words
15 and numerals "seven hundred sixty-nine point thirty-
16 three (769.33), seven hundred sixty-nine point thirty-
17 four (769.34),".

18 91. Page 87, lines 14 and 15, by striking the words
19 and numerals "six hundred two (602),".

20 92. By renumbering the remaining sections ...
21 accordingly.

22 93. Page 1, amend the title by striking lines 2
23 through 4, inclusive, and inserting in lieu thereof the
24 words "court judges and district court magistrates; to
25 discontinue superior, justice of the peace, and police

Page 16

1 courts; and to".

Filed - *Adopted as amended 4/14* By MOWRY
April 8, 1971

Senate 7
April 13, 1971

SENATE FILE 428
FISCAL NOTE

Date prepared April 12, 1971

Requested by Senator DeKoster.

Prepared in regard to S.F. 428, an Act to provide a unified trial court, etc. Following is the fiscal effect in dollars of the legislative proposal as required by Rule 31.

No estimate is available as to the total fiscal effect of this bill.

However, estimates can be made on certain sections of this bill as they pertain to expense and revenue of the State as follows:

Section 21 Estimated annual State Expense
(Excluding travel and subsistence)

Salaries of 24 district associate judges at \$16,800 (80% of \$21,000)	\$403,200
State share of FICA & retirement	<u>21,800</u>
Total estimated salary expense for Section 21	<u>\$425,000</u>

We are not able to determine what the travel and subsistence expenses will be for these 24 district associate judges.

Section 31 Estimated annual State Revenue

This section provides that one-half of costs collected by traffic violations offices be remitted to the state general fund and one-half be remitted to the county. It is estimated that this provision will result in a minimum of approximately \$438,000 in revenue to the state general fund.

Filed
April 12, 1971

By GERRY D. RANKIN
Legislative Fiscal Director

REPORT OF THE CONFERENCE COMMITTEE
ON SENATE FILE 428

To the President of the Senate and the Speaker of the House of Representatives:

We, the undersigned members of the conference committee appointed to consider the difference between the Senate and the House of Representatives on Senate File 428, a bill for an act to provide a unified trial court having district court judges and district court magistrates; to discontinue superior, justice of the peace, and police courts; and to establish traffic violations offices within the district court to receive uniform traffic violation penalties, respectfully submit the following recommendations:

1. That the House of Representatives recede from its amendment.
2. That Senate File 428, as amended, passed, and reprinted by the Senate, be amended as follows:
 - a. By striking everything after the enacting clause and inserting in lieu thereof the following:

Senate adopted 2-6-72 (203)
House " 3-17-72 (1269)

1 UNIFIED TRIAL COURT

2 Section 1. UNIFIED TRIAL COURT. Effective July
3 1, 1973, there shall be a unified trial court in the
4 state of Iowa, known as "Iowa District Court". The
5 Iowa district court shall have general and original
6 jurisdiction of all actions, proceedings, and remedies,
7 civil, criminal, probate, and juvenile, and shall have
8 and exercise all the power usually possessed and
9 exercised by trial courts of general jurisdiction.

10 Sec. 2. JUDICIAL OFFICERS. To the extent provided
11 in this Act, the judicial power of the Iowa district
12 court shall be exercised by Iowa district judges,
13 district court associate judges, and judicial
14 magistrates.

15 DISTRICT JUDGES

16 Sec. 3. Section six hundred four point eight (604.8),
17 subsections two (2) and three (3), Code 1971, are amended
18 to read as follows:

19 2. The number of judgeships to which each of the
20 judicial districts shall be entitled shall be determined
21 from time to time according to the following formula,
22 giving equal weight to cases filed and population:

23 In districts containing a city of fifty thousand or
24 more population, there shall be one judgeship per five
25 hundred fifty combined civil and criminal filings

1 excluding small claims and misdemeanors and forty
2 thousand population, or major fraction of either; in
3 all other districts there shall be one judgeship per
4 four hundred fifty combined civil and criminal filings
5 and forty thousand population, or major fraction of
6 either; provided, the seat of government shall be
7 entitled to one additional judgeship. The figures on
8 filings shall be the average for the latest available
9 previous three-year period and when current census
10 figures on population are not available, figures shall
11 be taken from the state department of health
12 computations.

13 3. A vacancy, for purposes of this section, is
14 defined as the death, retirement, removal, or failure
15 of retention in office at the judicial election, of
16 a judge or increase in judgeships under this section.

17 Sec. 4. Section six hundred four point eight (604.8),
18 subsection six (6), Code 1971, is amended by striking
19 the subsection and inserting in lieu thereof the
20 following:

21 6. In those judicial districts that contain judicial
22 election districts, no vacancy in any judicial election
23 district shall be filled if the total number of judges
24 in all the judicial election districts within the
25 judicial district equals or exceeds the number of

1 judgeships to which all of the judicial election
2 districts of the judicial district combined are
3 authorized.

4 Sec. 5. Section six hundred four point eight (604.8),
5 subsections seven (7) and eight (8), Code 1971, are
6 amended to read as follows:

7 ~~7. After-the-number-of-judges-in-each-district~~
8 ~~equals-the-proper-number-of-judgeships,-as-determined~~
9 ~~under-subsection-2-hereof,-subsection-6-hereof-shall~~
10 ~~be-of-no-further-effect,---Thereafter,-a-new-judge-shall~~
11 ~~be-appointed-in-any-district-which-becomes-entitled~~
12 ~~to-an-additional-judgeship,-under-subsection-2-hereof,-~~
13 ~~and-vacancies~~ Vacancies shall not be filled in any
14 district which may become entitled to fewer judgeships
15 under said subsection; but no incumbent judge shall
16 ever be removed from office by reason thereof.

17 8. ~~On~~ During January 2 of each year, and at such
18 other times as may be appropriate, the ~~chief-justice~~
19 supreme court administrator shall make the determinations
20 required under this section, and shall notify the
21 nominating commissions involved and the governor of
22 any appointments that may be required as a result
23 thereof.

24 Sec. 6. Before April 1, 1973, the supreme court
25 administrator shall notify the secretary of state of

1 any additional judgeships created by this Act. The
2 secretary of state shall notify the proper judicial
3 nominating commission in accordance with chapter forty-
4 six (46) of the Code. Such commission shall proceed
5 as provided in that chapter. Effective July 1, 1973,
6 a district judge shall be appointed for the district
7 pursuant to chapter forty-six (46) of the Code, if the
8 district is entitled to an additional judge or judges
9 as a result of this Act.

10 Sec. 7. The governor may appoint a person to serve
11 as a judge or magistrate whenever federal funds are
12 available for his salary, the cost of courtroom space,
13 and the salary of any additional court staff. The
14 person appointed by the governor shall fill the position
15 until his successor is appointed or until federal funds
16 are no longer available as required in this section.
17 The person appointed under this section may hear all
18 cases in which the use of alcohol is evident, and any
19 prosecution under section three hundred twenty-one point
20 two hundred eighty-one (321.281) of the Code may be
21 transferred within the judicial district to the
22 jurisdiction of the person appointed under this section.

23 Sec. 8. DISTRICT JUDGES. Iowa district judges shall
24 possess the full jurisdiction of the Iowa district
25 court, including the jurisdiction of judicial

1 magistrates. While exercising the jurisdiction possessed
2 by judicial magistrates, district judges shall employ
3 judicial magistrates' practice and procedure, and may
4 hold court at any place where a judicial magistrate
5 may do so.

6 Sec. 9. Section six hundred four point three (604.3),
7 Code 1971, is amended by striking the section and
8 inserting in lieu thereof the following:

9 604.3 PROBATE ORDERS. Iowa district judges shall
10 have statewide jurisdiction to enter orders in probate
11 matters not requiring notice and hearing, although the
12 judge is not a judge of or present in the district in
13 which the probate matter is pending. Such orders shall
14 be made in conformity with the rules of the district
15 in which the probate matter is pending.

16 Sec. 10. Section six hundred thirty-three point
17 three (633.3), Code 1971, is amended by striking
18 subsection nine (9) and inserting in lieu thereof the
19 following:

20 9. Court--the Iowa district court sitting in probate
21 and includes any Iowa district judge.

22 Sec. 11. Section six hundred four point nine (604.9),
23 Code 1971, is amended to read as follows:

24 604.9 PLACE OF HOLDING COURT. Courts must be held
25 at the places ~~provided-by-law~~ in each county, as

1 designated by the chief judge of the judicial district,
2 except for the determination of actions, special
3 proceedings, and other matters not requiring a jury,
4 when they may ~~7-by-consent-of-the-parties-therein~~ be
5 held at some other place in the district with the consent
6 of the parties.

7 JUDICIAL MAGISTRATES

8 Sec. 12. COMPOSITION OF COUNTY JUDICIAL MAGISTRATE
9 APPOINTING COMMISSIONS. There shall be in each county
10 a judicial magistrate appointing commission which shall
11 be composed of the following members, except as provided
12 in section eighteen (18) of this Act:

13 1. A district court judge designated by the chief
14 judge of the district.

15 2. Three members appointed by the board of super-
16 visors.

17 3. Two attorneys elected by the county bar.

18 Sec. 13. APPOINTMENT COMMISSIONERS. The boards
19 of supervisors of each county shall appoint three
20 electors to the county judicial magistrate appointing
21 commission for the county for six-year terms beginning
22 January 1, 1973.

23 Sec. 14. ELECTION COMMISSIONERS. The resident
24 members of the bar of each county shall elect resident
25 members of the bar of such county to the county judicial

1 magistrate appointing commission for six-year terms
2 beginning on January first. During December 1972, and
3 in each December thereafter, immediately preceding the
4 expiration of the terms of the members of the commission,
5 the members of the bar shall elect commissioners to
6 six-year terms.

7 Sec. 15. ELIGIBILITY TO VOTE. Eligibility to vote
8 in elections of judicial magistrate appointing
9 commissioners within a county shall be registration
10 as a member of the bar in accordance with sections
11 forty-six point seven (46.7) and forty-six point eight
12 (46.8) of the Code, and residency within the county.

13 Sec. 16. CONDUCT OF ELECTIONS. When an election
14 of judicial magistrate appointing commissioners in a
15 county is to be held, the clerk of the district court
16 for the county shall cause ballots to be mailed to the
17 members of the bar eligible in accordance with section
18 fifteen (15) of this Act, substantially as follows:

19 County Judicial Magistrate Appointing
20 Commission

21 BALLOT

22 To be cast by the resident members of the bar of
23 County.

24 Vote for (state number) for County judicial magis-
25 trate appointing commissioner(s) for term commencing

1
2

3 John Doe
4

5
6

7 To be counted, this ballot must be completed and
8 mailed or delivered to Clerk of the District Court,
9 , not later than December 31, 19.... (or
10 the appropriate date under section nineteen (19) of
11 this Act in case of an election to fill a vacancy).
12

13 Sec. 17. No person while a member of the county
14 judicial magistrate appointing commission shall be
15 appointed to the office of judicial magistrate. No
16 member appointed by the board of supervisors to the
17 judicial magistrate appointing commission shall be an
18 attorney at law or an active law enforcement officer.
19

20 Sec. 18. EXCEPTION. In the event there is only one resi-
21 dent member of the bar in a county, the number appointed
22 by the county board of supervisors shall be two. In
23 the event there are no attorneys within the county,
24 the county board of supervisors shall appoint one
25 commissioner.

26 Sec. 19. VACANCY. A vacancy in the office of
27 judicial magistrate appointing commissioner shall be
28 filled by special appointment or election as the case
29 may be for the unexpired term.
30

31 Sec. 20. APPOINTMENT AND TERMINATION OF JUDICIAL

1 MAGISTRATES. During April, 1973 and in April of the
2 year in which magistrates' terms expire, the judicial
3 magistrate appointing commission shall, by majority
4 vote, appoint Iowa judicial magistrates in such number
5 as provided in section twenty-eight (28) of this Act.
6 The commission shall appoint no more magistrates than
7 allotted to the county by the supreme court administrator
8 except as provided in sections twenty-eight (28) and
9 twenty-nine (29) of this Act. The judicial magistrates
10 appointed initially shall take office July 1, 1973,
11 and their term of office shall expire June 30, 1974.
12 Thereafter, judicial magistrates shall take office on
13 July 1, 1974 and every two years thereafter, provided
14 however, full time judicial magistrates appointed for
15 the term commencing July 1, 1974 shall hold office for
16 a term of four years and shall be subject to appointment
17 every four years thereafter. The commission shall
18 promptly certify the names and addresses of the
19 magistrates appointed to the clerk of the district court
20 and the chief judge of the judicial district. The clerk
21 shall certify to the supreme court administrator and
22 to the state comptroller the names and addresses of
23 magistrates so appointed. The certification of the
24 clerk to the comptroller shall be authority for the
25 comptroller to pay the salaries in accordance with

1 section twenty-four (24) of this Act. Judicial
2 magistrates shall be officers of the state.

3 Before assuming office, a judicial magistrate shall
4 subscribe and file in the office of the clerk of the
5 district court of the county of his residence his oath
6 of office to uphold and support the Constitutions of
7 the United States of America and state of Iowa, the
8 laws enacted pursuant thereto, and the law and ordinances
9 of the political subdivisions of the state of Iowa.

10 Before July 1, 1973, and annually thereafter, the supreme
11 court administrator shall cause a school of instruction
12 to be conducted for district magistrates, which each
13 district magistrate appointed as provided in this Act
14 prior to the time he takes office shall attend unless
15 excused by the chief justice for good cause.

16 Sec. 21. FULL TIME MAGISTRATES. Of the number of
17 magistrates allotted, there shall be one magistrate
18 who shall devote his entire time to the duties of his
19 position including the holding of court on each weekday
20 except for a reasonable vacation period in those counties
21 having a population, according to the last federal
22 decennial census, of more than thirty-five thousand
23 and less than eighty thousand. There shall be two such
24 magistrates in those counties having a population of
25 more than eighty thousand and less than one hundred

1 twenty-five thousand. There shall be three such
2 magistrates in any county having a population of more
3 than one hundred and twenty-five thousand and less than
4 two hundred thousand people. There shall be four such
5 magistrates in counties having a population of two
6 hundred thousand people or above. In those counties
7 in which a district court associate judge or judges
8 reside, the district court associate judge or judges
9 shall be considered full-time judicial magistrates for
10 the purposes of this section. In those counties autho-
11 rized more full-time magistrates than have district
12 court associate judges residing therein, the county
13 judicial magistrate appointing commission shall determine
14 which magistrate or magistrates shall serve on a full-
15 time basis.

16 Sec. 22. QUALIFICATIONS, AGE. A judicial magistrate
17 shall be an elector of the county of appointment, shall
18 be less than seventy-two years of age, and shall cease
19 to hold office upon attaining that age.

20 Sec. 23. PROHIBITIONS. No magistrate shall accept
21 any fee or reward from or on behalf of anyone for
22 services rendered in the conduct of any official business
23 except as provided in this Act.

24 A magistrate or any member of any corporation,
25 partnership, firm or association with which he may be

1 connected, may not be directly or indirectly engaged
2 in any capacity for any party in any action or proceeding
3 pending or arising within his jurisdiction based upon
4 substantially the same facts upon which a prosecution
5 or proceeding has been prosecuted or commenced before
6 him.

7 Sec. 24. SALARY, EXPENSES. Each judicial magistrate
8 shall receive a salary payable from the general fund
9 of the state and also his actual and necessary expenses
10 in the performance of his duties while away from the
11 city or town of his residence, in accordance with section
12 six hundred five point two (605.2) of the Code. The
13 salary of judicial magistrates, except as otherwise
14 provided herein, shall be the sum of four thousand eight
15 hundred dollars annually. The judicial magistrates
16 serving as full-time magistrates shall receive an annual
17 salary of seventeen thousand two hundred dollars.

18 Judicial magistrates except district associate judges
19 shall be members of the Iowa public employees' retirement
20 system.

21 Sec. 25. During January of 1975, the supreme court
22 administrator shall make a report to the Sixty-sixth
23 General Assembly, detailing the previous year's
24 statistics provided by the judicial magistrates. The
25 Sixty-sixth General Assembly shall review and readjust

1 the compensation of judicial magistrates. If the general
2 assembly fails to readjust the salaries under this
3 section the salaries shall remain the same.

4 Sec. 26. FUNDS, REPORTS. Each month each judicial
5 magistrate shall file with the clerk of the district
6 court of the proper county a sworn, itemized statement,
7 by case, of all funds received and disbursed, and at
8 least monthly shall remit to the clerk all funds received
9 by him. The clerk of court shall provide adequate
10 clerical assistance to the full-time magistrates and
11 district associate judges to carry out this section.
12 The clerk shall remit all fines and forfeited bail
13 received from a magistrate to the city or town that
14 was the plaintiff in any action. The clerk shall remit
15 to the treasurer of the county, for the benefit of the
16 school fund, all other fines and forfeited bail received
17 from a magistrate. All fees and costs for the filing
18 of a complaint or information or upon forfeiture of
19 bail received from a magistrate shall be remitted monthly
20 by the clerk as follows:

21 1. Three-fifths to the state treasurer to be credited
22 to the general fund of the state.

23 2. Two-fifths to the county treasurer to be credited
24 to the general fund of the county.

25 Sec. 27. REMOVAL OF JUDICIAL MAGISTRATES. The

1 electors residing within a county where a magistrate
2 resides may petition the judges of the district court
3 to terminate the appointment of a judicial magistrate
4 sitting in that district. Such petition shall be signed
5 by at least two percent of the electors voting for
6 governor in the last general election of the county
7 of residence of the magistrate and shall contain a
8 general statement of the grounds upon which termination
9 is sought. Within thirty days after the petition is
10 filed with the clerk of the district court of the county
11 in which the judicial magistrate resides, the district
12 judges of that district sitting en banc shall hold a
13 hearing to determine the sufficiency and the merits
14 of such petition and shall determine whether to continue
15 or terminate the appointment of such judicial magistrate.

16 The district court judges sitting en banc on their
17 own motion may by majority vote, remove a magistrate
18 for disability or for other cause.

19 Sec. 28. ALLOTMENT. There shall be a combined total
20 of two hundred twenty Iowa judicial magistrates and
21 district court associate judges combined except as
22 provided in section twenty-nine (29) of this Act.

23 During January of 1974 and every two years thereafter,
24 the supreme court administrator shall apportion the
25 number of district magistrates among the counties in

1 accordance with the following criteria:

2 1. The number and type of proceedings contained
3 in the administrative reports required by section thirty-
4 five (35) of this Act.

5 2. The existence of either permanent, temporary
6 or seasonal populations not included in the current
7 census figures.

8 3. The geographical area to be served.

9 4. An inordinate number of pending cases over which
10 magistrates have jurisdiction in the preceding year.

11 5. The number and types of juvenile proceedings
12 handled by district associate judges.

13 Provided, however, that each county shall be allotted
14 no less than one resident judicial magistrate.

15 During February of 1974 and during February of every
16 two years thereafter, the supreme court administrator shall
17 notify the clerk of the district court of each county and
18 the chief judge of the appropriate judicial district, of
19 the number of magistrates to which the county is
20 entitled.

21 Sec. 29. ADDITIONAL JUDICIAL MAGISTRATE ALLOWED. In
22 those counties which are allotted one judicial magistrate under
23 section twenty-eight (28) or thirty (30) of this Act, the
24 county judicial magistrate appointing commission may,
25 by majority vote, decide to appoint one additional

1 judicial magistrate. In those counties appointing an
2 additional magistrate under this section, each magistrate
3 shall receive a salary of two thousand four hundred
4 dollars per year.

5 Sec. 30. INITIAL ALLOTMENT. The allotment of the
6 judicial magistrates to be appointed in 1973 shall be
7 as follows:

8 1. One magistrate for each of the following counties:

9 Adams, Allamakee, Audubon, Calhoun, Cherokee, Davis,
10 Decatur, Emmet, Franklin, Fremont, Greene, Guthrie,
11 Hancock, Howard, Humboldt, Ida, Jefferson, Keokuk,
12 Louisa, Lucas, Lyon, Madison, Mitchell, Monroe,
13 Montgomery, O'Brien, Osceola, Palo Alto, Pocahontas,
14 Ringgold, Shelby, Taylor, Union, Van Buren, Wayne,
15 Winnebago, and Worth.

16 2. Two magistrates for each of the following

17 counties: Adair, Appanoose, Boone, Buchanan, Buena
18 Vista, Butler, Carroll, Cass, Chickasaw, Clarke, Clay,
19 Clayton, Crawford, Dallas, Delaware, Dickinson, Fayette,
20 Grundy, Hamilton, Hardin, Henry, Iowa, Jackson, Jasper,
21 Jones, Kossuth, Mahaska, Marion, Marshall, Mills, Monona,
22 Page, Poweshiek, Sac, Sioux, Tama, Washington,
23 Winneshiek, and Wright.

24 3. Three magistrates for each of the following

25 counties: Benton, Bremer, Des Moines, Floyd, Harrison,

1 Muscatine, Plymouth, Wapello, Warren, and Webster.

2 4. Four magistrates for each of the following
3 counties: Cedar, Cerro Gordo, Clinton, Dubuque, Johnson,
4 Lee, and Story.

5 5. Six magistrates for Black Hawk county.

6 6. Seven magistrates for Linn county.

7 7. Eight magistrates for each of the following
8 counties: Pottawattamie, Scott, and Woodbury.

9 8. Ten magistrates for Polk county.

10 Sec. 31. JURISDICTION, VENUE. Judicial magistrates
11 shall have jurisdiction of nonindictable misdemeanors,
12 including traffic and ordinance violations, preliminary
13 hearings, search warrant proceedings, forcible entry
14 and detainer actions, and small claims. They shall
15 also have the powers specified in section seven hun-
16 dred forty-eight point two (748.2) of the Code. They
17 shall have power to act any place within the district
18 as directed, and venue shall be the same as in other
19 district court proceedings. Judicial magistrates serving
20 on a full-time basis and district associate judges shall
21 have jurisdiction of indictable misdemeanors. While
22 exercising that jurisdiction they shall employ district
23 judges' practice and procedure.

24 Sec. 32. TIMES AND PLACES OF HOLDING COURT. Judicial
15 magistrates shall hold court at the times and places

1 designated by the chief judge of the district. The
2 chief judge may assign a magistrate to hold court at
3 other designated places within the district outside
4 of the county of the magistrate's residence only if
5 it is necessary for the orderly administration of
6 justice. The boards of supervisors shall provide
7 facilities for the holding of court at the county seats.
8 If court is held in a city or town, outside the county
9 seat, such city or town shall furnish suitable facilities
10 and equipment. The schedule of places and times
11 of availability of magistrates and of any changes therein
12 shall be disseminated by the chief judge of the judicial
13 district to the peace officers within the district.

14 Sec. 33. PROCEDURE. The criminal procedure before
15 judicial magistrates shall be as provided in chapters
16 seven hundred fifty-one (751), seven hundred fifty-four
17 (754) through seven hundred sixty-three (763), inclusive,
18 seven hundred sixty-five (765), seven hundred sixty-
19 six (766), and seven hundred sixty-eight (768) of the
20 Code. The civil procedure before judicial magistrates
21 shall be as provided in this Act and chapter six hundred
22 forty-eight (648) of the Code.

23 Sec. 34. DOCKETS, JUDGMENTS, COSTS. The clerk of
24 the district court of the county in which a judicial
25 magistrate resides shall furnish the judicial magistrate,

1 district associate judge, or district judge acting as
2 judicial magistrate, a docket in which shall be entered
3 all proceedings except small claims. Such docket shall
4 be indexed and shall contain in each case the title
5 and nature of the action; place of hearing; appearances;
6 and notations of the documents filed with the judicial
7 magistrate, of the proceedings in the case and orders
8 made, of the verdict and judgment including costs, of
9 any satisfaction of the judgment, of whether the judgment
10 was certified to the clerk of the district court, of
11 whether an appeal was taken, and of the amount of the
12 appeal bond. The defendant charged with a nonindictable
13 misdemeanor who is found guilty or forfeits bail shall
14 be assessed as costs five dollars for the filing and
15 docketing of the complaint or information which shall
16 be distributed pursuant to section twenty-six (26)
17 of this Act. All other costs in criminal actions shall
18 be assessed and distributed as in chapter six hundred
19 six (606) of the Code. If the judgment and costs are
20 not fully and immediately satisfied in criminal cases,
21 the judicial magistrate shall promptly certify a copy
22 of the judgment to the clerk of the district court
23 indicating thereon the portion unsatisfied; and the
24 clerk shall index and file the judgment, whereupon it
25 shall be a judgment of the district court without

1 recording.

2 Sec. 35. ADMINISTRATIVE REPORTS. Each month the
3 magistrates shall report to the clerk of the district
4 court of each county, the board of supervisors and the
5 chief judge of the appropriate judicial district in
6 which he held court, the following:

7 1. The number of small claims tried to the court
8 and those pending.

9 2. The number of state misdemeanor cases tried to
10 the court and those pending.

11 3. The number of state misdemeanor cases tried to
12 a jury and those pending.

13 4. The number of city ordinance violations tried
14 to the court and those pending.

15 5. The number of city ordinance violations tried
16 to a jury and those pending.

17 6. The number of preliminary hearings held and
18 pending.

19 7. The number of forcible entry and detainer actions
20 filed.

21 8. The number of search warrants applied for.

22 The clerk of the district court shall quarterly
23 consolidate the reports and forward them to the supreme
24 court administrator.

25 Sec. 36. MAGISTRATES NOT HOLDING OFFICE. When a

1 district magistrate ceases to hold office, his docket
2 and all records relating to his office shall be promptly
3 deposited with the clerk of the district court who
4 issued the docket.

5 DISTRICT ASSOCIATE JUDGES AND THEIR REPORTERS

6 AND DEPUTY CLERKS AND SHERIFFS

7 Sec. 37. DISTRICT ASSOCIATE JUDGES. The regular
8 judges of the municipal courts of Iowa who are in office
9 on June 30, 1973, and who are less than seventy-two
10 years of age on July 1, 1973 and who have not been
11 appointed district court judges shall become district
12 associate judges on the latter date.

13 Sec. 38. TERM, RETENTION. District associate judges
14 shall stand for retention in office within the county
15 of his residence at the judicial election in 1974, under
16 sections forty-six point seventeen (46.17) through
17 forty-six point twenty-four (46.24), inclusive, of the
18 Code. The term of office of the judges who are retained
19 in office at the judicial election shall extend for
20 four years after January first next following the
21 election, and the term of office of the judges who are
22 not retained in office at such a judicial election shall
23 extend until January first next following such election.
24 District court associate judges shall be subject to
25 the same removal procedures as that of judicial

1 magistrates. District associate judges shall cease
2 to hold office upon attaining age seventy-two.

3 Sec. 39. VACANCIES. A vacancy in the office of
4 district associate judge after June 30, 1973, shall
5 not be filled.

6 Sec. 40. SALARY, EXPENSES, RETIREMENT. The annual
7 salary of each district associate judge, payable
8 from the general fund of the state of Iowa, shall be
9 the sum of seventeen thousand two hundred dollars.
10 District associate judges shall also receive from the
11 state their actual and necessary expenses in the
12 performance of their duties away from the city of their
13 residence, in accordance with section six hundred five
14 point two (605.2) of the Code. District associate
15 judges who are members of the judicial retirement system
16 under chapter six hundred five A (605A) of the Code
17 shall remain members thereof; but the state of Iowa,
18 instead of the city and county, shall deduct four percent
19 from their salaries for the judicial retirement fund
20 and shall contribute the public's portion to the judicial
21 retirement fund.

22 Sec. 41. JURISDICTION, PROCEDURE, APPEALS. District
23 associate judges shall serve as full-time magistrates
24 and have the jurisdiction possessed by judicial
25 magistrates and, in addition, the jurisdiction provided

1 for in section two hundred thirty-one point three (231.3)
2 of the Code. District associate judges shall hold court
3 as directed at any place within the judicial district
4 that a judicial magistrate may do so, and shall employ
5 judicial magistrates' practice and procedure. When
6 a district court judge is unable to serve as a result
7 of temporary incapacity, a district associate judge
8 may, by order of the chief judge of the district enrolled
9 in the records of the clerk of the district court,
10 temporarily exercise any of the jurisdiction of a
11 district judge during the time of incapacity and as
12 to the specific matters or classes of matters specified
13 in that order. While exercising jurisdiction other
14 than that of a judicial magistrate, district associate
15 judges shall employ district judges' practice and
16 procedure. District associate judges shall have power
17 to act at any place within their respective judicial
18 districts, and venue shall be the same as in other
19 district court proceedings.

20 Appeals from judgments or orders of district associate
21 judges while exercising the jurisdiction possessed by
22 judicial magistrates shall be governed by the laws
23 relating to appeals and orders from judicial magistrates.
24 Appeals from judgments or orders of district associate
25 judges while exercising any other jurisdiction conferred

1 upon them shall be governed by the laws relating to
2 appeals and orders from district judges.

3 For purposes of administration district associate
4 judges shall be under the jurisdiction of the chief
5 judge of the judicial district. District associate
6 judges shall be subject to the same rules and laws that
7 apply to district judges.

8 Sec. 42. REPORTERS. After July 1, 1972, no shorthand
9 reporter shall be appointed by a municipal court judge.
10 Any shorthand reporter serving a municipal court judge
11 on June 30, 1973, shall become a reporter for the
12 judicial district to be assigned by the chief judge
13 as needed. Their compensation shall be in accordance
14 with section six hundred five point eight (605.8) of
15 the Code.

16 Sec. 43. CLERKS AND BAILIFFS. Elective clerks and
17 elective bailiffs of municipal courts who are in office
18 on June 30, 1973, and municipal court deputy clerks
19 and deputy bailiffs who are in office on that date,
20 shall on July 1, 1973, become deputies of the district
21 court clerks and sheriffs respectively, in the counties
22 of their residence. The boards of supervisors may
23 enlarge the district court clerks' and sheriffs'
24 facilities accordingly, and shall have authority to
25 build, remodel, purchase, and lease real and personal

1 property and equipment for such purpose, subject to
2 chapter seventy-five (75) and sections three hundred
3 thirty-two point seven (332.7) and three hundred thirty-
4 two point eight (332.8) of the Code, where applicable.
5 The compensation and other benefits received on January
6 1, 1972 by the individuals who so become deputies shall
7 not be reduced after June 30, 1973, from the amount
8 on that date, unless all the deputies of the office are
9 similarly reduced, but shall be paid by the counties
10 of their residence; provided, that if the salary of
11 any deputy equals or exceeds the salary of the district
12 court clerk or sheriff of whom he is deputy, then the
13 salary of the particular district court clerk or sheriff
14 shall be increased so as to exceed the salary of the
15 deputy by the sum of two hundred dollars per year.

16 The individuals who were elective municipal court
17 clerks and bailiffs on June 30, 1973, and who were
18 municipal court deputy clerks and deputy bailiffs on
19 that date, may as deputies of the district court clerks
20 and sheriffs be suspended, demoted, or discharged by
21 the district court clerks and sheriffs only for ne-
22 glect of duty, disobedience of orders, misconduct, or
23 failure to properly perform duties, by pursuing the
24 procedure provided by sections three hundred sixty-five
25 point nineteen (365.19) through three hundred sixty-

1 five point twenty-six (365.26), inclusive, of the Code;
2 and in these cases the district court clerk or sheriff
3 shall be deemed to be the person having the appoint-
4 ing power, the county auditor shall perform the func-
5 tions of the mayor or city manager, the board of
6 supervisors shall perform the functions of the civil
7 service commission, and the county attorney shall perform
8 the functions of the city attorney or solicitor.

9 As vacancies occur after June 30, 1973, in the num-
10 ber of any deputy district court clerks or deputy
11 sheriffs in counties having a municipal court on De-
12 cember 31, 1972, as a result of resignations, retire-
13 ments, deaths, or discharges for cause, the boards of
14 supervisors may adjust the number of deputies if so
15 indicated by work load, pursuant to section three hundred
16 forty-one point one (341.1) of the Code; but the total
17 number of district court deputy clerks or deputy sheriffs
18 in such counties shall not otherwise be reduced
19 notwithstanding section three hundred sixty-five point
20 twenty-eight (365.28) of the Code, until the district
21 court deputy clerks or deputy sheriffs brought into
22 the offices from the municipal courts cease to hold
23 office in the particular county.

24 A municipal court bailiff or deputy bailiff who on
25 June 30, 1973, is a member of the retirement system

1 provided by chapter four hundred eleven (411) of the
2 Code shall continue to be such a member thereafter;
3 and that chapter shall continue to apply to them
4 notwithstanding this Act, with the appropriate county
5 deducting from his compensation his contributions to
6 the retirement fund and the county contributing the
7 public's portion to such fund.

8 Sec. 44. After July 1, 1972, no new municipal courts
9 shall be established, no new municipal court judgeships
10 shall come into existence, and no elections of municipal
11 court judges, clerks, or bailiffs shall be held,
12 notwithstanding sections six hundred two point one
13 (602.1) through six hundred two point five (602.5),
14 inclusive, and six hundred two point ten (602.10) through
15 six hundred two point twelve (602.12), inclusive, of
16 the Code. This section shall become effective July
17 1, 1972.

18 Sec. 45. COURTS ABOLISHED, TRANSITION. All ma-
19 yors' courts, justice of the peace courts, police courts,
20 superior courts, and municipal courts and offices
21 connected therewith, are abolished as of July 1, 1973.
22 Promptly after July 1, 1973, the officials of these
23 courts shall file all documents and books pertaining
24 to their offices with the clerk of the district court
25 of their counties. District judges shall assign to

1 judicial magistrates the pending cases within judicial
2 magistrates' jurisdiction, and such cases shall then
3 be pending before those judicial magistrates. All other
4 pending cases shall be pending in the district court
5 of the county, and the clerk of that court shall within
6 thirty days give written notice of that fact by ordinary
7 mail to the parties or their attorneys of record at
8 their last known addresses. All municipal court judges,
9 clerks of the municipal court and their deputies,
10 bailiffs of municipal court and their deputies, police
11 court judges, justices of the peace and constables
12 holding office on July 1, 1972 shall continue in office
13 through June 30, 1973.

14 POLICE CITATIONS

15 Sec. 46. CONDITIONS. Whenever it would be lawful
16 for a peace officer to arrest a person without a warrant,
17 he may issue a citation instead of making the arrest
18 and taking the person before a magistrate.

19 Sec. 47. FORM. The citation shall include the name
20 and address of the person, the nature of the offense,
21 the time and place at which the person is to appear
22 in court, and the penalty for nonappearance.

23 Sec. 48. PROCEDURE. Before he is released, the
24 cited person shall sign the citation as a written promise
25 to appear in court at the time and place specified.

1 A copy of the citation shall be given to the person.

2 Sec. 49. COMPLAINT. The law enforcement officer
3 issuing the citation shall cause to be filed a complaint
4 in the court in which the cited person is required to
5 appear, as soon as practicable, charging the crime
6 stated in said notice.

7 Sec. 50. FAILURE TO APPEAR. Any person who willfully
8 fails to appear in court as specified by the citation
9 shall be guilty of a misdemeanor and upon conviction
10 shall be punished by a fine of not more than five hundred
11 dollars or by imprisonment in the county jail not
12 exceeding three months, or by both such fine and
13 imprisonment.

14 TRAFFIC VIOLATIONS

15 Sec. 51. UNIFORM CITATION AND COMPLAINT. The commis-
16 sioner of public safety shall adopt a uniform, combined
17 traffic citation and complaint, which shall be used
18 for charging all traffic violations in Iowa under state
19 law or municipal ordinance, unless the defendant is
20 charged by information or section fifty-eight (58) of
21 this Act is applicable. Each citation and complaint
22 shall be serially numbered and shall be in quadruplicate,
23 and the officer shall deliver the original and a copy
24 to the court where the defendant is to appear, a copy
25 to the defendant, and a copy to the law enforcement

1 agency of the officer. The court shall forward the
2 copy of the citation and complaint in accordance with
3 section three hundred twenty-one point two hundred seven
4 (321.207) of the Code. The citation and complaint shall
5 contain, among other things, spaces for the parties'
6 names and for the information required by section three
7 hundred twenty-one point four hundred eighty-five
8 (321.485), subsection two (2), of the Code; a place
9 where the defendant may sign the promise to appear
10 referred to in section three hundred twenty-one point
11 four hundred (321.400); a list of the minimum fines
12 prescribed by section fifty-three (53) of this Act,
13 either separately or by groups; a brief explanation
14 of sections fifty-four (54) and fifty-five (55) of this
15 Act; and a space where the defendant may sign an
16 admission of the violation when such section fifty-four
17 (54) of this Act is applicable. Every citation and
18 complaint shall require the defendant to appear before
19 a court at a specified time and place. Notwithstanding
20 section three hundred twenty-one point four hundred
21 eighty-five (321.485), subsection two (2) of the Code,
22 the officer may arrest the defendant although a citation
23 and complaint is used to charge the violation, if
24 authorized by section seven hundred fifty-five point
25 four (755.4) of the Code.

1 Sec. 52. TRAFFIC VIOLATIONS OFFICES. Each district
2 court clerk's office shall constitute a traffic
3 violations office of the district court. Additional
4 traffic violations offices may be established at other
5 locations, as needed, if authorized by the chief judge
6 of the district.

7 Sec. 53. SCHEDULED VIOLATIONS. The minimum fine
8 for all convictions of the following violations, whether
9 of state law or municipal ordinance, shall be:

10 1. Illegal parking, except under section fifty-eight
11 (58) hereof, two dollars.

12 2. Registration card or plate violation, five
13 dollars.

14 3. Improper lights, ten dollars.

15 4. Improper muffler, ten dollars.

16 5. Other defective equipment, ten dollars.

17 6. Excess speed up to ten miles per hour over the
18 legal limit, twenty dollars.

19 7. Motor running unattended, ten dollars.

20 8. Failure to dim lights, ten dollars.

21 9. Violation of restricted license, twenty dollars.

22 10. Stopping on traveled portion, twenty dollars.

23 11. Violation of height, length, or width, twenty-
24 five dollars.

25 Violations of the schedule of axle and tandem axle

1 and gross or group of axle weight violations in section
2 three hundred twenty-one point four hundred sixty-three
3 (321.463) of the Code, shall be scheduled violations
4 subject to the provisions, procedures, and exceptions
5 contained in sections fifty-eight (58), fifty-nine (59),
6 sixty-one (61), sixty-two (62), sixty-three (63), and
7 sixty-four (64) of this Act, irrespective of the amount
8 of the fine under such schedule. Violations of the
9 schedule of weight violations shall be chargeable, where
10 the fine charged does not exceed one hundred dollars,
11 only by uniform citation and complaint. Violations
12 of the schedule of weight violations, where the fine
13 charged exceeds one hundred dollars: (1) shall, when
14 the violation is admitted and section fifty-four (54)
15 of this Act applies, be chargeable upon uniform citation
16 and complaint, indictment, or county attorney's
17 information, (2) but otherwise, shall be chargeable
18 only upon indictment or county attorney's information.
19 In all cases of charges under the schedule of weight
20 violations, the charge shall specify the amount of fine
21 charged under the schedule. Where a defendant is
22 convicted and the fine under the foregoing schedule
23 of weight violations exceeds one hundred dollars, the
24 conviction shall be of an indictable offense although
25 section fifty-four (54) of this Act is employed and

1 whether the violation is charged upon uniform citation
2 and complaint, indictment, or county attorney's
3 information.

4 Such violations shall be called scheduled violations.

5 Sec. 54. ADMISSION OF SCHEDULED VIOLATIONS.

6 1. In cases of scheduled violations, the defendant,
7 before the time specified in the citation and complaint
8 for appearance before the court, may sign the admission
9 of violation on the citation and complaint and deliver
10 or mail the citation and complaint, together with the
11 minimum fine for the violation, plus five dollars costs,
12 to a traffic violations office in the county. The
13 office shall, if the offense is a moving violation,
14 forward a copy of the citation and complaint and
15 admission to the commissioner of public safety as
16 required by section three hundred twenty-one point two
17 hundred seven (321.207) of the Code. Thereupon the
18 defendant shall not be required to appear before the
19 court. The admission shall constitute a conviction.

20 2. A defendant charged with a schedule violation
21 by information may obtain two copies of the information
22 from the court and, before the time he is required to
23 appear before the court, deliver or mail such copies,
24 together with his admission, fine, and five dollars
25 costs, to the traffic violations office in the county.

1 The procedure, fine, and costs shall be the same as
2 when the charge is by citation and complaint, with the
3 admission and the number of the defendant's operator's
4 or chauffeur's license placed upon the information.

5 3. When sections fifty-three (53) and fifty-four
6 (54) of this Act are applicable but the officer does
7 not deem it advisable to release the defendant and no
8 court in the county is in session:

9 a. If the defendant wishes to admit the violation,
10 the officer may release the defendant upon observing
11 him mail the citation and complaint, admission, and
12 minimum fine, together with five dollars costs, to a
13 traffic violations office in the county, in an envelope
14 furnished by the officer. The officer may allow the
15 defendant to mail a check in the proper amount in lieu
16 of cash. If the check is not paid by the drawee for
17 any reason, the defendant may be held in contempt of
18 court. The officer shall advise the defendant of the
19 penalty for nonpayment of the check.

20 b. If the defendant does not comply with paragraph
21 a of this subsection, the officer may release the
22 defendant upon observing him mail to a court in the
23 county the citation and complaint and twice the minimum
24 fine together with five dollars costs, or in lieu of
25 twice the fine and the costs, a guaranteed arrest bond

1 certificate as provided in subsection seventy (70) of
2 section three hundred twenty-one point one (321.1) of
3 the Code, together with the following statement signed
4 by the defendant:

5 "I agree that either (1) I will appear pursuant to
6 this citation or (2) if I do not so appear that I hereby
7 admit the violation charged in the citation and complaint
8 and consent to entry of judgment of conviction for twice
9 the minimum fine together with five dollars costs and
10 to application of the enclosed funds or bail in
11 satisfaction of such fine and costs."

12 c. If the defendant does not comply with paragraph
13 a or b, or in any event when section seven hundred
14 fifty-five point four (755.4) of the Code is applicable,
15 the officer may arrest and confine the defendant if
16 authorized by the latter section, and proceed with him
17 according to chapter seven hundred fifty-seven (757)
18 or seven hundred fifty-eight (758) of the Code.

19 4. Any defendant who admits a scheduled violation
20 may nevertheless appear before court. The procedure,
21 costs, and fine, without suspension of the fine, after
22 the hearing shall be the same as in the traffic
23 violations office.

24 5. A defendant charged with a scheduled violation
25 who does not fully comply with subsection one (1), two

1 (2), three (3), or four (4) of this section before the
2 time required to appear before the court must, at that
3 time, appear before the court. If such defendant admits
4 the violation, the procedure and fine, without
5 suspension, after the hearing shall be the same before
6 the court as before the traffic violations office with
7 five dollars court costs, without prejudice, when
8 applicable, to proceedings under section three hundred
9 twenty-one point four hundred eighty-seven (321.487)
10 of the Code.

11 Sec. 55. REQUIRED COURT APPEARANCE. Section fifty-
12 four (54) of this Act shall not apply to a scheduled
13 violation:

14 1. When the violation charged resulted in an accident
15 or injury.

16 2. When the officer determines that the defendant
17 does not have in force a valid operator's or chauffeur's
18 license or permit.

19 3. When the officer determines that the violation
20 was hazardous or aggravated because of highway
21 conditions, visibility, traffic, repetition, or other
22 circumstances.

23 In such cases, the defendant shall appear before
24 the court and regular procedure shall apply. If an
25 information is used the officer shall endorse thereon,

1 "Not for traffic violations office." If a citation
2 and complaint is used, the officer shall strike out
3 the space in which the defendant may admit the violation
4 before a traffic violations office. A citation and
5 complaint or information containing a charge under
6 subsections one (1) and two (2) of this section shall
7 not itself constitute substantive proof of the charge.
8 A defendant shall appear before the court for any
9 nonscheduled violation.

10 Sec. 56. OTHER PENALTIES. When section fifty-four
11 (54) of this Act does not apply to a scheduled violation
12 or when the defendant denies a scheduled violation,
13 if the defendant is found guilty the penalty shall be
14 the scheduled fine, without suspension of the fine
15 prescribed in section fifty-three (53) of this Act
16 together with five dollars court costs, unless it appears
17 that the violation was hazardous or aggravated, in which
18 event the punishment shall be increased accordingly
19 within the limits of law.

20 Sec. 57. DISPOSITION OF TRAFFIC FINES AND COSTS.
21 Fines, forfeiture of bail, fees, and costs collected
22 for all traffic violations shall be remitted in
23 accordance with section twenty-six (26) of this Act.

24 Sec. 58. PARKING METER VIOLATIONS. Section three
25 hundred twenty-one point two hundred thirty-six

1 (321.236), subsection one (1), Code 1971, is amended
2 by adding thereto the following:

3 "Parking meter violations which are denied shall
4 be charged and proceed before a court the same as other
5 traffic violations. Parking violations which are
6 admitted:

7 a. May be charged upon a simple notice of a fine
8 not exceeding ten dollars payable to the city or town
9 clerk, if authorized by ordinance.

10 b. Notwithstanding any such ordinance, may be charged
11 and proceed before a traffic violations office or a
12 court, as the case may be, the same as other traffic
13 violations."

14 Sec. 59. VENUE.

15 1. Traffic violations committed by a defendant while
16 a peace officer is in fresh pursuit may be prosecuted
17 in any county through which pursuit is made, irrespective
18 of where committed.

19 2. Upon written consent of the defendant and the
20 officer who apprehended him, traffic violations may
21 be prosecuted in any county in the state irrespective
22 of where committed, and in such event the documents
23 in the case shall be sent to the court or traffic
24 violations office designated by the defendant and the
25 officer.

1 SMALL CLAIMS

2 Sec. 60. SMALL CLAIMS. A small claim is a civil
3 action for money damages where the amount in controversy
4 in money is one thousand dollars or less, exclusive
5 of interests and costs, and actions for forcible entry
6 and detainer.

7 Sec. 61. TRIAL OF SMALL CLAIMS. Small claims shall
8 be tried only by judicial magistrates and district
9 associate judges, except when tried by regular procedure
10 under section sixty-seven (67) of this Act when they
11 shall be tried by a district judge. Small claims shall
12 be commenced, heard, and determined in accordance with
13 sections sixty-one (61) through seventy-one (71) of
14 this Act, inclusive. Other statutes and rules relat-
15 ing to civil proceedings shall apply, but only insofar
16 as not inconsistent with this Act. Small claims on
17 file for ninety days and not determined shall be
18 dismissed by the clerk without prejudice unless prior
19 thereto a party secures an order of continuance to a
20 date certain after notice and hearing, upon a ground
21 stated in rule two hundred fifteen point one (215.1)
22 of the rules of civil procedure. Contested claims in
23 an amount of a small claim may be heard and determined
24 under this Act and actions therefor may be commenced
25 hereunder; if commenced as a regular civil action or

1 under the statutes relating to probate proceedings,
2 they shall be transferred to the small claims docket
3 and proceed accordingly. Small claims coming within
4 this Act but commenced as a regular action shall not
5 be dismissed but shall be transferred to the small
6 claims docket. Civil and probate actions not small
7 claims but commenced hereunder shall be dismissed without
8 prejudice except for defendants who have appeared, as
9 to whom such actions shall be transferred to the com-
10 bination or probate docket, as appropriate.

11 Sec. 62. COMMENCEMENT OF ACTIONS. All actions shall
12 be commenced by the filing of an original notice with
13 the clerk. The clerk shall mail a copy of the original
14 notice to each defendant at his last known address,
15 as stated in the original notice, by restricted certified
16 mail, return receipt to the clerk requested. Instead
17 of the mailing, the plaintiff may, after filing the
18 original notice with the clerk, cause a copy of same
19 to be served on all or some defendants in the manner
20 provided in the rules of civil procedure pertaining
21 to the commencement of actions. The clerk shall maintain
22 a book known as the small claims docket, which shall
23 contain as to small claims the matters contained in
24 the combination docket as to the regular civil actions.

25 Sec. 63. ORIGINAL NOTICE--FORM. The original notice

1 must be mailed or otherwise served not less than ten
2 nor more than twenty days prior to the hearing date.
3 The original notice and copies shall be signed by the
4 plaintiff, either in person or by attorney, and shall
5 be in substantially the following form:

6 IN THE DISTRICT COURT OF IOWA
7 IN AND FOR COUNTY

8)

9 Plaintiff(s))

10)

11)

12 Address of each plaintiff)

13)

14 vs) SMALL CLAIM NO.

15)

16 Defendant(s))

17)

18)

19)

20 Address of each defendant)

21)

ORIGINAL NOTICE

22 To the above named defendant(s):

23 YOU ARE HEREBY NOTIFIED that the above named plaintiff(s)
24 demands of you

25 (1. If demand is for money, state amount;

.....
2. If demand is for something else, state briefly what is
.....
demanded and its value in money; 3. If both money and some-
..... based on
thing else are demanded, state both 1 and 2)
..... and that unless you
(state briefly the basis for the demand)
appear and defend before the above named court at
(Place)
in, Iowa, at o'clock M.
(City or Town)
on the day of, 19... judgment will
be rendered against you for the relief demanded, together
with interest and court costs.

.....
Plaintiff(s)

Sec. 64. DUTIES OF CLERK. The clerk shall furnish
forms of original notice. Before filing an original
notice, the clerk shall receive a filing fee of two
dollars plus the amount of postage for mailing the
original notice to each defendant to which it is to
be mailed. At the time of filing, the clerk shall enter
on the original notice and the copies to be served,
the file number, and the time and place of hearing,

1 which shall be a time when small claims are scheduled
2 to be heard not less than ten nor more than twenty days
3 after the date on which the notice will be mailed or
4 otherwise served. The clerk shall mail a copy of the
5 original notice to each defendant by restricted certified
6 mail, return receipt to the clerk requested, except
7 for defendants whom the plaintiff wishes to serve under
8 the rules of civil procedure pertaining to commencement
9 of actions.

10 Sec. 65. FEES AND COSTS. Fees and costs shall be
11 one-half of fees and costs in regular civil actions
12 in district court. All fees and costs collected for
13 small claims shall be remitted to county treasurers
14 as provided in section six hundred six point sixteen
15 (606.16) of the Code.

16 Sec. 66. PLEADINGS AND MOTIONS. Except as provided
17 in section sixty-three (63) and section sixty-seven
18 (67) of this Act, there shall be no written pleadings
19 or motions unless the court in the interests of justice
20 requires them, in which event they shall be similar
21 in form to the original notice.

22 Sec. 67. PROCEDURE.

23 1. The rules of civil procedure pertaining to action,
24 joinder of actions and parties and rule seventy-five
25 (75) of the rules of civil procedure shall be applicable

1 to small claims actions, except that rule twenty-nine
2 (29) shall not apply to actions originating as small
3 claims actions.

4 2. In small claims actions, if a party joins a small
5 claim with one which is not a small claim, the court
6 shall:

7 a. Order the small claim to be heard under this
8 division and dismiss the other claim without prejudice,
9 or

10 b. As to parties who have appeared or are existing
11 parties, either (1) order the small claim to be heard
12 under the procedures specified in this Act and the other
13 claim to be tried by regular procedure or (2) order
14 both claims to be tried by regular procedure.

15 3. In small claims actions, a counterclaim, cross
16 claim, or intervention in the amount of a small claim
17 shall be in writing and similar in form to the original
18 notice, and shall be entitled original notice of
19 counterclaim, of cross claim, or of intervention, as
20 the case may be. A copy shall be filed for each existing
21 party. New parties may be brought in without order
22 and shall be served with notice as provided in section
23 sixty-two (62) and section sixty-three (63) of this
24 Act; and if notice is to be served by mail the clerk
25 shall collect the costs of mailing before filing the

1 pleading. The clerk shall furnish forms of such
2 pleadings. No counterclaim is necessary to assert an
3 offset arising out of the subject to the plaintiff's
4 claim.

5 4. In small claims actions, a counterclaim, cross
6 claim, or intervention in a greater amount than that
7 of a small claim shall be in the form of a regular
8 pleading. A copy shall be filed for each existing
9 party. New parties, when permitted by order, may be
10 brought in under rule thirty-four (34) of the rules
11 of civil procedure and shall be given notice under the
12 rules of civil procedure pertaining to announcement
13 of actions. The court shall either order such
14 counterclaim, cross claim, or intervention to be tried
15 by regular procedure and the other claim to be heard
16 under this division, or order the entire action to be
17 tried by regular procedure.

18 5. In regular action, when a party joins a small
19 claim with one which is not a small claim, regular
20 procedure shall apply to both unless the court transfers
21 the small claim to the small claims docket for hearing
22 under this division.

23 6. In regular actions, a counterclaim, cross claim,
24 or intervention in the amount of a small claim shall
25 be pleaded, tried, and determined by regular procedure,

1 unless the court transfers the small claim to the small
2 claims docket for hearing under this division.

3 7. Pleadings which are not in correct form under
4 this section shall be ordered amended so as to be in
5 correct form; but a small claim which is proceeding
6 under this Act need not be amended although in the form
7 of a regular pleading.

8 8. Copies of any papers filed by the parties which
9 are not required to be served, shall be mailed or
10 delivered by the clerk as provided in rule eighty-two
11 (82) of the rules of civil procedure.

12 Sec. 68. PROPER NOTICE DETERMINED. At the time
13 for hearing the court or clerk shall first determine
14 that proper notice has been given a party before
15 proceeding further as to him, unless he has appeared
16 or is an existing party, and also that the action is
17 properly brought as a small claim.

18 Sec. 69. FAILURE TO APPEAR--EFFECT. Unless good
19 cause to the contrary is shown, if the parties fail
20 to appear at the time of hearing the claim shall be
21 dismissed without prejudice by the court or clerk; if
22 the plaintiff fails to appear but the defendant appears,
23 the claim shall be dismissed with prejudice by the court
24 or clerk; and if the plaintiff appears but the defendant
25 fails to appear, judgment shall be rendered against

1 the defendant by the court, or by the clerk if the
2 relief to be granted is readily ascertainable. The
3 filing by the plaintiff of a verified account, or an
4 instrument in writing for the payment of money with
5 an affidavit the same is genuine, shall constitute an
6 appearance by plaintiff for the purpose of this rule.
7 At the request of either party, the court shall grant
8 such party one continuance to a day certain.

9 Sec. 70. HEARING. The time for appearance shall
10 be the time for hearing, unless a continuance has been
11 granted under section sixty-nine (69) of this Act.
12 The hearing shall be to the court, shall be simple and
13 informal, and shall be conducted by the court itself,
14 without regard to technicalities of procedure; but the
15 decision must be based on substantial evidence. The
16 court shall swear the parties and their witnesses, and
17 examine them in such way as to bring out the truth.
18 The parties may participate, either personally or by
19 attorney. The court may continue the hearing from time
20 to time if justice requires. The proceedings shall
21 not be reported unless a party provides a reporter at
22 his own expense or the parties by agreement cause the
23 proceedings to be electronically reported, but there
24 shall be no delay for such purpose.

25 Sec. 71. ENTRY OF JUDGMENT.

1 1. The judgment shall be entered in a space on the
2 original notice first filed, and the clerk shall
3 immediately enter the judgment in the small claims
4 docket and district court lien book, without recording.
5 Such relief shall be granted as is appropriate. The
6 court may enter judgment for installment payments to
7 be made directly by the party obligated to the party
8 entitled thereto; and in such event execution shall
9 not issue as long as such payments are made but execu-
10 tion shall issue for the full unpaid balance of the
11 judgment upon the filing of an affidavit of default.
12 When entered on the small claims docket and district
13 court lien book, a small claims judgment shall constitute
14 a lien to the same extent as regular judgments entered
15 on the district court judgment docket and lien book;
16 but if a small claims judgment requires installment
17 payments, it shall not be enforceable until an affidavit
18 of default is filed, whereupon it shall constitute a
19 lien for the full unpaid balance of the judgment.

20 2. Unless the hearing is reported, minutes of the
21 testimony of each witness and of any stipulations of
22 the parties shall likewise be entered on the original
23 notice first filed and the exhibits or copies thereof
24 shall be attached to the original notice or be filed,
25 until released by the court.

1 Sec. 72. CIVIL APPEALS. Civil appeals from judgments
2 of judicial magistrates and district associate judges
3 may be taken orally at the conclusion of the trial or
4 hearing or by filing with the judicial magistrate or
5 district associate judge a written notice of appeal
6 within twenty days after the judgment is rendered.
7 An appeal may be taken by any party. The magistrate
8 or judge shall note the notice of appeal on the original
9 notice first filed, or if the notice of appeal is in
10 writing promptly file it with the clerk. Within twenty
11 days after an appeal is taken, unless extended by order
12 of a district judge or by stipulation of the parties,
13 any party may file with the clerk as part of the record
14 a transcript of the official report, if any, and in
15 the event the report was made electronically, the tape
16 or other medium on which the proceedings were preserved.
17 A district judge shall promptly hear the appeal upon
18 the record thus filed without further evidence; and
19 the judge shall decide the appeal without regard to
20 technicalities or defects which have not prejudiced
21 the substantial rights of the parties, and may affirm,
22 reverse, or modify the judgment or render judgment as
23 the magistrate should have rendered. Execution of a
24 judgment of a judicial magistrate or district associate
25 judge shall be stayed upon the filing with the clerk

1 of the district court an appeal bond with surety approved
2 by the clerk, in the sum specified in the judgment.

3 Sec. 73. DISCRETIONARY REVIEW BY SUPREME COURT.

4 1. No judgment of conviction of a nonindictable
5 misdemeanor or civil actions tried as small claims shall
6 be appealed to the supreme court except by discretionary
7 review as provided herein. No judgment of acquittal
8 of a nonindictable misdemeanor may be reviewed.

9 2. "Discretionary review" is the process by which
10 the supreme court may exercise its discretion, in like
11 manner as under the rules pertaining to interlocutory
12 appeals and certiorari in civil cases, to review
13 specified matters not subject to appeal as a matter
14 of right. The supreme court may adopt additional rules
15 to control access to discretionary review.

16 3. The party seeking review shall be known as the
17 appellant and the adverse party as the appellee, but
18 the title of the action shall not be changed from that
19 in the court below.

20 4. When defendants are tried jointly, they may seek
21 discretionary review separately or they may join. The
22 supreme court may, in the interest of justice,
23 consolidate applications for discretionary review.

24 5. A petition for review shall be filed in writing
25 with the clerk of the court within ten days after

1 judgment.

2 6. When an application is made for discretionary
3 review, it is the duty of the applicant to serve on
4 the attorney for the adverse party, and if the state
5 is the adverse party, upon the attorney general, a copy
6 of the application within ten days after judgment.

7 7. When an application for discretionary review
8 is filed, the clerk of the court in which the judgment
9 or order was rendered shall:

10 a. Immediately prepare and transmit to the adverse
11 party and his attorney of record a true copy of the
12 application, together with the date of filing.

13 b. Immediately prepare and transmit to the clerk
14 of the supreme court a transcript of all record entries
15 relevant to the application, together with copies of
16 all papers in the case on file in his office, a
17 transcript of the official report, if any, and in the
18 event the report was made electronically, the tape or
19 other medium on which the proceedings were preserved,
20 all duly certified under seal of his court.

21 Failure of the clerk of the district court to transmit
22 all the papers as required by this subsection shall
23 not prejudice the rights of the parties.

24 8. The record and case shall be presented to the
25 supreme court as provided by its rules; and the

1 provisions of law in civil procedure relating to the
2 filing of decisions and opinions of the supreme court
3 shall apply in such cases.

4 9. An application shall not be dismissed for an
5 informality or defect in taking it if corrected as
6 directed by the supreme court. The supreme court, after
7 an examination of the entire record, may dispose of
8 the case by affirmation, reversal or modification of
9 the lower court judgment. It may also dismiss the
10 application if it (a) determines that there has been
11 no substantial miscarriage of justice, and (b) no
12 violation of the rights of an accused, and that (c)
13 the arguments do not present definite grounds for a
14 hearing. The supreme court may also order a new trial,
15 or modify the judgment; provided, however, in criminal
16 cases the punishment may not be increased.

17 10. In all criminal actions:

18 a. When an application has been filed by an adverse
19 party, the county attorney shall immediately furnish
20 the attorney general with a copy of said application.

21 b. An application for discretionary review taken
22 by the defendant does not stay the execution of the
23 judgment unless the defendant is released on bail or
24 otherwise as provided by law.

25 c. The personal appearance of the defendant in the

1 supreme court upon the hearing of a matter of
2 discretionary review, is in no case necessary.

3 d. If a judgment against the defendant is reversed,
4 such reversal shall be deemed an order for a new trial,
5 unless the supreme court shall direct a different
6 disposition. In reversing the case, the supreme court
7 may direct that the defendant be discharged and his
8 bail exonerated, or if money is deposited instead, that
9 it be returned to him.

10 e. On a judgment of affirmance against the defendant,
11 the original judgment shall be carried into execution
12 as the supreme court shall direct.

13 f. Unless some proceeding in the district court
14 is directed, a copy of the judgment of the trial court
15 and decision on review, or of the judgment and decision
16 on review certified by the clerk of the trial court
17 shall be delivered to the sheriff or proper officer
18 as an execution. He shall be authorized to execute
19 the judgment of the court, or take any legal measures
20 required to bring the action to a conclusion.

21 g. A defendant, imprisoned during the pendency of
22 an unsuccessful review, or convicted at a new trial
23 ordered by the supreme court, shall have the period
24 of his former imprisonment deducted from the period
25 of imprisonment fixed on the last verdict of conviction

1 by the district court.

2 11. The decision of the supreme court with any
3 opinion filed or judgment rendered must be recorded
4 by its clerk. After the expiration of the period allowed
5 for a rehearing, or as ordered by the court or provided
6 by its rules, a certified copy of the decision and
7 opinion shall be transmitted to the clerk of the trial
8 court, filed and entered of record by him.

9 12. The jurisdiction of the supreme court shall
10 cease after the certified copy of the decision and
11 opinion is transmitted to the clerk of the trial court.
12 All proceedings for executing the judgment shall be
13 had in the trial court or by its clerk.

14 JURISDICTION OF PUBLIC OFFENSES AND PLACE OF TRIAL

15 Sec. 74. STATE CRIMINAL JURISDICTION.

16 1. A person is subject to prosecution in this state
17 for an offense which he commits within or outside this
18 state, by his own conduct or that of another for which
19 he is legally accountable, if:

20 a. The offense is committed either wholly or partly
21 within this state.

22 b. Conduct of the person outside the state
23 constitutes an attempt to commit an offense within this
24 state.

25 c. Conduct of the person outside the state

1 constitutes a conspiracy to commit an offense within
2 this state.

3 d. Conduct of the person within this state
4 constitutes an attempt, solicitation or conspiracy to
5 commit an offense in another jurisdiction, which conduct
6 is punishable under the laws of both this state and
7 such other jurisdiction.

8 2. An offense may be committed partly within this
9 state if conduct which is an element of the offense,
10 or a result which constitutes an element of the offense,
11 occurs within this state. If the body of a homicide
12 victim is found within the state, the death is presumed
13 to have occurred within the state.

14 3. An offense which is based on an omission to
15 perform a duty imposed upon a person by the law of this
16 state is committed within the state, regardless of the
17 location of the person at the time of the omission.

18 Sec. 75. PLACE OF TRIAL--GENERAL. Criminal actions
19 shall be tried in the county in which the crime is
20 committed, except as otherwise provided by law. All
21 objections to place of trial are waived by a defendant
22 unless he objects thereto prior to trial.

23 Sec. 76. PLACE OF TRIAL--SPECIAL PROVISIONS. The
24 following special provisions apply:

25 1. If conduct or results which constitute elements

1 of an offense occur in two or more counties, prosecution
2 of the offense may be had in any of such counties.

3 In such cases, where a dominant number of elements occur
4 in one county, that county shall have the primary right
5 to proceed with prosecution of the offender.

6 2. If an offense commenced outside the state is
7 consummated within this state, trial of the offense
8 shall be held in the county or counties in which the
9 offense is consummated or the interest protected by
10 the involved penal statute is impaired.

11 3. If an offense is committed in or upon any
12 conveyance in transit, and it cannot readily be
13 determined in which county the offense was committed,
14 trial of the offense may be held in any county through
15 or over which the conveyance passed in the course of
16 its journey.

17 4. If an offense is committed on the boundary of
18 two or more counties, and it cannot readily be determined
19 within which county the commission took place, trial
20 of the offense may be held in any of the counties
21 concerned.

22 5. If the offense is a traffic offense, section
23 fifty-nine (59) of this Act shall be applicable.

24 Sec. 77. BAR TO ACTION. A conviction or acquittal
25 of an offense in a court having jurisdiction thereof

1 is a bar to a prosecution of the offense in another
2 court.

3 COORDINATING AMENDMENTS

4 Sec. 78. Section fourteen point ten (14.10),
5 subsection three (3), Code 1971, is amended to read
6 as follows:

7 3. The secretary of state shall prepare and deliver
8 to the Code editor for insertion in the session laws
9 a correct list of state officers and deputies, judges
10 of the ~~supreme, district, superior, and municipal courts~~
11 and district courts including district associate judges,
12 and judicial magistrates, and members of the general
13 assembly.

14 Sec. 79. Section sixteen point twenty-four (16.24),
15 subsections five (5) and sixteen (16), Code 1971, are
16 amended to read as follows:

17 5. ~~For each judge of the supreme, district,~~
18 ~~superior, and municipal courts of Iowa~~ To
19 each judge of the supreme and district court
20 including each district associate judge
21 and each judicial magistrate..... 1 copy

22 16. To the clerk of the district court, the county
23 attorney, the county auditor, the county recorder,
24 county assessor, the county treasurer, the sheriff,
25 and the county superintendent of each county in the

1 state, ~~to the clerk of each superior or municipal court~~
2 ~~in the state, and also for use in each court room of~~
3 ~~the district, superior, or municipal court~~ and also
4 for use in each courtroom of the district
5 court..... 1 copy

6 Sec. 80. Section sixteen point twenty-five (16.25),
7 subsections five (5), six (6), and twelve (12), Code
8 1971, are amended to read as follows:

9 5. To the office of each judge of the
10 ~~supreme, district, superior, and municipal~~
11 ~~courts, and of the federal~~ and district
12 courts, including district associate judges
13 and judicial magistrates, and to each
14 judge of the federal courts in Iowa..... 1 copy

15 6. To the office of each clerk of the
16 federal courts in this state, and of the
17 ~~supreme, district, superior and municipal~~
18 ~~courts of this state~~ and district courts
19 of this state..... 1 copy

20 12. To each court room of the district,
21 ~~superior, and municipal~~ courts..... 1 copy

22 Sec. 81. Section thirty-nine point twenty-one
23 (39.21), Code 1971, is repealed. This section shall
24 take effect July 1, 1972.

25 Sec. 82. Section forty-three point three (43.3),

1 Code 1971, is amended to read as follows:

2 43.3 OFFICES AFFECTED BY PRIMARY. Candidates of
3 all political parties for all offices which are filled
4 at a regular biennial election by direct vote of the
5 people, ~~except the office of judge of the supreme and~~
6 ~~district courts~~, shall be nominated at a primary election
7 at the time and in the manner hereinafter directed.

8 Sec. 83. Section forty-six point twenty (46.20),
9 Code 1971, is amended to read as follows:

10 46.20 DECLARATION OF CANDIDACY. At least ninety
11 days prior to the judicial election preceding expiration
12 of his initial or regular term of office, a judge of
13 the supreme court or district court including district
14 associate judges may file a declaration of candidacy
15 with the secretary of state, whereupon such judge shall
16 stand for retention or rejection at that election.
17 If a judge fails to file such declaration, his office
18 shall be vacant at the end of his term. District
19 associate judges filing such a declaration shall stand
20 for retention in the county of their residence.

21 Sec. 84. Section forty-six point twenty-one (46.21),
22 Code 1971, is amended to read as follows:

23 46.21 CONDUCT OF ELECTIONS. At least fifty-five
24 days prior to each judicial election, the secretary
25 of state shall certify to the county auditor of each

1 county a list of the judges of the supreme court and
2 district court including district associate judges to
3 be voted on in such county at that election. The auditor
4 shall place the names upon the ballot in the order in
5 which they appear in the certificate, unless only one
6 county is voting thereon. The secretary of state shall
7 rotate the names in the certificate by county, or the
8 auditor shall rotate them upon the ballot by precinct
9 if only one county is voting thereon. The names of

1 all judges to be voted on shall be placed upon one
2 ballot, which shall be in substantially the following
3 form:

4 STATE OF IOWA
5 JUDICIAL BALLOT
6 (Date)

7 VOTE ON ALL NAMES BY PLACING AN X IN THE APPROPRIATE BOX
8 AFTER EACH NAME.

9 SUPREME COURT

10 Shall the following judges of the Supreme Court be retained
11 in office?

12	JOHN DOE	YES	_____	NO	_____
13	RICHARD ROE	YES	_____	NO	_____

14 DISTRICT COURT

15 Shall the following judge or associate judge of the Dis-
16 trict Court be retained in office?

17	JOHN SMITH	YES	_____	NO	_____

18 Sec. 85. Section forty-six point twenty-four (46.24),
19 Code 1971, is amended to read as follows:

20 46.24 RESULTS OF ELECTION. A judge of the supreme
21 court or district court including district associate
22 judge must receive more affirmative than negative votes
23 to be retained in office. When the poll is closed,
24 the election judges shall publicly canvass the vote
25 forthwith. The board of supervisors shall canvass the

1 returns at its meeting on Monday after the election,
2 and shall promptly certify the number of affirmative
3 and negative votes on each judge to the secretary of
4 state.

5 The state board of canvassers shall, at the time
6 of canvassing the vote cast at a general election, open
7 and canvass all of the returns for the judicial election.
8 Each judge of the supreme court or district court
9 including district associate judge who has received
10 more affirmative than negative votes shall receive from
11 the state board of canvassers an appropriate certificate
12 so stating.

13 Sec. 86. Section forty-nine point one hundred six
14 (49.106), Code 1971, is amended to read as follows:

15 49.106 MAY COMMIT DISORDERLY PERSON. Any ~~constable~~
16 ~~or-special~~ policeman may forthwith arrest such person
17 and bring him before the judges of election, and they,
18 by a warrant under their hands, may commit him to the
19 jail of the county for a term not exceeding twenty-four
20 hours, but they shall permit him to vote.

21 Sec. 87. Section forty-nine point one hundred sixteen
22 (49.116), Code 1971, is amended to read as follows:

23 49.116 PRESERVING ORDER. All special policemen
24 ~~and-constables~~ are authorized and required to preserve
25 order and peace at all places of election, and such

1 special policemen, ~~constables~~, and all other persons
2 are authorized and required to obey the lawful orders
3 and commands of said judges of election given to prevent
4 violations of this chapter.

5 Sec. 88. Section fifty point twenty-one (50.21),
6 Code 1971, is amended to read as follows:

7 50.21 ABSTRACTS OF VOTES--CERTIFICATES OF ELECTION.

8 The tally lists shall be opened in the presence of all
9 the canvassers, and an abstract of votes made and signed
10 by them, and the result declared, and a certificate
11 of election signed by them giving the candidates elected.

12 If the mayor shall have been a candidate at such
13 election, ~~a justice-of-the-peace~~ a qualified elector
14 of the city not a candidate of the county, selected
15 by the clerk, shall act with him in making the canvass.

16 Sec. 89. Section fifty point twenty-five (50.25),
17 Code 1971, is amended by striking subsection seven (7).

18 Sec. 90. Section sixty-two point four (62.4), Code
19 1971, is amended to read as follows:

20 62.4 SHERIFF TO ATTEND. The court or presiding
21 judge may direct the attendance of the sheriff or a
22 ~~constable~~ deputy when necessary.

23 Sec. 91. Section sixty-two point twenty-five (62.25),
24 Code 1971, is amended by striking the section and
25 inserting in lieu thereof the following:

1 "A transcript of the judgment may be filed and
2 recorded in the office of the clerk of the district
3 court and shall have the effect of a judgment of that
4 court and execution may issue thereon."

5 Sec. 92. Section sixty-four point one (64.1), Code
6 1971, is amended by striking subsection four (4) and
7 inserting in lieu thereof the following:

8 "Judges of the supreme and district courts, district
9 associate judges, and judicial magistrates."

10 Sec. 93. Section sixty-four point six (64.6), Code
11 1971, is amended by adding the following new subsection:

12 "Judicial magistrates, five thousand dollars."

13 Sec. 94. Section sixty-four point eight (64.8),
14 Code 1971, is amended to read as follows:

15 64.8 COUNTY OFFICERS. The bonds of the following
16 county officers, viz.: Clerks of the district courts,
17 county attorneys, recorders, auditors, superintendents
18 of schools, sheriffs, ~~justices-of-the-peace,~~ and
19 ~~constables,~~ and assessors shall each be in a penal sum
20 to be fixed by the board of supervisors.

21 Sec. 95. Section sixty-four point nine (64.9), Code
22 1971, is amended to read as follows:

23 64.9 MINIMUM BONDS OF COUNTY OFFICERS. Bonds of
24 members of the board of supervisors, clerks of the
25 district courts, county auditors, sheriffs, and county

1 attorneys shall not be in less sum than five thousand
2 dollars each, ~~and-these-of-justices-and-constables,~~
3 ~~not-less-than-five-hundred-dollars-each.~~

4 Sec. 96. Section sixty-four point twenty-three
5 (64.23), subsection five (5), Code 1971, is amended
6 to read as follows:

7 5. For members of the board of supervisors, ~~and~~
8 ~~for-justices-of-the-peace,~~ with the clerk of the district
9 court.

10 Sec. 97. Section sixty-four point twenty-four
11 (64.24), subsection two (2), Code 1971, is amended to
12 read as follows:

13 2. In the record kept by the county auditor, the
14 official bonds of all county officers, elective or
15 appointive, ~~justices-of-the-peace,~~ and township clerks,
16 ~~and-constables.~~

17 Sec. 98. Section sixty-eight point one (68.1), Code
18 1971, is amended to read as follows:

19 68.1 IMPEACHMENT DEFINED. An impeachment is a
20 written accusation against the governor, or a judge
21 of the supreme, or district, ~~or-superior~~ court, or other
22 state officer, by the house of representatives before
23 the senate, of a misdemeanor or malfeasance in office.

24 Sec. 99. Section sixty-nine point eight (69.8),
25 subsection four (4), Code 1971, is amended to read as

1 follows:

2 4. COUNTY OFFICES. In county offices, ~~including~~
3 ~~justices-of-the-peace-and-constables~~, by the board of
4 supervisors.

5 Sec. 100. Section seventy-eight point one (78.1),
6 Code 1971, is amended to read as follows:

7 78.1 GENERAL AUTHORITY. The following officers
8 are empowered to administer oaths and to take
9 affirmations:

10 1. ~~Judges-of-the-supreme, district, superior,~~
11 ~~municipal, and police courts.~~ Judges of the supreme
12 and district courts, including district associate judges
13 and judicial magistrates.

14 2. Official court reporters of ~~district, superior,~~
15 ~~and municipal~~ courts in taking depositions under
16 appointment or by agreement of counsel.

17 3. Clerks and deputy clerks of the supreme, and
18 ~~district, superior, police, and municipal~~ courts.

19 ~~4. --Justices-of-the-peace-within-the-county-of-their~~
20 ~~residence.~~

21 4. 5. Notaries public within the county of their
22 appointment, and within any county in which they have
23 filed with the clerk of the district court of said
24 county a certified copy of their certificate of
25 appointment.

1 5. ~~6.~~ Examiners appointed by the state commerce
2 commission under the provisions of section 474.19.

3 6. ~~7.~~ Certified shorthand reporters.

4 Sec. 101. Section seventy-nine point thirteen
5 (79.13), Code 1971, is amended to read as follows:

6 79.13 PARTICULARS REQUIRED. The board of supervisors
7 shall not approve any claim for mileage or other
8 traveling expenses presented by any peace officer
9 including the sheriff and his deputies ~~and-municipal~~
10 ~~court-bailiffs-and-deputy-bailiffs~~, unless the
11 destinations, and number of miles covered in each trip
12 are given, or, in the case of extended trips, unless
13 railroad, hotel, and other traveling expenses, excepting
14 meals, are verified by receipts.

15 Sec. 102. Section eighty-five point sixty-two
16 (85.62), unnumbered paragraph one (1), Code 1971, is
17 amended to read as follows:

18 85.62 PEACE OFFICERS. Any policeman (except those
19 pensioned under the policemen's pension fund created
20 by law), any sheriff, marshal, ~~constable~~, state highway
21 patrolman, conservation officer, and any and all of
22 their deputies and any and all other legally appointed
23 or elected law-enforcing officers, who shall sustain
24 an injury while performing the duties of a law-enforcing
25 officer and from causes arising out of and in the course

1 of his official duty, or employment as a law-enforcing
2 officer, become temporarily or permanently physically
3 disabled or if said injury results in death shall be
4 entitled to compensation for all such injuries or
5 disability together with statutory medical, nursing,
6 hospital, surgery and funeral expenses, and where the
7 officer is paid from public funds said compensation
8 shall be paid out of the general fund of the state.

9 Sec. 103. Section ninety-eight point five (98.5),
10 Code 1971, is amended to read as follows:

11 98.5 VIOLATION. Any minor under eighteen years
12 of age refusing to give information as required by
13 section 98.4 shall be guilty of a misdemeanor. Said
14 minor shall be certified by the magistrate ~~er-justice~~
15 ~~of-the-peace~~ before whom the case is tried, to the
16 juvenile court of the county for such action as said
17 court shall deem proper.

18 If any minor having been convicted of violating
19 section 98.4 shall give information which shall lead
20 to the arrest of the person or persons having violated
21 any of the provisions of section 98.2 and shall give
22 evidence as a witness in any proceedings that may be
23 prosecuted against said person or persons, the court
24 in its discretion may suspend sentence against the
25 offending minor.

1 Sec. 104. Section one hundred fifteen point four
2 (115.4), Code 1971, is amended to read as follows:

3 115.4 WHO ELIGIBLE. No person shall be appointed
4 to the position of shorthand reporter of any district,
5 ~~superior-or-municipal~~ court in this state, unless he
6 be a certified shorthand reporter who has been found
7 competent to report court proceedings, references, or
8 proceedings of like character, by the board of examiners
9 provided for in this chapter.

10 Sec. 105. Section one hundred twenty-three point
11 fifty-three (123.53), unnumbered paragraph two (2),
12 Code 1971, is amended to read as follows:

13 In order that the said commission may be provided
14 with the necessary information to make out the report
15 required by this chapter, it shall be the duty of every
16 ~~justice-of-the-peace,-police-court,-mayer's-court-and~~
17 every clerk of a court of record in this state to forward
18 to said commission during the month of July of each
19 year a full and complete report of each case commenced
20 in ~~the-court-of-such-justice,-police-court,-mayer's~~
21 ~~court,-or~~ any court of record, in which a violation
22 of this chapter or any other law of this state per-
23 taining to alcoholic liquors or beer was charged, and
24 the disposition of the same.

25 Sec. 106. Section one hundred thirty point twenty-

1 six (130.26), Code 1971, is amended to read as follows:

2 130.26 PRESERVATION AND INSPECTION. The permit
3 holder shall preserve the stubs in book form and shall
4 keep them at all times, subject to the inspection of
5 the pharmacy examiners, the county attorney, any grand
6 jury, or peace officer, ~~or-justice-of-the-peace~~ in the
7 county in which the permit is in force.

8 Sec. 107. Section one hundred eighty-eight point
9 twenty-eight (188.28), Code 1971, is amended to read
10 as follows:

11 188.28 PROOF OF SERVICE. Immediately after the
12 expiration of said ten days of posting, the person
13 taking up the estray shall, unless such estray has been
14 previously claimed by the owner, file with ~~a-justice~~
15 ~~of-the-peace-in-the-township-in-which-the-estray-was~~
16 ~~taken-up-or-in-case-there-is-no-justice-in-the~~
17 ~~township-then-with-the-next-nearest-justice-in-the~~
18 ~~county~~ the county auditor his affidavit which shall
19 show:

20 1. The time and place of taking up such estray.

21 2. The time and places of posting said notice,
22 together with a copy of said notice.

23 3. That said animal remains unclaimed.

24 4. Whether the marks or brands of said animal have
25 been altered to his knowledge, either before or after

1 the same was taken up.

2 Sec. 108. Section one hundred eighty-eight point
3 thirty-two (188.32), Code 1971, is amended to read as
4 follows:

5 188.32 FEES AND EXPENSES. The person taking up
6 an estray shall pay ~~to-the-justice-of-the-peace,-with~~
7 ~~whom-the-affidavit-is-filed,-the-legal-fees-due-the~~
8 ~~said-justice,-and~~ the legal fees due to the county
9 auditor for entering said affidavit in the estray book,
10 and posting and publishing the same, which amounts,
11 together with the compensation provided by law, shall
12 be refunded to the person taking up such estray by the
13 owner thereof in case the animal is restored to the
14 owner.

15 Sec. 109. Section one hundred eighty-eight point
16 forty-seven (188.47), Code 1971, is amended to read
17 as follows:

18 188.47 BOND TO RELEASE. Before any property held
19 under this chapter is sold under distraint, or before
20 the title to an estray vests in the taker-up, it may
21 be released at once upon the owner giving to the
22 distrainer or taker-up a bond, with sureties, to be
23 approved by the township clerk, ~~-justice-of-the-peace~~
24 or county auditor, before whom the matter is then
25 pending, conditioned to pay to the holder of the

1 property, within twenty days after such approval, all
2 costs, damages, and compensation to which he is entitled.

3 In case the obligee in said bond is compelled to begin
4 action on such bond, the court may tax a reasonable
5 attorney's fee in favor of such obligee.

6 Sec. 110. Section one hundred eighty-eight point
7 forty-eight (188.48), Code 1971, is amended by striking
8 subsection seven (7).

9 Sec. 111. Section one hundred eighty-nine point
10 eight (189.8), Code 1971, is amended to read as follows:

11 189.8 WITNESSES. In the enforcement of the
12 provisions of this title the department shall have power
13 to issue subpoenas for witnesses, enforce their
14 attendance, and examine them under oath. Such witnesses
15 shall be allowed the same fees as witnesses in justice
16 ~~of-the-peace-courts~~ district court. Said fees shall
17 be paid out of the contingent fund of the department.

18 Sec. 112. Section two hundred one point eleven
19 (201.11), unnumbered paragraph two (2), Code 1971, is
20 amended to read as follows:

21 In all litigation arising from the purchase, sale,
22 or disposal of any agricultural lime, limestone, or
23 aglime, in which the composition of the same may be
24 involved, a certified copy of the official analysis
25 shall be accepted as prima-facie evidence of the

1 composition of such agricultural lime, limestone, or
2 aglime. The possession of agricultural lime, limestone,
3 or aglime, in any building, room, railroad equipment,
4 store, storeroom, warehouse, truck, or other place
5 within this state, except by a person who has the same
6 for his private use, without complying with the
7 provisions of this chapter relative to agricultural
8 lime, shall be prima-facie evidence of keeping the same
9 for the purpose of selling or disposal. ~~In all~~
10 ~~prosecutions under this chapter, a justice of the peace,~~
11 ~~police judge, or mayor shall have jurisdiction with~~
12 ~~the right of appeal to the district court by certiorari.~~

13 Sec. 113. Section two hundred three A point six
14 (203A.6), subsection two (2), Code 1971, is amended
15 to read as follows:

16 2. When an article detained or embargoed under
17 subsection 1 has been found by such agent to be
18 adulterated or misbranded, he shall petition the judge
19 of the ~~municipal, or~~ district court in whose jurisdiction
20 the article is detained or embargoed for a libel for
21 condemnation of such article. When such agent has found
22 that an article so detained or embargoed is not
23 adulterated or misbranded, he shall remove the tag or
24 other marking.

25 Sec. 114. Section two hundred twenty-two point

1 sixteen (222.16), Code 1971, is amended to read as
2 follows:

3 || 222.16 PETITION FOR ADJUDICATION OF RETARDATION.

4 A petition for the adjudication of the mental retardation
5 of a person within the meaning of this chapter may,
6 with the permission of the court be filed without fee
7 against such person with the clerk of the district,
8 ~~superior, or municipal~~ court of the county or city in
9 which such alleged mentally retarded person resides
10 or is found. The petition may be filed by any relative
11 of such person, by a guardian, or by any reputable
12 citizen of the county of such residence or of such place
13 of finding.

14 || Sec. 115. Section two hundred twenty-two point
15 fifty-three (222.53), Code 1971, is amended to read
16 as follows:

17 || 222.53 CONVICTION--SUSPENSION. If on the conviction
18 in the district,~~superior, or municipal~~ court of any
19 person for any crime or for any violation of any
20 municipal ordinance, or if on the determination in said
21 courts that a child is dependent, neglected, or
22 delinquent and it appears from any evidence presented
23 to the court before sentence, that such person is
24 mentally retarded within the meaning of this chapter,
25 the court may suspend sentence or order, and may order

1 any officer of the court or some other proper person
2 to file a petition permitted under the provisions of
3 this chapter against said person. Pending hearing of
4 the petition, the court shall provide for the custody
5 of said person as directed in section 222.52.

6 Sec. 116. Section two hundred twenty-five point
7 ten (225.10), Code 1971, is amended to read as follows:

8 225.10 APPLICATION FOR ADMISSION. Persons suffering
9 from mental diseases may be admitted as committed public
10 patients as follows: Any physician authorized to
11 practice his profession in the state of Iowa or any
12 citizen of the state may file information with any
13 district ~~or-superior~~ court of the state or with any
14 judge thereof, alleging that the person named therein
15 is suffering from some abnormal mental condition that
16 can probably be remedied by observation, treatment,
17 and hospital care; and that he is, of himself or through
18 those legally responsible for him, unable to provide
19 the means for such observation and hospital care.

20 Sec. 117. Section two hundred twenty-five point
21 eleven (225.11), Code 1971, is amended to read as
22 follows:

23 225.11 MEDICAL EXAMINER. Said judge of the district
24 ~~or-superior~~ court or the clerk of such court may, upon
25 his own motion or upon the information contained in

1 such report filed as aforesaid, appoint some physician
2 who shall personally examine said person with respect
3 to his mental condition.

4 Sec. 118. Section two hundred twenty-five point
5 fourteen (225.14), Code 1971, is amended to read as
6 follows:

7 225.14 NOTICE--TRIAL AND ORDER. Upon the filing
8 of such report or reports, said judge of the district
9 ~~er-superior~~ court as aforesaid shall fix a day for the
10 hearing upon the complaint and shall cause the person
11 or those legally responsible for him to be served with
12 a notice of the hearing; and he shall also notify the
13 county attorney, who shall appear and conduct the
14 proceedings, and upon such complaint evidence may be
15 introduced. Upon such hearing the person against whom
16 the complaint is made shall be entitled to a trial by
17 jury. If the judge or jury finds that the said person
18 is suffering from an abnormal mental condition which
19 can probably be remedied by observation, medical or
20 surgical treatment, and hospital care, and that he,
21 or those legally responsible for him, are unable to
22 pay the expenses thereof, said judge shall enter an
23 order directing that the said person shall be sent to
24 the state psychopathic hospital at the state University
25 of Iowa for observation, treatment, and hospital care

1 as a committed public patient.

2 Sec. 119. Section two hundred twenty-five point
3 sixteen (225.16), unnumbered paragraph one (1), Code
4 1971, is amended to read as follows:

5 225.16 VOLUNTARY PUBLIC PATIENTS--COMMITMENT. If
6 the said judge of the district ~~or-superior~~ court or
7 the clerk of the court, as aforesaid, finds from the
8 physician's report which was filed under the provisions
9 of section 225.12, that the said person is suffering
10 from an abnormal mental condition which can probably
11 be remedied by observation, medical or surgical
12 treatment, and hospital care, and the report of the
13 county attorney shows that he, or those legally
14 responsible for him, are unable to pay the expenses
15 thereof, said judge or clerk shall enter an order
16 directing that the said person shall be sent to the
17 state psychopathic hospital at the state University
18 of Iowa for observation, treatment, and hospital care
19 as a voluntary public patient; provided that the said
20 person, or those legally responsible for him, request
21 the said court or judge to commit said person without
22 the hearing which is required under the provisions of
23 section 225.14.

24 Sec. 120. Section two hundred twenty-five point
25 seventeen (225.17), unnumbered paragraph one (1), Code

1 1971, is amended to read as follows:

2 225.17 COMMITTED PRIVATE PATIENTS--TREATMENT. If
3 the said judge of the district ~~or-superior~~ court, as
4 aforesaid, finds in the hearing as provided for under
5 the provisions of section 225.14 that the said person
6 is suffering from an abnormal mental condition which
7 can probably be remedied by observation, medical or
8 surgical treatment, and hospital care, and that he,
9 or those legally responsible for him, are able to pay
10 the expenses thereof, said judge shall enter an order
11 directing that the said person shall be sent to the
12 state psychopathic hospital at the state University
13 of Iowa for observation, treatment, and hospital care
14 as a committed private patient.

15 Sec. 121. Section two hundred twenty-five point
16 eighteen (225.18), Code 1971, is amended to read as
17 follows:

18 225.18 ATTENDANTS. The court or clerk may, in his
19 discretion, appoint some person to accompany said
20 committed public patient or said voluntary public patient
21 or said committed private patient from the place where
22 he may be to the state psychopathic hospital of the
23 state University at Iowa City, or to accompany such
24 patient from the said hospital to such place as may
25 be designated by the court or clerk. If the patient

1 be a female, the person appointed to accompany her must
2 be a woman.

3 Sec. 122. Section two hundred twenty-five point
4 nineteen (225.19), Code 1971, is amended to read as
5 follows:

6 225.19 COMPENSATION FOR ATTENDANT. Any person
7 appointed by the court or judge or clerk to accompany
8 said person to or from the hospital or to make an
9 investigation and report on any question involved in
10 the complaint, other than the physician making the
11 examination, shall receive the sum of three dollars
12 per day for the time actually spent in making such
13 investigation (except in cases where the person appointed
14 therefor receives a fixed salary or compensation) and
15 his actual necessary expenses incurred in making such
16 investigation or trip.

17 Sec. 123. Section two hundred twenty-five point
18 twenty-one (225.21), Code 1971, is amended to read as
19 follows:

20 225.21 VOUCHERS. The person making claim to such
21 compensation shall present to the court or judge an
22 itemized sworn statement thereof, and when such claim
23 for compensation has been approved by the court or
24 judge, or clerk the same shall be filed in the office
25 of the county auditor and shall be allowed by the board

1 of supervisors and paid from the state institution fund.

2 Sec. 124. Section two hundred twenty-five point
3 twenty-five (225.25), Code 1971, is amended to read
4 as follows:

5 225.25 COMMITMENT OF PRIVATE PATIENT AS PUBLIC.

6 If any patient be admitted to the state psychopathic
7 hospital and thereafter an order of commitment of said
8 patient as a public patient be made by the court or
9 judge or clerk having jurisdiction thereof, the expense
10 of keeping and maintaining said patient from the date
11 of the filing of the information upon which said order
12 is made shall be paid by the state.

13 Sec. 125. Section two hundred twenty-five point
14 thirty (225.30), Code 1971, is amended to read as
15 follows:

16 225.30 BLANKS--AUDIT. The medical faculty of the
17 hospital of the college of medicine of the state
18 University of Iowa shall prepare blanks containing such
19 questions and requiring such information as may be
20 necessary and proper to be obtained by the physician
21 who examines the patient under order of court; and such
22 blanks shall be printed by the state and a supply thereof
23 shall be sent to the clerk of each district ~~and-superior~~
24 court of the state. The state comptroller shall audit,
25 allow, and pay the cost of the blanks as other bills

1 for public printing are allowed and paid.

2 Sec. 126. Section two hundred thirty-one point one
3 (231.1), Code 1971, is amended to read as follows:

4 231.1 JURISDICTION. There is hereby established
5 in each county a juvenile court within the district
6 court, which, ~~and-the-judges-thereof~~, shall have and
7 exercise the jurisdiction and powers provided by law.

8 Sec. 127. Section two hundred thirty-one point two
9 (231.2), Code 1971, is amended by striking subsection
10 two (2) and inserting in lieu thereof the following:

11 "Of the district associate judges if and as long
12 as so designated by the chief judge of the district."

13 Sec. 128. Section two hundred thirty-one point three
14 (231.3), Code 1971, is amended by striking unnumbered
15 paragraph one (1) and inserting in lieu thereof the
16 following:

17 "The chief judge of the district shall designate
18 one or more of the district judges or district associate
19 judges, or both, to act as judge or judges of the
20 juvenile court in any county or counties."

21 Sec. 129. Section two hundred thirty-one point three
22 (231.3), unnumbered paragraph one (1), Code 1971, is
23 amended to read as follows:

24 "The judges of the district court may designate one
25 of their number to act as judge of the juvenile court

1 in any county or counties, and may designate a superior
2 ~~er-municipal-court~~ district associate judge to act as
3 judge of the juvenile court ~~in-cases-arising-in-any~~
4 ~~city-in-which-any-such-court-is-organized-and~~ in cases
5 arising in any part of any county convenient thereto.
6 In-counties-having-a-population-of-one-hundred-thousand
7 or-over, unless-said-district-judges-designate-a-superior
8 or-municipal-court-judge-to-act-as-juvenile-judge, they
9 shall-after-each-election, designate-one-of-their-number
10 to-act-as-juvenile-judge-for-the-ensuing-four-years."

11 Sec. 130. Section two hundred thirty-one point eight
12 (231.8), unnumbered paragraph two (2), Code 1971, is
13 amended to read as follows:

14 Probation officers may be appointed to serve two
15 or more counties. The salaries of such officers and
16 their deputies, if any, shall be fixed by the judges
17 of the judicial district ~~containing~~ who are designated
18 juvenile court judges for such counties and such salaries
19 and the expenses of the probation offices shall be
20 prorated among the counties served in such proportion
21 as may be determined by said judges who shall in making
22 such determination, consider the volume of work in the
23 several counties. Such officers may be paid not to
24 exceed sixty percent of the salary of a district court
25 judge.

1 Sec. 131. Section two hundred forty-six point forty-
2 six (246.46), Code 1971, is amended to read as follows:

3 246.46 WHO MAY VISIT. The following persons are
4 authorized to visit said institutions at pleasure:

5 The governor, secretary of state, auditor of state,
6 treasurer of state, secretary of agriculture, members
7 of the general assembly, judges of the supreme, and
8 ~~district, superior, and municipal~~ courts, including
9 district associate judges and judicial magistrates,
10 county attorneys, and all regular officiating ministers
11 of the gospel. No other person shall be granted
12 admission except by permission of the warden.

13 Sec. 132. Section two hundred forty-seven point
14 thirty (247.30), Code 1971, is amended by striking
15 subsection sixteen (16) and inserting in lieu thereof
16 the following:

17 16. All jurors' fees, jurors' meals, and witness
18 fees paid by the county in all criminal cases before
19 a judicial magistrate.

20 Sec. 133. Section two hundred fifty-two A point
21 two (252A.2), subsection two (2), Code 1971, is amended
22 to read as follows:

23 2. "Court" shall mean and include ~~a-family-court,~~
24 ~~domestic-relations-court, children's-court, municipal~~
25 ~~court-and~~ any other court, by whatever name known, in

1 any state having reciprocal laws or laws substantially
2 similar to this chapter upon which jurisdiction has
3 been conferred to determine the liability of persons
4 for the support of dependents within and without such
5 state.

6 Sec. 134. Section two hundred fifty-five point eight
7 (255.8), Code 1971, is amended to read as follows:

8 255.8 HEARING--ORDER--EMERGENCY CASES--CANCELLATION
9 OF COMMITMENTS. The attorney and the overseer of the
10 poor, or other agent of the board of supervisors of
11 the county where the hearing is held, shall appear
12 thereat. The complainant, the county attorney, the
13 overseer of the poor or other agent of the board of
14 supervisors, and the patient, or any person representing
15 him, or her, may introduce evidence and be heard. If
16 the court finds that said patient is a legal resident
17 of Iowa and is pregnant or is suffering from a malady
18 or deformity which can probably be improved or cured
19 or advantageously treated by medical or surgical
20 treatment or hospital care, and that neither the patient
21 nor any person legally chargeable with his or her support
22 is able to pay the expenses thereof, then the clerk
23 of court, except in obstetrical cases and cases of
24 crippled children, shall immediately ascertain from
25 the admitting physician at the university hospital

1 whether such person can be received as a patient within
2 a period of thirty days, and if the patient can be so
3 received, the court, or in the event of no actual
4 contest, the clerk of the court, shall then enter an
5 order directing that said patient be sent to the
6 university hospital for proper medical and surgical
7 treatment and hospital care. If the court ascertain,
8 excepting in obstetrical cases and orthopedic cases,
9 that a person of the age or sex of the patient, or
10 afflicted by the complaint, disease or deformity with
11 which such person is affected cannot be received as
12 a patient at the said university hospital within the
13 period of thirty days, then he or the clerk shall enter
14 an order directing the board of supervisors of the
15 county to provide adequate treatment at county expense
16 for said patient at home or in a hospital. Obstetrical
17 cases and orthopedic cases may be committed to the
18 university hospital without regard to the limiting
19 period of thirty days hereinbefore stated.

20 In any case of emergency the court or the clerk with-
21 out previous inquiry may at its discretion order the
22 patient to be immediately taken to and accepted by the
23 university hospital for the necessary care as provided
24 in section 255.11, but if such a patient cannot be
25 immediately accepted at the university hospital as

1 ascertained by telephone if necessary, the court or
2 the clerk may enter an order as in certain cases above
3 set forth directing the board of supervisors to provide
4 adequate treatment at county expense for the said patient
5 at home or in a hospital.

6 Sec. 135. Section two hundred fifty-five point
7 thirteen (255.13), Code 1971, is amended to read as
8 follows:

9 255.13 ATTENDANT--PHYSICIAN--COMPENSATION. If the
10 physician appointed to examine the patient shall certify
11 that an attendant to accompany the patient to the said
12 hospital is necessary, and the university hospital
13 attendant and ambulance service is not available, then
14 the court or judge or clerk of the court may appoint
15 an attendant who shall receive not exceeding two dollars
16 per day for the time thus necessarily employed and
17 actual necessary traveling expenses by the most feasible
18 route to said hospital whether by ambulance, train or
19 automobile; but if such appointee is a relative of the
20 patient or a member of his immediate family, or receives
21 a salary or other compensation from the public for his
22 services, no such per diem compensation shall be paid
23 him. The physician appointed by the court or clerk
24 to make the examination and report shall receive therefor
25 three dollars for each examination and report so made

1 and his actual necessary expenses incurred in making
2 such examination, but if said physician receives a
3 salary or other compensation from the public for his
4 full-time services, then no such examination fee shall
5 be paid. The actual, necessary expenses of transporting
6 and caring for the patient shall be paid as hereinafter
7 provided.

8 Sec. 136. Section two hundred fifty-five point
9 fourteen (255.14), Code 1971, is amended to read as
10 follows:

11 255.14 EXPENSES--HOW PAID. An itemized, verified
12 statement of all charges provided for in sections 255.8
13 and 255.13, in cases where the patient is admitted or
14 accepted for treatment at the university hospital shall
15 be filed with the superintendent of the university
16 hospital, and upon his recommendation when approved
17 by the judge or clerk of the court under whose order
18 the same were incurred, they shall be charged on the
19 regular bill for the maintenance, transportation and
20 treatment of the patient, and be audited and paid in
21 the manner as hereinafter provided.

22 Sec. 137. Section three hundred twenty-one point
23 one hundred ninety-three (321.193), unnumbered paragraph
24 one (1), Code 1971, is amended to read as follows:

25 The When provided in rules and regulations adopted

1 pursuant to chapter 17A, the department upon issuing
2 an operator's or chauffeur's license shall have authority
3 whenever good cause appears to impose restrictions suit-
4 able to the licensee's driving ability with respect
5 to the type of vehicle or special mechanical control
6 devices required on a motor vehicle which the licensee
7 may operate or such other restrictions applicable to
8 the licensee, including licenses issued under section
9 321.194, as the department may determine to be
10 appropriate to assure the safe operation of a motor
11 vehicle by the licensee.

12 Sec. 138. Section three hundred twenty-one point
13 two hundred ten (321.210), unnumbered paragraph one
14 (1), Code 1971, is amended to read as follows:

15 The department is hereby authorized to ~~suspend~~
16 establish rules and regulations under the provisions
17 of chapter 17A providing for the suspension of the
18 license of an operator or chauffeur without preliminary
19 hearing upon a showing by its records or other sufficient
20 evidence that under the rules and regulations adopted
21 by the department the licensee:

22 Sec. 139. Section three hundred twenty-one point
23 four hundred eighty-five (321.485), subsection one (1),
24 Code 1971, is amended to read as follows:

25 1. Immediately arrest such person and take him

1 before a magistrate ~~of-the-county-in-which-the-apparent~~
2 ~~violation-occurred~~; or

3 Sec. 140. Section three hundred twenty-one point
4 four hundred eighty-five (321.485), subsection two (2),
5 paragraph "a", Code 1971, is amended to read as follows:

6 a. Prepare in triplicate a written ~~summons~~ citation to appear
7 in court containing the name and address of such person,
8 the operator or chauffeur license number if any, the
9 registration number if any of his vehicle, the offense
10 charged, and the time when and place where such person
11 shall appear in court, ~~which shall be within the county~~
12 ~~in which the offense charged is alleged to have been~~
13 ~~committed~~; or

14 Sec. 141. Section three hundred twenty-one point
15 four hundred eighty-seven (321.487), unnumbered paragraph
16 one (1), Code 1971, is amended to read as follows:

17 321.487 VIOLATION OF PROMISE TO APPEAR. Any person
18 willfully violating a ~~summons~~ citation to appear in
19 court given as provided in this chapter, is guilty of
20 a misdemeanor, punishable as provided in section 321.482
21 regardless of the disposition of the charge upon which
22 he was ~~summoned~~ cited. Venue shall be in the county
23 where the defendant was to appear or in the county where
24 he resides.

25 Sec. 142. Section three hundred twenty-one point

1 four hundred ninety-one (321.491), unnumbered paragraph
2 one (1), Code 1971, is amended to read as follows:

3 321.491 CONVICTIONS TO BE REPORTED. Every magistrate
4 ~~or-judge-of-a-court-not-of-record-and-every~~ judicial
5 magistrate and clerk of a court of record shall keep
6 a full record of every case in which a person is charged
7 with any violation of this chapter or of any other law
8 regulating the operation of vehicles on highways.

9 Sec. 143. Section three hundred thirty-three point
10 eleven (333.11), Code 1971, is amended by striking
11 subsection six (6).

12 Sec. 144. Section three hundred thirty-three point
13 eleven (333.11), subsection fourteen (14), Code 1971,
14 is amended to read as follows:

15 14. The amounts paid for the condemning of
16 intoxicating liquors during the preceding year, also
17 cost of convictions, ~~both-in-justice-courts-and~~ in the
18 district court, for the violation of the laws relating
19 to the sale of intoxicating liquors, together with the
20 amount of fines collected for such violation and the
21 amounts received as mulct tax, if any.

22 Sec. 145. Section three hundred thirty-seven point
23 seven (337.7), Code 1971, is amended to read as follows:

24 337.7 BAILIFFS--APPOINTMENT--DUTIES. The sheriff
25 shall attend upon the district court judges, district

1 associate judges, and judicial magistrates of his county,
2 and while ~~it remains~~ they remain in session he shall
3 be allowed the assistance of such number of bailiffs
4 as the judge or magistrate may direct. They shall be ap-
5 pointed by the sheriff and shall be regarded as deputy
6 sheriffs, for whose acts the sheriff shall be responsible.

7 Sec. 146. Section three hundred forty-three point
8 three (343.3), Code 1971, is amended to read as follows:

9 343.3 ACTING AS COUNSEL. No sheriff, or deputy
10 sheriff, ~~or constable~~ shall appear in any court as
11 attorney or counsel for any party, nor make any writing
12 or process to commence any action or proceeding, or
13 to be in any manner used in the same; and such writing
14 or process made by any of them shall be rejected.

15 Sec. 147. Section three hundred forty-three point
16 four (343.4), Code 1971, is amended to read as follows:

17 343.4 PURCHASE OF PROPERTY. No sheriff, or deputy
18 sheriff, ~~or constable~~ shall become the purchaser, either
19 directly or indirectly, of any property by him exposed
20 to sale under any process of law; and every such purchase
21 shall be void.

22 Sec. 148. Section three hundred forty-nine point
23 sixteen (349.16), subsection one (1), Code 1971, is
24 amended to read as follows:

25 1. The proceedings of the board of supervisors,

1 excluding from the publication of said proceedings,
2 its canvass of the various elections, as provided by
3 law; witness fees of witnesses before the grand jury
4 and in the district court in criminal cases; the
5 ~~transcripts-of-justices-of-the-peace,-including-their~~
6 ~~proceedings-and-cost;~~ the county superintendent's report.

7 Sec. 149. Section three hundred fifty-six point
8 twenty (356.20), Code 1971, is amended to read as
9 follows:

10 356.20 VIOLATION OF CITY ORDINANCE. When the
11 imprisonment is under the judgment of any court, ~~police~~
12 ~~court,-police-magistrate,-mayer,-or-other-tribunal-of~~
13 ~~a-city-or-town,~~ for the violation of any ordinance,
14 bylaw, or other regulation thereof, the marshal shall
15 superintend the labor, and furnish the tools and
16 materials, if necessary, at the expense of the city
17 or town requiring the labor, and such city or town shall
18 be entitled to the earnings of its convicts.

19 Sec. 150. Section three hundred fifty-six point
20 thirty-three (356.33), Code 1971, is amended by striking
21 unnumbered paragraph one (1) and inserting in lieu
22 thereof the following:

23 "District judges, district associate judges, and
24 judicial magistrates, within their respective
25 jurisdictional authority, may make all determinations

1 and orders under these sections."

2 Sec. 151. Section three hundred fifty-nine point
3 thirty-eight (359.38), Code 1971, is amended to read
4 as follows:

5 359.38 WATCHMEN APPOINTED. Such trustees, directors,
6 or other officers may appoint as many day and night
7 watchmen of their grounds as they may think expedient,
8 and such watchmen, and also all their sextons,
9 superintendents, gardeners, and agents, stationed upon
10 or near said grounds are hereby authorized to take and
11 ~~subscribe, before any mayor of a city or justice of~~
12 ~~the peace of the township where such cemetery is~~
13 ~~situated, an oath of office, similar to that required~~
14 ~~by law of constables~~ to an oath of office as provided
15 in section 63.10 of the Code.

16 Sec. 152. Section three hundred fifty-nine point
17 thirty-nine (359.39), Code 1971, is amended to read
18 as follows:

19 359.39 EX OFFICIO POLICE OFFICERS. Upon the taking
20 of such oath, such watchmen, sextons, superintendents,
21 gardeners, and agents shall have and exercise all powers
22 of police officers within and adjacent to the cemetery
23 grounds and each shall have power to arrest any and
24 all persons engaged in violating the laws of this state,
25 and to bring such person so offending before any justice

1 ~~of-the-peace-within-such-township~~ judicial magistrate,
2 to be dealt with according to law.

3 Sec. 153. Section three hundred sixty-five point
4 six (365.6), subsection one (1), Code 1971, is amended
5 to read as follows:

6 365.6 APPLICABILITY--EXCEPTIONS.

7 1. The provisions of this chapter shall apply to
8 all appointive officers and employees, including former
9 deputy clerks and deputy bailiffs of the municipal
10 court who became deputies of the district
11 court clerks and sheriffs, in cities under any form
12 of government having a population of more than fifteen
13 thousand except:

14 a. City clerk, deputy city clerk, city solicitor,
15 assistant solicitor, assessor, treasurer, auditor, civil
16 engineer, health physician, chief of police, assistant
17 chief of police in departments numbering more than two
18 hundred fifty members, market master, city manager and
19 administrative assistants to the manager.

20 b. Laborers whose occupation requires no special
21 skill or fitness.

22 c. Election officials.

23 d. Secretary to the mayor or to any commissioner.

24 e. Commissioners of any kind.

25 f. Casual employees.

1 Sec. 154. Section three hundred sixty-five point
2 fifteen (365.15), unnumbered paragraph two (2), Code
3 1971, is amended to read as follows:

4 In cities under the commission form of government,
5 by the superintendents of the respective departments,
6 with the approval of the city council; in cities under
7 the city manager plan, by the city manager; in all other
8 cities with the approval of the city council, and in
9 the police and fire departments by the chiefs of the
10 respective departments, ~~and in the case of deputy clerks~~
11 ~~or deputy bailiffs of the municipal court, such~~
12 ~~appointments shall be made by the clerk or bailiff~~
13 ~~thereof, respectively.~~

14 Sec. 155. Section three hundred sixty-eight point
15 six (368.6), subsection five (5), Code 1971, is amended
16 to read as follows:

17 5. SALES. Sales of auctioneers, bankrupt and dollar
18 stores, and the like, and those of transient merchants,
19 and to define by ordinance who shall be considered
20 transient merchants; but the exercise of such power
21 shall not interfere with sales made by sheriffs,
22 ~~constables~~, marshals, executors, guardians, assignees
23 of insolvent debtors or bankrupts, or any other per-
24 son required by law to sell real or personal property.

25 Sec. 156. Section three hundred sixty-eight A point

two (368A.2), subsections one (1) and seven (7), Code 1971, are amended to read as follows:

1. EXECUTIVE OFFICER--MAGISTRATE. He ~~shall be a~~
~~conservator of the peace, and~~, within the limits of
the corporation, shall have all the powers conferred
upon sheriffs to suppress disorders. He shall be the
chief executive officer thereof, and it shall be his
duty to enforce all regulations and ordinances; ~~he may,~~
~~upon view, arrest anyone guilty of a violation thereof,~~
~~or of any crime under the laws of the state, and shall,~~
~~upon information supported by affidavit, issue process~~
~~for the arrest of any person charged with violating~~
~~any ordinance of the corporation,~~ shall supervise the
conduct of all corporate officers, examine into the
grounds of complaint made against them, and cause all
neglect or violation of duty to be corrected, or report
the same to the proper tribunal, that they may be dealt
with as provided by law.

7. MAYOR PRO TEM. He shall designate one member
of the council as mayor pro tempore subject to the
approval of a majority of the council. Said mayor pro
tempore shall be vice-president of the council and give
bond in the sum of five hundred dollars. In case of
absence or inability of the mayor to act he shall perform
all of the duties of the mayor except as otherwise

1 herein provided. ~~In case of the absence or inability~~
2 ~~of the mayor to act, the mayor pro tempore may hold~~
3 ~~mayor's court in cases of ordinance violations.~~ If,
4 at any meeting of the council, the mayor is not present,
5 the mayor pro tempore shall act as presiding officer
6 pro tempore and his acts as presiding officer pro tempore
7 shall have the same force and legality as though
8 performed by the duly elected mayor and he shall have
9 the power to sign all resolutions and ordinances and
10 execute all contracts or other documents finally adopted
11 or approved at such meeting. The mayor pro tempore
12 shall have no power to employ or discharge any officer
13 or employee that the mayor has power to appoint or
14 employ but said mayor pro tempore shall have the right
15 to cast a vote as member of the council.

16 Sec. 157. Section three hundred sixty-eight A point
17 seventeen (368A.17), Code 1971, is amended to read as
18 follows:

19 368A.17 THE MARSHAL. The marshal shall be ex officio
20 chief of police and may appoint one or more deputy
21 marshals, who may perform his duties, and who, in cities
22 of fifteen thousand or more population shall be members
23 of the police force. He shall have the supervision
24 and general direction of the police force, and shall
25 be the ministerial officer of the corporation. He shall

1 suppress all riots, disturbances, and breaches of the
2 peace, arrest all disorderly persons in the city or
3 town and all persons committing any offense against
4 the ordinances thereof, and forthwith bring such persons
5 before the proper court for examination or trial. He
6 shall pursue and arrest any person fleeing from justice,
7 and shall diligently enforce all laws, ordinances, and
8 regulations for the preservation of the public welfare
9 and good order, and shall have the same powers and
10 duties as ~~constables~~ the sheriff in similar cases.

11 He shall ~~attend-upon-the-sittings-of-the-mayer's-and~~
12 ~~police-court,-and~~ execute within the county and return
13 all writs and other processes directed to him therefrom.

14 Sec. 158. Section four hundred four point eight
15 (404.8), Code 1971, is amended by striking subsection
16 four (4).

17 Sec. 159. Section four hundred eleven point three
18 (411.3), subsection three (3), Code 1971, is amended
19 by striking the subsection.

20 Sec. 160. Section four hundred thirteen point one
21 hundred fourteen (413.114), Code 1971, is amended to
22 read as follows:

23 413.114 INJUNCTION. In any such action or proceeding
24 said health officer may by petition duly verified,
25 setting forth the facts, apply to the district~~-superior~~,

1 ~~er-municipal~~ court for an order granting the relief
2 for which said action or proceeding is brought, or for
3 an order enjoining all persons from doing or permitting
4 to be done any work in or about such dwelling, building,
5 structure, or lot, or from occupying or using the same
6 for any purpose until the entry of final judgment or
7 order.

8 Sec. 161. Section four hundred thirteen point one
9 hundred fifteen (413.115), Code 1971, is amended to
10 read as follows:

11 413.115 AUTHORITY TO EXECUTE. In case any notice
12 or order issued by said health officer is not complied
13 with, said health officer may apply to the district,
14 ~~superior,--or-municipal~~ court for an order authorizing
15 him to execute and carry out the provisions of said
16 notice or order, to correct any violation specified
17 in said notice or order, or to abate any nuisance in
18 or about such dwelling, building, or structure or the
19 lot upon which it is situated.

20 Sec. 162. Section four hundred fifteen point three
21 (415.3), Code 1971, is amended to read as follows:

22 415.3 ORDINANCE--VIOLATIONS. Any building or
23 structure erected, altered, repaired, or used in
24 violation of any ordinance passed under the authority
25 of sections 415.1 and 415.2, shall be deemed a nuisance,

1 and every such city or town is hereby empowered to
2 provide by ordinance for the abatement of such nuisance,
3 either by fine or imprisonment, or by action in the
4 district ~~or-municipal~~ court of the county in which such
5 city or town is located, or by both; such action to
6 be prosecuted in the name of the city or town.

7 Sec. 163. Section four hundred twenty point fifteen
8 (420.15), Code 1971, is amended to read as follows:

9 420.15 COMPENSATION OF MAYOR. The mayor shall
10 receive such salary as may be provided by ordinance,
11 ~~and-in-addition-he-shall-receive-for-holding-a-mayor's~~
12 ~~or-police-court,-or-discharging-the-duties-of-a-justice~~
13 ~~of-the-peace,-the-compensation-allowed-by-law-for-similar~~
14 ~~services-by-such-officers,-to-be-paid-in-the-same-manner,~~
15 ~~which-amount-shall-be-in-full-compensation-of-all-such~~
16 ~~services.~~

17 Sec. 164. Section four hundred twenty point thirty-
18 eight (420.38), Code 1971, is amended to read as follows:

19 420.38 ACTION TO RECOVER. Fines and penalties may
20 in all cases be recovered by action before a ~~justice~~
21 ~~of-the-peace-or-ether~~ court of competent jurisdiction,
22 and in the name of the proper municipal corporation.
23 In any such action, where pleading is necessary, it
24 shall be sufficient to declare generally for the amount
25 claimed to be due in respect to the violation of the

1 ordinance, referring to its title and the date of its
2 adoption or passage, and showing, as near as may be,
3 the facts of the alleged violation.

4 Sec. 165. Section four hundred twenty point one
5 hundred eighty-two (420.182), Code 1971, is amended
6 to read as follows:

7 420.182 WARRANT. Whenever the board of health shall
8 think it necessary for the preservation of the lives
9 or the health of the inhabitants to enter a place,
10 building, or vessel within its jurisdiction, for the
11 purpose of examining into and destroying, removing,
12 or preventing any nuisance, source of filth, or cause
13 of sickness, and shall be refused such entry, any member
14 of the board may make complaint, under oath, before
15 any ~~justice-of-the-peace, or other~~ judicial officer
16 having jurisdiction to enforce the ordinances of such
17 city, stating the facts of the case so far as he has
18 knowledge thereof. Such officer shall thereupon issue
19 a warrant, directed to the sheriff ~~or any constable~~
20 ~~of the county~~, marshal or public officer, commanding
21 him to take sufficient aid and, being accompanied by
22 two or more members of said board, between the hours
23 of sunrise and sunset, repair to the place where such
24 nuisance, source of filth, or cause of sickness may
25 be, and destroy, remove, or prevent the same under the

1 direction of such members of the board.

2 Sec. 166. Section four hundred twenty point one
3 hundred eighty-five (420.185), Code 1971, is amended
4 to read as follows:

5 420.185 WARRANT. Any ~~justice-of-the-peace, or~~
6 tribunal having jurisdiction to enforce the ordinances
7 of such city, on application under oath, showing cause
8 therefor, by any member of said board, shall issue his
9 warrant, directed to the sheriff ~~or-constable~~ of the
10 county or marshal or police officer, commanding him,
11 under the directions of the board, to remove any person
12 infected with contagious disease, or to take possession
13 of condemned houses and lodgings, and to provide nurses
14 and attendants and other necessities for the care,
15 safety, and relief of the sick.

16 Sec. 167. Section four hundred forty-five point
17 forty-nine (445.49), Code 1971, is amended to read as
18 follows:

19 445.49 SHERIFF ~~OR-CONSTABLE~~ AS COLLECTOR. In the
20 discharge of his duties as collector, should it become
21 necessary to make the delinquent taxes by distress and
22 sale, or should no collector be appointed, or should
23 the collector fail to institute proceedings to collect
24 said delinquent taxes, the treasurer shall place the
25 same in the hands of the sheriff, ~~or-a-constable,~~ who

1 shall proceed to collect the same, ~~and either shall~~
2 ~~be entitled to receive the same compensation, in addi-~~
3 ~~tion to the five percent, as constables are entitled~~
4 ~~to receive for the sale of property on execution.~~

5 Sec. 168. Section four hundred fifty point forty-
6 one (450.41), Code 1971, is amended to read as follows:

7 450.41 PROCEDURE FOR RELIEF. In the event that
8 the estate has been duly appraised under the ordinary
9 statutes of inheritance or the property has been sold
10 and such appraisement or selling price is accepted by
11 the director of revenue as satisfactory for inheritance
12 tax purposes, the court or the clerk of court may, upon
13 proper application, relieve the estate from the appraise-
14 ment by the inheritance tax appraisers; but in order
15 to obtain such relief, the administrator, executor,
16 trustee, or other party interested must file an
17 application for relief with the consent of the director
18 of revenue thereto in the office of the clerk of the
19 court before said clerk issues a commission to the
20 inheritance tax appraisers.

21 Sec. 169. Section four hundred fifty-three point
22 one (453.1), Code 1971, is amended to read as follows:

23 453.1 DEPOSITS IN GENERAL. The treasurer of state,
24 and of each county, city, town, county public hospital,
25 merged area hospital, memorial hospital and school

1 corporation, and each township clerk and each county
2 recorder, auditor, sheriff, ~~each clerk and bailiff of~~
3 ~~the municipal court~~, and clerk of the district court,
4 and each secretary of a school board shall deposit all
5 funds in their hands in such banks as are first approved
6 by the executive council, board of supervisors, city
7 or town council, board of hospital trustees, memorial
8 hospital commission, board of school directors,
9 respectively; provided, however, that the treasurer
10 of state and the treasurer of each political subdivision
11 shall invest all funds not needed for current operating
12 expenses in time certificates of deposit in banks listed
13 as approved depositories pursuant to this chapter or
14 in investments permitted by section 452.10. The list
15 of public depositories and the amounts severally
16 deposited therein shall be a matter of public record.
17 The term "bank" means a bank or a private bank, as
18 defined in section 524.103.

19 Sec. 170. Section five hundred seventy point five
20 (570.5), Code 1971, is amended to read as follows:

21 570.5 ENFORCEMENT--PROCEEDING BY ATTACHMENT. The
22 lien may be enforced by the commencement of an action,
23 within the period above prescribed, for the rent alone,
24 in which action the landlord shall be entitled to a
25 writ of attachment, upon filing with the clerk or justice

1 a verified petition, stating that the action is commenced
2 to recover rent accrued within one year previous thereto
3 upon premises described in the petition; and the
4 procedure thereunder shall be the same, as nearly as
5 may be, as in other cases of attachment, except no bond
6 shall be required.

7 Sec. 171. Section five hundred seventy-two point
8 twenty-four (572.24), Code 1971, is amended to read
9 as follows:

10 572.24 TIME OF BRINGING ACTION--COURT. An action
11 to enforce a mechanic's lien, or an action brought upon
12 any bond given in lieu thereof, may be commenced in
13 the district ~~or-superior~~ court after said lien is
14 perfected.

15 Sec. 172. Section five hundred eighty point four
16 (580.4), Code 1971, is amended to read as follows:

17 580.4 AFFIDAVIT OF FORECLOSURE. Liens may be
18 enforced by the holder filing with ~~any-constable~~ the
19 sheriff of the county in which the progeny is kept,
20 ~~or-with-the-sheriff-of-such-county,~~ an affidavit which
21 shall, in addition to a demand for foreclosure, contain:

- 22 1. A description of the stallion, bull or jack,
23 when used and of the dam and its progeny.
- 24 2. The time and terms of said service.
- 25 3. A statement of the amount due for said service.

1 Sec. 173. Section five hundred eighty point five
2 (580.5), Code 1971, is amended to read as follows:

3 580.5 POSSESSION AND NOTICE. The ~~constable-or~~
4 sheriff shall, under said affidavit, take immediate
5 possession of said progeny, and give written notice
6 of the sale thereof, which notice shall contain:

7 1. A copy of the said affidavit.

8 2. The date and hour when, and the particular place
9 at which, said property will be sold.

10 Sec. 174. Section five hundred eighty point eight
11 (580.8), Code 1971, is amended to read as follows:

12 580.8 SALE--APPLICATION OF PROCEEDS. If payment
13 of the service fee, and ~~constable~~ costs, be not made
14 prior to the time of sale, as fixed in such notice,
15 the ~~constable~~ sheriff may sell property so held by him,
16 or so much thereof as may be necessary, at public auction
17 to the highest bidder, and the proceeds shall be applied,
18 first, to the payment of the costs, and second, in
19 payment of amount due for service fee. Any surplus
20 arising from such sale shall be forthwith paid to the
21 owner of the property sold.

22 Sec. 175. Section five hundred ninety-five point
23 ten (595.10), Code 1971, is amended by striking
24 subsections one (1) and two (2) and inserting in lieu
25 thereof the following:

1 "A judge of the supreme or district court, including
2 a district associate judge, or a judicial magistrate."

3 Sec. 176. Section six hundred point one (600.1),
4 unnumbered paragraph one (1), Code 1971, is amended
5 to read as follows:

6 600.1 WHO MAY ADOPT--PETITION. Any person of lawful
7 age may petition the district court of the county in
8 which he or the child resides for permission to adopt
9 any child not his own, but no person other than the
10 parent of a child may assume the permanent care and
11 custody of a child under fourteen years of age except
12 in accordance with the provisions of this chapter or
13 chapter 238. If the petitioner be married, the spouse
14 shall join in the petition unless such spouse is a
15 natural parent of the child. An adult may be adopted,
16 and only such provisions of this chapter shall apply
17 thereto as the court may order. ~~The-judges-of-the~~
18 ~~district-court-may-designate-a-municipal-court-judge~~
19 ~~to-act-as-judge-in-adoption-matters-with-jurisdiction~~
20 ~~in-cases-arising-in-the-county-in-which-such-municipal~~
21 ~~court-is-organized.~~

22 Sec. 177. Section six hundred four point two (604.2),
23 Code 1971, is amended to read as follows:

24 604.2 APPEALS AND WRITS OF ERROR. It shall also
25 possess and exercise jurisdiction in all appeals and

1 writs of error taken in civil and criminal actions and
2 special proceedings authorized to be taken from all
3 ~~inferier-courts~~, tribunals, boards, or officers, under
4 any provisions of the laws of this state, and shall
5 have a general supervision thereof, in all matters,
6 to prevent and correct abuses, where no other remedy
7 is provided.

8 Sec. 178. Section six hundred four point eleven
9 (604.11), Code 1971, is amended to read as follows:

10 604.11 CITY OR TOWN TO PROVIDE COURTROOM. Where
11 court is held in any city or town not the county seat,
12 such city or town shall provide and furnish the necessary
13 rooms and places therefor free of charge to the county.
14 ~~Any-necessary-alterations,-repairs,-or-additions-to~~
15 ~~said-rooms-and-places-shall-be-provided-at-the-expense~~
16 ~~of-the-county,-and-the-board-of-supervisors-is-authorized~~
17 ~~and-empowered-to-make-such-alterations,-improvements,-~~
18 ~~or-additions,-the-cost-thereof-not-to-be-in-excess-of~~
19 ~~the-limitations-imposed-by-section-345-4-~~

20 Sec. 179. This section shall take effect July 1,
21 1971. Section six hundred five point two (605.2), Code
22 1971, is amended to read as follows:

23 605.2 EXPENSES. Where a judge of the district or
24 supreme court is required, in the discharge of his
25 official duties, to leave the county of his residence

1 or leave the city or town of his residence to perform
2 such duties, he shall be paid such actual and necessary
3 ~~hotel~~ expenses for living quarters and living expenses
4 not to exceed the sum of fifteen dollars per day and
5 transportation expenses as shall be incurred.

6 Sec. 180. Section six hundred five point fourteen
7 (605.14), Code 1971, is amended to read as follows:

8 605.14 JUDGE TO BE ATTORNEY. No person shall be
9 eligible to the office of judge of a court of record,
10 ~~except-of-police-courts~~ except judicial magistrate,
11 who is not, at the time of his election, an attorney
12 at law, duly admitted to practice under the laws of
13 this state.

14 Sec. 181. Section six hundred five point fifteen
15 (605.15), Code 1971, is amended to read as follows:

16 605.15 PRACTICE PROHIBITED. During the time that
17 he is holding such office he shall not practice as an
18 attorney or counselor or give advice in relation to
19 any action pending or about to be brought in any of
20 the courts of the state. ~~Nothing-contained-in-this~~
21 ~~section-shall-be-construed-to-prohibit-police-court~~
22 ~~judges-from-practicing-as-attorneys-and-counselors-in~~
23 ~~civil-matters.~~ Judicial magistrates who are members
24 of the bar of Iowa may practice as attorneys and
25 counselors, except they may not practice as attorneys

1 and counselors, or give advice, in relation to any
2 matter within the purview of the jurisdiction of judicial
3 magistrates as defined in section twenty-five (25) of
4 this Act.

5 Sec. 182. Section six hundred five A point three
6 (605A.3), Code 1971, is amended to read as follows:

7 605A.3 NOTICE BY JUDGE IN WRITING. This chapter
8 shall not apply to any judge of the municipal, superior,
9 district or supreme court, including district associate
10 judges, until he gives notice in writing, while serving
11 as a judge, to the state comptroller and treasurer of
12 state, of his purpose to come within its purview.

13 Judges of the municipal and superior courts shall at
14 the same time give a copy of such notice to the city
15 treasurer and county auditor within the district of
16 such court. Such notice shall be given within one year
17 after the effective date hereof or within one year after
18 any date on which he takes oath of office as such judge.

19 Sec. 183. Section six hundred five A point four
20 (605A.4), unnumbered paragraph one (1), Code 1971, is
21 amended to read as follows:

22 605A.4 DEPOSIT BY JUDGE--DEDUCTIONS--CONTRIBUTIONS
23 BY GOVERNING BODY. Each judge coming within the purview
24 of this chapter shall, on or before retirement, pay
25 to the state comptroller for deposit with the state

1 treasurer to the credit of a fund to be known as the
2 "judicial retirement fund", hereinafter called the
3 "fund", a sum equal to four percent of his basic salary
4 for services as such judge for the total period of ser-
5 vice as a judge of a municipal, superior, district or
6 supreme court, including district associate judges,
7 before the date of said notice, and after the date of
8 the notice there shall be deducted and withheld from
9 the basic salary of each judge coming within the purview
10 of this chapter a sum equal to four percent of such
11 basic salary. Provided that the maximum amount which
12 any judge shall be required to contribute for past ser-
13 vice shall not exceed for municipal or superior or
14 district associate judges thirty-five hundred dollars,
15 for district judges four thousand dollars and for supreme
16 court judges five thousand dollars. The amounts so
17 deducted and withheld from the basic salary of each
18 said judge shall be paid to the state comptroller for
19 deposit with the treasurer of state to the credit of
20 the judicial retirement fund, and said fund is hereby
21 appropriated for the payment of annuities, refunds,
22 and allowances herein provided, except that the amount
23 of such appropriations affecting payment of annuities,
24 refunds, and allowances to judges of the municipal and
25 superior court shall be limited to that part of said

1 fund accumulated for their benefit as hereinafter
2 provided. The judges of the municipal, superior,
3 district and supreme court, including district associate
4 judges, coming within the provisions of this chapter
5 shall be deemed to consent and agree to the deductions
6 from basic salary as provided herein, and payment less
7 such deductions shall be a full and complete discharge
8 and acquittance of all claims and demands whatsoever
9 for all regular services rendered by such judges during
10 the period covered by such payment, except the right
11 to the benefits to which they shall be entitled under
12 the provisions of this chapter. The state shall
13 contribute a sum not exceeding three percent of the
14 basic salary of all judges of the district and supreme
15 court for the years 1949 and 1950 and thereafter such
16 sums as may be necessary over the amount contributed
17 by the district and supreme court judges to finance
18 the system, but only to the extent that the system
19 applies to them. After July 1, 1973, the state shall
20 contribute such sums as may be necessary over the amount
21 contributed by district associate judges to finance
22 the system as to them for the portion of their tenure
23 prior to July 1, 1973; and the respective cities and
24 counties within each municipal and superior court
25 district shall contribute the additional amount necessary

1 pursuant to the next paragraph of this section, for
2 the portion of the tenure of such district associate
3 judges prior to July 1, 1973.

4 Sec. 184. Section six hundred five A point eight
5 (605A.8), Code 1971, is amended to read as follows:

6 605A.8 INDIVIDUAL ACCOUNTS--REFUNDING. The amounts
7 deducted and withheld from the basic salary of each
8 judge of the municipal, superior, district or supreme
9 court, including district associate judges, for the
10 credit of the judicial retirement fund and all amounts
11 paid into such fund by each judge shall be credited
12 to the individual account of such judge. In the event
13 a judge of the municipal, superior, district or supreme
14 court, including district associate judges, becomes
15 separated from service as such judge before he completes
16 an aggregate of six years of service as a judge of one
17 or more of such courts, the total amount of his
18 contribution to the fund shall be returned to said judge
19 or his legal representatives, and in the event a judge
20 who has completed an aggregate of six years or more
21 of service as a judge of one or more of such courts,
22 dies before retirement, the total amount of his
23 contribution to the fund shall be paid in one sum to
24 his legal representatives, and in the event an annuitant
25 under this section dies, without having received in

1 annuities an amount equal to the total amount remaining
2 to his credit at the time of his separation from service,
3 the amount remaining to his credit shall be paid in
4 one sum to his legal representatives.

5 Sec. 185. Section six hundred six point thirteen
6 (606.13), Code 1971, is amended to read as follows:

7 606.13 NOT TO BE JUSTICE-OR ATTORNEY. The clerk,
8 or deputy clerk of the district court is prohibited
9 from ~~holding-the-office-of-justice-of-the-peace7-or~~
10 practicing, directly or indirectly, as an attorney or
11 solicitor in any of the courts of this state.

12 Sec. 186. Section six hundred six point fifteen
13 (606.15), subsection fourteen (14), Code 1971, is amended
14 to read as follows:

15 14. For filing and docketing transcript of judgment
16 from another county ~~or-a-justice-of-the-peace-or~~
17 ~~municipal-court~~, one dollar.

18 Sec. 187. Section six hundred seven point five
19 (607.5), Code 1971, is amended by striking subsections
20 two (2) and three (3).

21 Sec. 188. Section six hundred eighteen point thirteen
22 (618.13), Code 1971, is amended by striking unnumbered
23 paragraph two (2).

24 Sec. 189. Section six hundred twenty-one point nine
25 (621.9), Code 1971, is amended to read as follows:

1 621.9 CASH IN LIEU OF BOND. In all cases in which
2 a bond for security for costs is required, the party
3 required to give such security may deposit in cash the
4 amount fixed in said bond with the clerk of the district
5 court ~~or-justice-of-the-peace~~ in lieu of said bond.

6 Sec. 190. Section six hundred twenty-two point
7 sixty-three (622.63), Code 1971, is amended to read
8 as follows:

9 622.63 SUBPOENAS. The clerks of the several courts
10 shall, on application of any person having a cause or
11 matter pending in court, issue a subpoena for witnesses
12 under the seal of the court, inserting all the names
13 required by the applicant in one subpoena, if
14 practicable, which may be served by the sheriff ~~or-any~~
15 ~~constable~~ of the county, or by the party or any other
16 person.

17 Sec. 191. Section six hundred twenty-two point
18 sixty-nine (622.69), Code 1971, is amended by striking
19 the section and inserting in lieu thereof the following:

20 "Witnesses shall receive three dollars for each day's
21 attendance and ten cents per mile for each mile actually
22 traveled."

23 Sec. 192. Section six hundred twenty-two point
24 seventy-three (622.73), Code 1971, is amended to read
25 as follows:

1 622.73 FEES PAYABLE BY COUNTY. For attending before
2 the trial jury or court in criminal cases where the
3 defendant is adjudged not guilty, the fees above provided
4 for attending ~~the-district-or-justice's~~ court shall
5 be paid by the county, upon a certificate of the clerk
6 or ~~justice~~ judicial magistrate showing the amount of
7 the services to which they are entitled.

8 Sec. 193. Section six hundred twenty-two point
9 seventy-five (622.75), Code 1971, is amended to read
10 as follows:

11 622.75 REIMBURSEMENT TO PARTY OR COUNTY. When the
12 county or any party has paid the fees of any witness,
13 and the same is afterward collected from the adverse
14 party, the county or person so paying the same shall,
15 upon the production of the receipt of such witness or
16 other satisfactory evidence, be entitled to such fee,
17 ~~whether-it-be-in-the-hands-of-the-justice-or-clerk,~~
18 ~~or-has-been-paid-into-the-county-treasury.~~

19 Sec. 194. Section six hundred twenty-two point
20 seventy-eight (622.78), Code 1971, is amended to read
21 as follows:

22 622.78 SERVING SUBPOENA. If a witness conceals
23 himself, or in any manner attempts to avoid being
24 personally served with a subpoena, any sheriff or
25 constable having the subpoena may use all necessary

1 and proper means to serve the same, and may for that
2 purpose break into any building or other place where
3 the witness is to be found, having first made known
4 his business and demanded admission.

5 Sec. 195. Section six hundred twenty-two point
6 eighty-four (622.84), Code 1971, is amended to read
7 as follows:

8 622.84 SUBPOENAS--ENFORCING OBEDIENCE. When, by
9 the laws of this or any other state or country, testimony
10 may be taken in the form of depositions to be used in
11 any of the courts thereof, the person authorized to
12 take such depositions may issue subpoenas for witnesses,
13 which must be served by the same officers and returned
14 in the same manner as is required in ~~a-justice's-court~~
15 district court, and obedience thereto may be enforced
16 in the same way and to the same extent ~~a-justice-of~~
17 ~~the-peace-might-do~~, or he may report the matter to the
18 district court who may enforce obedience as though the
19 action was pending in said court.

20 Sec. 196. Section six hundred twenty-two point
21 ninety-three (622.93), Code 1971, is amended by striking
22 unnumbered paragraph two (2).

23 Sec. 197. Section six hundred twenty-five point
24 thirteen (625.13), Code 1971, is amended to read as
25 follows:

1 625.13 DISMISSAL FOR WANT OF JURISDICTION. Where
2 an action is dismissed from any court for want of
3 jurisdiction~~7-er-because-it-has-not-been-regularly~~
4 ~~transferred-from-an-inferior-to-a-superior-court~~7 the
5 costs shall be adjudged against the party attempting
6 to institute or bring up the same.

7 Sec. 198. Section six hundred twenty-six point
8 ninety-four (626.94), Code 1971, is amended to read
9 as follows:

10 626.94 PROPERTY UNSOLD--OPTIONAL PROCEDURE. Subject
11 to the provisions of section 626.93, when property is
12 unsold for want of bidders, the levy still holds good;
13 and, if there be sufficient time, it may again be
14 advertised, or the execution returned and one issued
15 commanding the officer to sell the property, describing
16 it, previously levied on, to which a clause may be added
17 that, if such property does not produce a sum sufficient
18 to satisfy such execution, the officer shall proceed
19 to make an additional levy, on which he shall proceed
20 as on other executions; or the plaintiff may, in writing
21 filed with the clerk ~~or-justice~~, abandon such levy,
22 upon paying the costs thereof; in which case execution
23 may issue with the same effect as if none had ever been
24 issued.

25 Sec. 199. Section six hundred twenty-six point one

1 hundred eight (626.108), Code 1971, is amended to read
2 as follows:

3 626.108 FEE BILL EXECUTION. After the expiration
4 of sixty days from the rendition of a final judgment
5 not appealed, removed, or reversed, the clerk of the
6 court~~, or a justice of the peace in whose office the~~
7 ~~judgment is entered,~~ may, and, upon demand of any party
8 entitled to any part thereof, shall, issue a fee bill
9 for all costs of such judgment, which shall have the
10 same force and effect as an execution issued by such
11 officer; and shall be served and executed in the same
12 manner.

13 Sec. 200. Section six hundred thirty point one
14 (630.1), Code 1971, is amended to read as follows:

15 630.1 DEBTOR EXAMINED. When execution against the
16 property of a judgment debtor, or one of several debtors
17 in the same judgment, has been issued from the ~~superior,~~
18 ~~municipal,~~ district, or supreme court to the sheriff
19 of the county where such debtor resides, or if he ~~do~~
20 does not reside in the state, to the sheriff of the
21 county where the judgment was rendered, or a transcript
22 of a justice's judgment has been filed, and execution
23 issued thereon is returned unsatisfied in whole or in
24 part, the owner of the judgment is entitled to an order
25 for the appearance and examination of such debtor.

1 Sec. 201. Section six hundred thirty point three
2 (630.3), Code 1971, is amended to read as follows:

3 630.3 BY WHOM ORDER GRANTED. Such order may be
4 made by the ~~superior-or~~ district court in which the
5 judgment was rendered, or by the district court of the
6 county to which execution has been issued. The debtor
7 may be required to appear and answer before either of
8 such courts, or before a referee appointed for that
9 purpose by the court who issued the order, to report
10 either the evidence or the facts.

11 Sec. 202. Section six hundred thirty-nine point
12 eleven (639.11), Code 1971, is amended to read as
13 follows:

14 639.11 BOND. In all cases before it can be issued,
15 the plaintiff must file with the clerk a bond for the
16 use of the defendant, with sureties to be approved by
17 such clerk, in a penalty at least double the value of
18 the property sought to be attached, and in no case,
19 ~~except-in-a-class-B-case-in-municipal-court,~~ less than
20 two hundred fifty dollars ~~in-a-court-of-record,-on-less~~
21 ~~than-fifty-dollars-if-in-a-justice-court-or-a-class~~
22 ~~B-case-in-municipal-court,~~ conditioned that the plaintiff
23 will pay all damages which the defendant may sustain
24 by reason of the wrongful suing out of the attachment.

25 Sec. 203. Section six hundred thirty-nine point

1 sixty-eight (639.68), Code 1971, is amended to read
2 as follows:

3 639.68 SHERIFF--CONSTABLES. The word "sheriff",
4 or "officer", as used in this chapter is meant to apply
5 to ~~constables-when-the-proceedings-are-in-a-justice's~~
6 ~~court,-or~~ the like officer of any other court.

7 Sec. 204. Section six hundred forty-two point one
8 (642.1), Code 1971, is amended to read as follows:

9 642.1 WHO MAY BE GARNISHED. A sheriff ~~or-constable~~
10 may be garnished for money of the defendant in his
11 hands; a judgment debtor of the defendant, when the
12 judgment has not been assigned on the record, or by
13 writing filed in the office of the clerk and by him
14 minuted as an assignment on the margin of the judgment
15 docket; and an executor, for money due from decedent.

16 Sec. 205. Section six hundred forty-three point
17 five (643.5), Code 1971, is amended to read as follows:

18 643.5 BOND. When the plaintiff desires the immediate
19 delivery of the property, he shall execute a bond to
20 the defendant, with sureties to be approved by the clerk
21 ~~ex-justice~~, in a penalty at least equal to twice the
22 value of the property sought to be taken, conditioned
23 that he will appear in court on or before the day fixed
24 in the original notice, and prosecute his action to
25 judgment, and return the property, if a return is

1 awarded, and pay all costs and damages that may be
2 adjudged against him.

3 Sec. 206. Section six hundred forty-three point
4 six (643.6), Code 1971, is amended to read as follows:

5 643.6 FILING--PURPOSE OF BOND. Said bond shall
6 be filed with the clerk ~~or-justice~~, and be for the use
7 of any person injured by the proceeding.

8 Sec. 207. Section six hundred forty-three point
9 seven (643.7), Code 1971, is amended to read as follows:

10 643.7 WRIT ISSUED. The clerk ~~or-justice~~ shall
11 thereupon issue a writ under his hand, and the seal
12 of the court ~~if-a-court-of-record~~, directed to the
13 proper officer, requiring him to take the property
14 therein described and deliver it to the plaintiff.

15 Sec. 208. Section six hundred forty-four point one
16 (644.1), Code 1971, is amended to read as follows:

17 644.1 TAKING UP VESSELS, RAFTS, LOGS AND LUMBER.

18 If any person shall stop or take up any vessel or
19 watercraft, or any raft of logs, or part thereof, or
20 any logs suitable for making lumber or hewn timber,
21 or sawed lumber, found adrift within the limits or upon
22 the boundaries of this state, of the value of five
23 dollars or upwards, including the cargo, tackle, rigging,
24 and other appendages of such vessel or watercraft,
25 such person, within five days thereafter, provided the

1 same shall not have been previously proved and restored
2 to the owner, shall go before some ~~justice-of-the-peace~~
3 ~~in-the-township~~ district judge, district associate
4 judge, judicial magistrate, or district court clerk
5 where such property is found, and make affidavit setting
6 forth the exact description of such property; where
7 and when the same was found; whether any, and if so
8 what cargo, tackle, rigging, or other appendages were
9 found on board or attached thereto; and that the same
10 has not been altered or defaced, either in whole or
11 in part, since the taking up, either by him or by any
12 other person to his knowledge.

13 Sec. 209. Section six hundred forty-four point two
14 (644.2), Code 1971, is amended to read as follows:

15 644.2 WARRANT--APPRAISAL--RETURN--RECORD. The said
16 ~~justice~~ district judge, district associate judge,
17 judicial magistrate, or district court clerk shall
18 thereupon issue his warrant, directed to some ~~constable~~
19 ~~of-his-township~~ peace officer, commanding him to summon
20 three respectable householders of the neighborhood,
21 who shall proceed without delay to examine and appraise
22 such property, including cargo, tackle, rigging, and
23 other appendages if any there be, and to make report
24 thereof under their hands to the ~~justice~~ magistrate, judge or clerk
25 issuing such warrant, who shall ~~enter-the-same, together~~

1 with-the-affidavit-of-the-taker-up,-at-large-in-his
2 estray-book,-and-within-five-days-shall-transmit-a
3 certified-copy-thereof-to-the-county-auditor-of-the
4 proper-county,-to-be-by-him-recorded-in-his-estray-book
5 and-filed-in-his-office transmit a certified copy thereof
6 to the county auditor to be recorded in the estray book
7 in his office.

8 Sec. 210. Section six hundred forty-four point four
9 (644.4), Code 1971, is amended to read as follows:

10 644.4 VALUE EXCEEDING TWENTY DOLLARS. If the value
11 thereof shall exceed the sum of twenty dollars, the
12 county auditor, within five days from the time of the
13 reception of the justice's magistrate, judge or clerk's certificate
14 at his office, shall cause an advertisement to be posted
15 on the door of the courthouse, and at three other of
16 the most public places in the county, and also a notice
17 to be published once each week for three weeks
18 successively, in some newspaper printed in this state;
19 and if such property be not claimed or proved within
20 ninety days after the advertisement of the same, as
21 aforesaid, the finder shall deliver the same to the
22 sheriff of the county wherein it was taken up, who shall
23 thereupon proceed to sell it at public auction to the
24 highest bidder for cash, having first given ten days'
25 notice of the time and place of sale, and the proceeds

1 of all such sales, after deducting the costs and other
2 necessary expenses, shall be paid into the county
3 treasury.

4 Sec. 211. Section six hundred forty-four point
5 twelve (644.12), Code 1971, is amended to read as
6 follows:

7 644.12 OWNERSHIP SETTLED. In any case where a claim
8 is made to property found or taken up, and the ownership
9 of the property cannot be agreed upon by the finder
10 and claimant, they may make a case before any ~~justice~~
11 ~~of-the-peace~~ district judge, associate district judge,
12 or judicial magistrate in the county, who may hear and
13 adjudicate it, and if either of them refuses to make
14 such case the other may make an affidavit of the facts
15 which have previously occurred, and the claimant shall
16 also verify his claim by his affidavit, and the ~~justice~~
17 district judge, associate district judge, or judicial
18 magistrate may take cognizance of and try the matter
19 on the other party having one day's notice, but there
20 shall be no appeal from the decision. This section
21 does not bar any other remedy given by law.

22 Sec. 212. Section six hundred forty-four point
23 fourteen (644.14), Code 1971, is amended to read as
24 follows:

25 644.14 COSTS, CHARGES AND CARE--ASSESSMENT. The

1 owner shall also be required to pay the finder all such
2 costs and charges as may have been paid by him for
3 services rendered as aforesaid, including the cost of
4 publication, together with reasonable charges for keeping
5 and taking care of such property, which last mentioned
6 charge, in case the finder and the owner cannot agree,
7 shall be assessed by two disinterested householders
8 of the neighborhood, to be appointed by some justice
9 of-the-peace magistrate judge of the proper county,
10 whose decision, when made, shall be binding and con-
11 clusive on all parties.

12 Sec. 213. Section six hundred forty-eight point
13 five (648.5), Code 1971, is amended to read as follows:

14 648.5 JURISDICTION--TRANSFER--APPEAL. ~~The district,~~
15 ~~municipal,--and--superior--courts--within--the--county,--and~~
16 ~~justices--of--the--peace--within--the--township--where--the~~
17 ~~subject--matter--of--the--action--is--situated,~~ The district
18 court within the county shall have concurrent
19 jurisdiction of actions for the forcible entry or
20 detention of real property, ~~--and--the--court--first--acquiring~~
21 ~~jurisdiction--of--an--action--therefor--shall--retain--the~~
22 ~~same--until--judgment,--unless--it--is--transferred--as~~
23 ~~hereinafter--provided.~~ Where an action is brought in
24 the district, ~~--superior,--or--municipal~~ court it shall
25 be tried as an equitable action, and upon presentation

1 of the petition to the ~~court-or~~ associate district judge
2 or judicial magistrate after the same has been filed,
3 the court ~~er-judge~~ shall make an order fixing the time
4 and place for hearing upon said petition and shall
5 prescribe that notice of the hearing be personally
6 served upon the defendant or defendants, which service
7 shall be at least five days prior to the date set for
8 hearing. ~~By-agreement-of-the-parties,-it-may-be~~
9 ~~transferred-from-a-justice's-court-to-a-municipal,~~
10 ~~superior,-or-the-district-court,-or-from-a-superior~~
11 ~~or-a-municipal-to-the-district-court,-and-all-such~~
12 ~~actions-in-which-judgment-is-rendered-in-a-justice's~~
13 ~~court-may-be-appealed-to-the-district-or-superior-court,~~
14 ~~as-provided-by-law.~~

15 Sec. 214. Section six hundred forty-eight point
16 ten (648.10), Code 1971, is amended to read as follows:

17 648.10 SERVICE BY PUBLICATION. Where it is made
18 to appear by affidavit that personal service of the
19 original notice in such action cannot be made upon the
20 defendant within the state, the same may be made by
21 publication, ~~if-in-a-court-of-record,-or-by-posting,~~
22 ~~if-in-a-justice's-court,~~ in the same manner and for
23 the same length of time as is required in other cases
24 where such substituted service may be made.

25 Sec. 215. Section six hundred forty-eight point

thirteen (648.13), Code 1971, is amended to read as follows:

648.13 TITLE IN ISSUE. The question of title can only be investigated ~~in-the~~ by a district court judge, and ~~can-be-pleaded-in-a-municipal-court-or-a-justice's court-only-as-provided-in-subsection-4-of-section-648-4.~~

Sec. 216. Section six hundred fifty-seven point six (657.6), Code 1971, is amended to read as follows:

657.6 STAY OF EXECUTION. Instead of issuing such warrant, the court ~~or-justice~~ may order the same to be stayed upon motion of the defendant, and upon his entering into an undertaking to the state, in such sum and with such surety as the court ~~or-justice~~ may direct, conditioned either that the defendant will discontinue said nuisance, or that, within a time limited by the court, and not exceeding six months, he will cause the same to be abated and removed, as either is directed by the court; and, upon his failure to perform the condition of his undertaking, the same shall be forfeited, and the court ~~or-justice-of-the-peace,-as the-case-may-be,~~ upon being satisfied of such default, may order such warrant forthwith to issue, and action may be brought on such undertaking.

Sec. 217. Section six hundred sixty-one point four (661.4), Code 1971, is amended to read as follows:

1 661.4 ORDER ISSUED. The order may be issued by
2 the district ~~or-superior~~ court to any inferior tribunal,
3 or to any corporation, officer, or person; and by the
4 supreme court to any district ~~or-superior~~ court, if
5 necessary, and in any other case where it is found
6 necessary for that court to exercise its legitimate
7 power.

8 Sec. 218. Section six hundred sixty-three point
9 three (663.3), Code 1971, is amended to read as follows:

10 663.3 WRIT ALLOWED--SERVICE. The writ may be allowed
11 by the supreme, or district, -municipal, -or-superior
12 court, or by any a supreme court judge or district judge
13 ~~of-either-of-these-courts~~, and may be served in any
14 part of the state.

15 Sec. 219. Section six hundred sixty-five point four
16 (665.4), Code 1971, is amended by striking subsections
17 two (2) and three (3) and inserting in lieu thereof
18 the following:

19 2. By district judges and district associate judges,
20 by a fine not exceeding five hundred dollars or imprison-
21 ment in a county jail not exceeding six months or by
22 both such fine and imprisonment.

23 3. By judicial magistrates, by a fine not exceeding
24 one hundred dollars or imprisonment in a county jail
25 not exceeding thirty days.

1 Sec. 220. Section six hundred sixty-six point six
2 (666.6), unnumbered paragraph one (1), Code 1971, is
3 amended to read as follows:

4 666.6 REPORT OF FORFEITED BONDS. Clerks of district,
5 ~~municipal, superior, and police courts, mayors of cities~~
6 ~~and towns, and justices of the peace~~ court shall, on
7 the first Monday in January in each year, make report
8 in writing to the board of supervisors for their
9 respective counties of all forfeited recognizances in
10 their offices; of all fines, penalties, and forfeitures
11 imposed in their respective courts, which by law go
12 into the county treasury for the benefit of the school
13 fund; in what cause or proceeding, when and for what
14 purpose, against whom and for what amount, rendered;
15 whether said fines, penalties, forfeitures, and
16 recognizances have been paid, remitted, canceled, or
17 otherwise satisfied; if so, when, how, and in what
18 manner, and if not paid, remitted, canceled, or other-
19 wise satisfied, what steps have been taken to enforce
20 the collection thereof.

21 Sec. 221. Section six hundred sixty-seven point
22 two (667.2), Code 1971, is amended to read as follows:

23 667.2 PETITION AND WARRANT. The petition must be
24 in writing, sworn to, and filed with the clerk ~~or a~~
25 ~~justice of the peace~~, who shall thereupon issue a warrant

1 to the proper officer, commanding him to seize the boat
2 or raft, its apparel, tackle, furniture, and appendages,
3 and detain the same until released by due course of
4 law.

5 Sec. 222. Section six hundred sixty-seven point
6 five (667.5), Code 1971, is amended to read as follows:

7 667.5 SERVICE OF WARRANT. Any ~~constable-or~~ marshal
8 of any city or town may execute the warrant~~,-whether~~
9 ~~it-issues-from-the-office-of-the-clerk-of-the-district~~
10 ~~or-superior-court,-or-of-a-justice.~~

11 Sec. 223. Section six hundred sixty-seven point
12 seven (667.7), Code 1971, is amended to read as follows:

13 667.7 BOND TO DISCHARGE. The property seized may
14 be discharged at any time before final judgment, by
15 giving a bond with sureties, to be approved by the
16 officer executing the warrant, or by the clerk ~~or-justice~~
17 who issued it, in a penalty double the plaintiff's
18 demand, conditioned that the obligors therein will pay
19 the amount which may be found due to the plaintiff,
20 together with the costs.

21 Sec. 224. Section six hundred eighty-five point
22 eight (685.8), subsection three (3), Code 1971, is
23 amended to read as follows:

24 3. Obtain reports from clerks of court, judges,
25 ~~justices-of-the-peace,-mayors,~~ and magistrates, in

1 accordance with law, or rules prescribed by the supreme
2 court as to cases and other judicial business in which
3 action has been delayed beyond periods of time specified
4 by law or such rules, and make report thereof;

5 Sec. 225. Section six hundred eighty-five point
6 nine (685.9), Code 1971, is amended to read as follows:

7 685.9 CO-OPERATION OF COURT OFFICERS. The judges,
8 ~~justices-of-the-peace,-mayors,~~ district associate judges,
9 judicial magistrates, reporters, clerks of court,
10 probation officers, sheriffs, and all other officers,
11 state and local, shall comply with all requirements
12 made by the ~~statistician~~ court administrator or his
13 assistants for information and statistical data bearing
14 on the state of the dockets of the courts, the progress
15 of court business, and such other information as may
16 reflect the business transacted by them and the
17 expenditure of moneys for the maintenance and operation
18 of the judicial system.

19 Sec. 226. Section six hundred eighty-five point
20 ten (685.10), Code 1971, is amended by striking the
21 section and inserting in lieu thereof the following:

22 "Sections six hundred eighty-five point six (685.6)
23 through six hundred eighty-five point nine (685.9),
24 inclusive, apply to the supreme court and the district
25 court."

1 Sec. 227. Section six hundred eighty-six point two
2 (686.2), Code 1971, is amended to read as follows:

3 686.2 MOTION FOR NEW TRIAL. The supreme court on
4 appeal may review and reverse any judgment or order
5 of the ~~municipal~~-~~superior~~-~~or~~ district court, although
6 no motion for a new trial was made in such court.

7 Sec. 228. Section seven hundred nine point nine
8 (709.9), Code 1971, is amended to read as follows:

9 709.9 TAKING GOODS FROM OFFICER. If any person,
10 knowingly and without authority of law, take, carry
11 away, secrete, or destroy any goods or chattels while
12 the same are lawfully in the custody of any sheriff,
13 county medical examiner, marshal, ~~constable~~, or other
14 officer, and held by such officer by virtue of execution,
15 writ of attachment, or other legal process, he shall
16 be guilty of larceny, and, when the value of the property
17 so taken, carried away, secreted, or destroyed exceeds
18 the sum of twenty dollars, be imprisoned in the
19 penitentiary not more than one year; and when it does
20 not exceed twenty dollars, be fined not exceeding one
21 hundred dollars, or imprisoned in the county jail not
22 more than thirty days.

23 Sec. 229. Section seven hundred twenty-five point
24 nine (725.9), Code 1971, is amended to read as follows:

25 725.9 WARRANTS FOR SEARCH OR SEIZURE. Any magistrate

1 or police judge is authorized, on complaint supported
2 by oath or affirmation of one or more persons, to issue
3 a warrant, directed to the sheriff of the county within
4 which such complaint is made, or to any constable or
5 police officer within said county, directing him or
6 them, or any of them, to search for, seize and take
7 possession of such books, papers, pictures, circulars,
8 articles, and things named in this chapter; and said
9 magistrate or police judge shall deliver personally,
10 or shall transmit, enclosed and under seal, specimens
11 thereof to the county attorney of his county, and shall
12 deposit within the county jail of his county, or other
13 secure place, as to him shall seem meet, enclosed and
14 under seal, the remainder thereof, and shall, upon the
15 conviction of the person or persons offending under
16 the provisions of this chapter, forthwith, in the
17 presence of the person or persons upon whose complaint
18 the seizure or arrest was made, if he or they shall
19 elect to be present, destroy, or cause to be destroyed,
20 the remainder thereof, and shall cause to be entered
21 upon the record of his court the fact of such
22 destruction.

23 Sec. 230. Section seven hundred thirty-one A point
24 four (731A.4), Code 1971, is amended to read as follows:

25 731A.4 JURISDICTION AND APPEAL. Juvenile courts

1 shall have jurisdiction in the prosecution of the offense
2 set forth herein, though the defendant or defendants
3 in such actions be adults. Said proceedings in juvenile
4 court shall be commenced by filing a sworn complaint
5 or information and the matter shall be tried summarily
6 and without a jury. Provided, however, that prior to
7 the filing of such complaint or information the probation
8 officer for the territory in question, or the county
9 attorney, shall make such investigation as he may deem
10 necessary, and no such complaint or information shall
11 be filed without the approval of such probation officer
12 or county attorney, except by order of a judge of the
13 juvenile court. Any defendant convicted upon such trial
14 shall have the right of appeal and trial de novo,
15 including the right of trial by jury, ~~in the district~~
16 ~~court, the same as in case of appeals thereto from the~~
17 ~~justice courts~~ before a district judge.

18 Sec. 231. Section seven hundred thirty-nine point
19 nine (739.9), Code 1971, is amended to read as follows:

20 739.9 SHERIFF OR OTHER OFFICERS RECEIVING BRIBES.
21 If any sheriff, deputy sheriff, ~~or constable~~, or any
22 marshal, deputy marshal, policeman, or police officer
23 of any city or town, receive from a defendant, or other
24 person, any money or other valuable thing as a
25 consideration or inducement for omitting or delaying

1 to arrest any defendant or to carry him before a
2 magistrate or to prison, or for postponing, delaying,
3 or neglecting the sale of property on execution, or
4 for omitting or delaying to perform any other duty
5 pertaining to his office, he shall be fined not exceeding
6 five hundred dollars, or imprisoned in the county jail
7 not exceeding six months, or both fined and imprisoned,
8 at the discretion of the court.

9 Sec. 232. Section seven hundred forty point five
10 (740.5), Code 1971, is amended to read as follows:

11 740.5 FALSELY ASSUMING TO BE OFFICER. If a person
12 falsely assume to be a district judge, justice-of-the
13 ~~peace~~, district associate judge, judicial magistrate,
14 sheriff, deputy sheriff, peace officer, special agent
15 of the Iowa department of public safety, or conserva-
16 tion officer, ~~-or-constable~~, and take upon himself to
17 act as such, or require anyone to aid or assist him
18 in any matter pertaining to the duty of any such officer,
19 he shall be imprisoned in the county jail not more than
20 one year, or be fined not exceeding three hundred
21 dollars.

22 Sec. 233. Section seven hundred forty point six
23 (740.6), Code 1971, is amended to read as follows:

24 740.6 STIRRING UP QUARRELS AND SUITS. If any judge,
25 ~~justice-of-the-peace~~, clerk of any court, sheriff,

1 ~~constable~~, district associate judge or judicial
2 magistrate, attorney, or counselor at law, encourage,
3 excite or stir up any action, quarrel, or controversy
4 between two or more persons, with intent to injure such
5 persons, he shall be fined not exceeding five hundred
6 dollars, and shall be answerable to the party injured
7 in treble damages.

8 Sec. 234. Section seven hundred forty-two point
9 seven (742.7), Code 1971, is amended to read as follows:

10 742.7 ARMED FORCES UNDER COMMAND OF SHERIFF. When
11 such armed force is called out, it shall obey the
12 commands of the sheriff or other person appointed by
13 the governor for that purpose, or by a judge of the
14 ~~supreme, district, or superior court, or other magistrate~~
15 or district court, district associate judge, or judicial
16 magistrate in the order named, but such officer or
17 person shall at all times be subject to the direction
18 of the governor.

19 Sec. 235. Section seven hundred forty-three point
20 four (743.4), Code 1971, is amended to read as follows:

21 743.4 UNLAWFUL ASSEMBLAGES--DISPERSION. When persons
22 to the number of twelve or more, armed with dangerous
23 weapons, or persons to the number of thirty or more,
24 whether armed or not, are unlawfully or riotously
25 assembled in any city or town, any judge, sheriff, and

1 his deputies if they be present, the mayor, aldermen,
2 marshal, ~~constables, and justices of the peace~~ and
3 judicial magistrates of such city or town must go among
4 the persons assembled, or as near them as may be safe,
5 and command them, in the name of the state, immediately
6 to disperse.

7 Sec. 236. Section seven hundred forty-six point
8 seven (746.7), Code 1971, is amended to read as follows:

9 746.7 TAKING BEFORE MAGISTRATE. If such arrest
10 is made during the night, the officer may keep the
11 person arrested in confinement until the next morning,
12 unless bail be given, ~~and if made within the jurisdiction~~
13 ~~of a police court, he must be taken before such court,~~
14 ~~unless the judge is absent.~~

15 Sec. 237. Section seven hundred forty-eight point
16 one (748.1), Code 1971, is amended to read as follows:

17 748.1 "MAGISTRATE" DEFINED. The term "magistrate"
18 includes:

19 1. ~~All judges of the supreme, district, superior,~~
20 ~~or municipal courts, throughout the state.~~

21 2. ~~All justices of the peace, mayors, and judges~~
22 ~~of the police court, within their respective counties~~
23 all judges of the supreme and district courts and all
24 district associate judges and judicial magistrates.

25 Sec. 238. Section seven hundred forty-eight point

1 three (748.3), Code 1971, is amended by striking
2 subsection two (2).

3 Sec. 239. Section seven hundred fifty-one point
4 forty (751.40), Code 1971, is amended to read as follows:

5 751.40 APPEAL BY CLAIMANT. Any person appearing
6 as aforesaid may, when the proceedings are not before
7 a district judge of the district court, appeal to the
8 a district court judge from said judgment or forfeiture,
9 as to the whole or any part of said property, and the
10 procedure on appeal, except as herein modified, shall
11 be as upon other appeals from judicial magistrates'
12 judgments.

13 Sec. 240. Section seven hundred fifty-four point
14 one (754.1), Code 1971, is amended to read as follows:

15 754.1 DEFINITION. A complaint or preliminary
16 information is a statement in writing, under oath or
17 affirmation, made before a magistrate, or in his absence
18 before the district court clerk or his deputy, of the
19 commission or threatened commission of a public offense,
20 and accusing someone thereof. Provided, however, that
21 this section shall not apply to the uniform traffic
22 citations and complaints under section fifty-one (51)
23 of this Act.

24 Sec. 241. Section seven hundred fifty-four point
25 three (754.3), Code 1971, is amended to read as follows:

1 754.3 FILING--ISSUING WARRANT. When a preliminary
2 information is made before a magistrate, or district
3 court clerk or his deputy, charging the commission of
4 some designated public offense triable on indictment
5 in the county in which such magistrate, or district
6 court clerk or his deputy, has local jurisdiction, by
7 some person named therein, he may issue a warrant for
8 the arrest of such person.

9 Whenever the preliminary information or complaint
10 charges a misdemeanor the magistrate, or district court
11 clerk or his deputy, may in his discretion issue a
12 ~~summons~~ citation instead of a warrant of arrest. The
13 ~~summons~~ citation shall set forth substantially the
14 nature of the offense and shall command the person
15 against whom the complaint was made to appear before
16 the magistrate issuing the ~~summons~~ citation at a time
17 and place stated therein.

18 The ~~summons~~ citation may be served in the same manner
19 as an original notice in a civil action.

20 If the person named in the ~~summons~~ citation is
21 actually served as provided herein and fails without
22 good cause to appear as commanded by the ~~summons~~
23 citation, he shall be considered in contempt of court
24 and may be punished by a fine of not more than twenty
25 dollars. Upon such failure to appear, the magistrate,

1 or district court clerk or his deputy, shall issue a
2 warrant of arrest for the offense originally charged,
3 and institute proceedings in contempt as provided by
4 chapter 665.

5 If after issuing a summons citation the magistrate,
6 or district court clerk or his deputy, becomes satisfied
7 that the person to whom such summons citation has been
8 directed will not appear, he may at once issue a warrant
9 of arrest without waiting for the date mentioned in
10 the summons citation. A warrant or citation issued
11 by a clerk or deputy shall be returnable before a
12 magistrate for the county, or in his absence, before
13 the nearest magistrate, whether the warrant is for a
14 felony as under section 757.2 or for a misdemeanor.

15 Sec. 242. Section seven hundred fifty-four point
16 five (754.5), Code 1971, is amended to read as follows:

17 754.5 DIRECTED TO PEACE OFFICER--CONTENTS. The
18 warrant must be directed to any peace officer in the
19 state; give the name of the defendant, if known to the
20 magistrate, or district court clerk or his deputy; if
21 unknown, may designate him by any name, and must state
22 by name or general description an offense which
23 authorizes a warrant to issue, the time of issuing it,
24 the county, city, town, village, or township where
25 issued, and be signed by the magistrate, or district

1 court clerk or his deputy, with his name of office.

2 Sec. 243. Section seven hundred fifty-four point
3 six (754.6), Code 1971, is amended to read as follows:

4 754.6 ORDER FOR BAIL--ENDORSED ON WARRANT. If the
5 offense stated in the warrant be a misdemeanor, the
6 magistrate, or district court clerk or his deputy,
7 issuing it must make an endorsement thereon as follows:
8 "Let the defendant, when arrested, be admitted to bail
9 in the sum of dollars", stating the
10 amount in which bail may be taken.

11 Sec. 244. Section seven hundred fifty-eight point
12 one (758.1), Code 1971, is amended to read as follows:

13 758.1 DISPOSITION OF PRISONER. When an arrest is
14 made without a warrant, the person arrested shall,
15 without unnecessary delay, be taken before the nearest
16 ~~or-most-accessible-magistrate-in-the-county-in-which~~
17 ~~the-arrest-is-made~~, available magistrate, and the grounds
18 on which the arrest was made shall be stated to the
19 magistrate by affidavit, subscribed and sworn to by
20 the person making the statement, in the same manner
21 as upon a preliminary information, as nearly as may
22 be.

23 Sec. 245. Section seven hundred fifty-eight point
24 three (758.3), Code 1971, is amended to read as follows:

25 758.3 TRANSFER FOR CONVENIENCE. If the magistrate

1 finds that it will be more convenient for the witnesses
2 on the part of the state that such trial or examination
3 should be had before some other magistrate ~~in-the-county~~,
4 he shall, by a written order, commit the person arrested
5 to a peace officer, to be by him taken before the other
6 magistrate, together with the order of commitment and
7 affidavits, unless the person arrested give bail, when
8 authorized, for his appearance, as in case of arrest
9 under a warrant.

10 Sec. 246. Section seven hundred sixty point four
11 (760.4), Code 1971, is amended to read as follows:

12 760.4 DISCHARGE ORDERED--COSTS. If it appear that
13 there is no just reason to fear the commission of the
14 offense alleged to have been threatened, the person
15 complained of must be discharged, and the complainant
16 may be ordered to pay the costs of the proceeding if
17 the magistrate regards the complaint as unfounded and
18 frivolous, and, ~~unless-when-the-proceeding-is-before~~
19 ~~a-judge-of-the-supreme,-district,-or-superior-court,~~
20 ~~may-issue-execution-therefor,-and-when-the-proceeding~~
21 ~~is-before-a-judge-of-the-supreme,-district,-or-superior~~
22 ~~court,~~ he shall transmit the complaint, affidavits,
23 warrant, and order to the clerk of the district court
24 of the county, who shall file the same, make a memorandum
25 thereof in the judgment docket, and issue execution

1 therefor immediately.

2 Sec. 247. Section seven hundred sixty point seven
3 (760.7), Code 1971, is amended by striking the section
4 and inserting in lieu thereof the following:

5 "The undertaking, together with the complaints,
6 affidavits, if any, and other papers in the proceeding
7 must be filed by the magistrate with the clerk of
8 district court of the county to stand trial in the
9 district court subject to the provisions of sections
10 seven hundred sixty point ten (760.10) and seven hun-
11 dred sixty point eleven (760.11)."

12 Sec. 248. Section seven hundred sixty-one point
13 two (761.2), Code 1971, is amended to read as follows:

14 761.2 CHANGE OF VENUE--~~GROUND~~ MAGISTRATE. Before
15 any evidence is heard, the defendant may have a change
16 of venue, upon filing an affidavit that the magistrate
17 is prejudiced against him, or is a material witness
18 for either party, or that the defendant cannot obtain
19 justice before him, as affiant verily believes.

20 Sec. 249. Section seven hundred sixty-two point
21 one (762.1), Code 1971, is amended by striking the
22 section and inserting in lieu thereof the following:

23 762.1 TO WHOM TRIED. Judicial magistrates and
24 district associate judges must hear, try and determine
25 all nonindictable offenses. District judges may transfer

1 any nonindictable offenses pending before them to the
2 nearest judicial magistrate or district associate judge.

3 Sec. 250. Section seven hundred sixty-two point
4 two (762.2), Code 1971, is amended to read as follows:

5 762.2 INFORMATION, COMPLAINT. Criminal actions
6 for the commission of a public offense must be commenced
7 before a justice-of-the-peace magistrate by an
8 information or complaint, subscribed and sworn to, and
9 filed with the justice magistrate.

10 Sec. 251. Section seven hundred sixty-two point
11 six (762.6), Code 1971, is amended to read as follows:

12 762.6 WARRANT OF ARREST. Immediately upon the
13 filing of such information, the justice magistrate,
14 or in his absence, the district court clerk or deputy
15 may, in his discretion, issue a warrant for the arrest
16 of the defendant, directed in the same manner as a
17 warrant of arrest upon a preliminary information, which
18 may be served in like manner.

19 Sec. 252. Section seven hundred sixty-two point
20 seven (762.7), Code 1971, is amended to read as follows:

21 762.7 SERVICE OF WARRANT. The officer who receives
22 the warrant must serve the same by arresting the
23 defendant, if in his power, and bringing him without
24 unnecessary delay before the justice-who-issued-the
25 same magistrate. The magistrate may fix bail and in

1 his absence the district court clerk or deputy may do
2 so.

3 Sec. 253. Section seven hundred sixty-two point
4 fourteen (762.14), Code 1971, is amended to read as
5 follows:

6 762.14 CHANGE ALLOWED--TRANSMISSION OF PAPERS.

7 If such affidavit be filed, the change of place of trial
8 must be allowed, and the justice magistrate must
9 immediately transmit all the original papers, and a
10 transcript of all his docket entries in the case, to
11 the next nearest justice-in-the-township magistrate,
12 unless said justice magistrate be a party to the action,
13 or is related to either party by consanguinity, or
14 affinity within the fourth degree, or where he has been
15 attorney for either party in the action or proceeding;
16 and in such case the justice magistrate before whom
17 such action or proceeding is commenced shall transmit
18 all the original papers, together with a transcript
19 of all his docket entries, to the next nearest justice
20 in-the-county magistrate against whom none of the above
21 objections exist, who shall proceed with the case as
22 provided in this chapter, but no more than one change
23 of place of trial in the same case shall be allowed.

24 Sec. 254. Section seven hundred sixty-two point
25 fifteen (762.15), Code 1971, is amended by striking

1 the section and inserting in lieu thereof the following:

2 762.15 JURY TRIAL. Either party in a criminal
3 action shall be entitled to jury trial by filing with
4 the magistrate a written jury demand within ten days
5 after the information or complaint is filed, or at least
6 two days before the trial if the action is tried before
7 ten days elapses. Failure to make a jury demand in
8 the manner prescribed herein constitutes a waiver of
9 jury. If demand is made, the action shall be tried
10 by a jury of six members.

11 Sec. 255. Section seven hundred sixty-two point
12 sixteen (762.16), Code 1971, is amended by striking
13 the section and inserting in lieu thereof the following:

14 762.16 If trial by jury is demanded, the magistrate
15 shall notify the sheriff who shall furnish a bailiff
16 at that time and place to act as officer of the court.

17 Sec. 256. Section seven hundred sixty-two point
18 seventeen (762.17), Code 1971, is amended by striking
19 the section and inserting in lieu thereof the following:

20 762.17 If a trial by jury is demanded, the magistrate
21 shall notify the clerk of the time and place of trial.
22 The clerk shall thereupon select by lot fourteen names
23 from the district court jury panel selected pursuant
24 to section six hundred nine point nineteen (609.19)
25 of the Code. The clerk shall notify the jurors of the

1 time and place for trial.

2 Sec. 257. Section seven hundred sixty-two point
3 eighteen (762.18), Code 1971, is amended by striking
4 the section and inserting in lieu thereof the following:

5 762.18 CHALLENGES. The same challenges may be taken
6 by either party to any individual juror as on the trial
7 of an indictment for a misdemeanor, but no challenge
8 to the panel is allowed.

9 Sec. 258. Section seven hundred sixty-two point
10 nineteen (762.19), Code 1971, is amended by striking
11 the section and inserting in lieu thereof the following:

12 762.19 Sections seven hundred seventy-nine point
13 four (779.4) through seven hundred seventy-nine point
14 sixteen (779.16), inclusive, of the Code, relating to
15 trial juries, shall apply to trials under this chapter.

16 Sec. 259. Section seven hundred sixty-two point
17 twenty (762.20), Code 1971, is amended by striking the
18 section and inserting in lieu thereof the following:

19 762.20 If for any reason the magistrate's
20 panel as chosen by the clerk becomes insufficient to
21 obtain a jury, he may direct the officer of the court
22 to summon any bystander or others who may be competent,
23 and against whom no sufficient cause of challenge
24 appears, to act as jurors.

25 Sec. 260. Section seven hundred sixty-two point

1 twenty-seven (762.27), Code 1971, is amended to read
2 as follows:

3 762.27 RETIREMENT FOR CONSIDERATION--OATH. If they
4 do not immediately agree, they must retire with the
5 officer, who shall take the following oath: "You do
6 swear that you will keep the jury together in some pri-
7 vate and convenient place, ~~without feed or drink, water~~
8 ~~excepted, unless otherwise ordered by the court;~~ that
9 you will not permit any person to speak to them, nor
10 speak to them yourself, unless it be to ask them if
11 they have agreed upon a verdict, and that you will
12 return them into court when they have so agreed."

13 Sec. 261. Section seven hundred sixty-two point
14 thirty-one (762.31), Code 1971, is amended to read as
15 follows:

16 762.31 JUDGMENT--RULES. When the defendant pleads
17 guilty or is convicted, ~~either by the justice or by~~
18 ~~a jury, the justice~~ the magistrate shall render judgment
19 thereon of fine or imprisonment, as the case may require,
20 being governed by the rules prescribed for the district
21 court, as far as the same are applicable, in rendering
22 such judgment.

23 Sec. 262. Section seven hundred sixty-two point
24 thirty-two (762.32), Code 1971, is amended to read as
25 follows:

1 762.32 IMPRISONMENT FOR NONPAYMENT OF FINE. A
2 judgment that the defendant pay a fine may also direct
3 that he be imprisoned until the fine is satisfied,
4 pursuant to section 789.17.

5 Sec. 263. Section seven hundred sixty-two point
6 thirty-three (762.33), Code 1971, is amended to read
7 as follows:

8 762.33 DEFENDANT DISCHARGED. When the defendant
9 is acquitted, ~~either-by-the-justice-or-by-a-jury~~, he
10 must be immediately discharged.

11 Sec. 264. Section seven hundred sixty-two point
12 thirty-five (762.35), Code 1971, is amended to read
13 as follows:

14 762.35 APPEAL. In either case the prosecuting
15 witness may appeal from such judgment to ~~the~~ a district
16 ~~court judge~~, by giving notice thereof as provided ~~in~~
17 ~~this-chapter~~ with reference to appeals by defendant,
18 and the fact of the giving of such notice shall be
19 entered ~~by-the-justice~~ magistrate on his record. The
20 same procedure shall obtain as upon an appeal by the
21 defendant.

22 Sec. 265. Section seven hundred sixty-two point
23 forty-one (762.41), Code 1971, is amended to read as
24 follows:

25 762.41 PAYMENT TO SHERIFF. If the defendant be

1 committed for not paying a fine, he may pay it to the
2 sheriff of the county, but to no other person, who must
3 ~~in-like-manner~~, within thirty days after the receipt
4 thereof, pay it into the county treasury.

5 Sec. 266. Section seven hundred sixty-two point
6 forty-two (762.42), Code 1971, is amended to read as
7 follows:

8 762.42 RECEIPT FOR FINE. If the fine, or any part
9 thereof, is paid to the ~~justice~~ magistrate or sheriff,
10 he must execute duplicate receipts therefor, ~~one of~~
11 ~~which he must file without delay with the county auditor.~~

12 Sec. 267. Section seven hundred sixty-two point
13 forty-three (762.43), Code 1971, is amended by striking
14 the section and inserting in lieu thereof the following:

15 762.43 APPEAL. An appeal may only be taken by the
16 defendant and only upon a judgment of conviction.
17 Execution of the judgment shall be stayed upon the
18 filing with the clerk of the district court an appeal
19 bond with surety approved by the clerk, in the sum
20 specified in the judgment. The defendant may take an
21 appeal, by giving notice orally to the magistrate that
22 he appeals, or by delivering to the magistrate not later
23 than ten days thereafter, a written notice of his appeal,
24 and in either case the magistrate must make an entry
25 on its docket of the giving of such notice. Payment

1 of fine or service of a sentence of imprisonment does
2 not waive the right to appeal, nor render the appeal
3 moot. When an appeal is taken, the magistrate shall
4 forward to the appropriate district court clerk a copy
5 of the docket entries in his court, together with copies
6 of the complaint, warrant, motions, pleadings or other
7 papers in the case. A district judge shall promptly
8 hear the appeal upon the record thus filed without
9 further evidence. If the original action was tried
10 before a district judge acting as a judicial magistrate,
11 the appeal shall be to a different district judge.
12 The judge shall decide the appeal without regard to
13 technicalities or defects. Judgment shall be rendered
14 as though the case were being originally tried.

15 Sec. 268. Section seven hundred sixty-two point
16 forty-four (762.44), Code 1971, is amended by striking
17 the section and inserting in lieu thereof the following:
18 762.44 No judgment of conviction of a district court
19 judge shall be appealed to the supreme court except
20 by discretionary review as provided in section seventy-
21 three (73) of this Act.

22 Sec. 269. Section seven hundred sixty-three point
23 four (763.4), Code 1971, is amended to read as follows:

24 763.4 FORM OF BAIL BOND. Bail is put in by a written
25 undertaking, executed by one or more sufficient sureties

1 (with or without the defendant, in the discretion of
2 the court, clerk, or magistrate), accepted by the court,
3 clerk, or magistrate taking the same, and may be
4 substantially in the following form:

5 County of

6 An order having been made on the day of,

7 A.D., by A..... B....., a ~~justice-of-the-peace-(or~~
8 ~~other-magistrate)-of-the-township-of-.....~~

9 ~~(or-as-the-case-may-be)~~ (official title) that C.....

10 D..... be held to answer upon a charge of (stating briefly
11 the nature of the offense), upon which he has been duly
12 admitted to bail, in the sum of dollars.

13 We, E..... F..... and G..... H....., hereby undertake
14 that the said C..... D....., shall appear at the district
15 court of the county of, on the day of
16 (month), 19.... (year) (which date shall not be more
17 than twenty days after perfection of the undertaking), and
18 answer said charge, and submit to the orders and judgment of
19 said court, and not depart without leave of the same, or, if
20 he fail to perform either of these conditions, that we will
21 pay to the state of Iowa the sum of dollars (insert-
22 ing the sum in which the defendant is admitted to bail).

23 E..... F.....

24 G..... H.....

25 Accepted by me as, in the township of,

1 in the county of, this day of,
2 A.D.

3 I..... J..... (with official title).

4 Sec. 270. Chapter seven hundred sixty-six (766),
5 Code 1971, is amended by adding the following new
6 section:

7 "FORFEITURE--TRAFFIC VIOLATIONS. The provisions
8 of sections seven hundred sixty-six point two (766.2)
9 through seven hundred sixty-six point six (766.6),
10 inclusive, shall not apply to traffic violations."

11 Sec. 271. Section seven hundred sixty-six point
12 two (766.2), Code 1971, is amended by striking the
13 section and inserting in lieu thereof the following:

14 766.2 NOTICE. Where forfeiture is entered the
15 magistrate shall within ten days file all official
16 entries in relation thereto in the office of the clerk;
17 and thereupon, it shall be the duty of the clerk to
18 direct the sheriff to give ten days notice in writing
19 to the defendant and his surities to show cause, if
20 any, why judgments should not be entered for the amount
21 of such bail or the amount of money deposited instead
22 of bail.

23 Sec. 272. Section seven hundred sixty-nine point
24 two (769.2), Code 1971, is amended by striking the
25 section and inserting in lieu thereof the following:

1 "The county attorney may file with a magistrate or
2 clerk an information charging a person with an indictable
3 offense."

4 Sec. 273. Chapter seven hundred seventy-four (774),
5 Code 1971, is amended by adding the following new
6 section:

7 TRANSFER OF MISDEMEANORS. District judges may
8 transfer any indictable misdemeanors pending before
9 them to the mearest full-time judicial magistrate or
10 district associate judge.

11 Sec. 274. Section seven hundred seventy-nine point
12 eleven (779.11), Code 1971, is amended to read as
13 follows:

14 779.11 PEREMPTORY CHALLENGES--NUMBER. If the offense
15 charged in the indictment or information is or may be
16 punishable with death or imprisonment for life, the
17 state and defendant shall each have the right to
18 peremptorily challenge eight jurors and shall strike
19 two jurors.

20 If the offense charged be any other felony, ~~or-if~~
21 ~~it-be-a-misdemeanor-involving-a-violation-of-the-statutes~~
22 ~~relative-to-intoxicating-liquors,~~ the state and the
23 defendant shall each have the right to peremptorily
24 challenge four jurors and shall strike two jurors.

25 If the offense charged be a misdemeanor ~~other-than~~

1 ~~that-specified-above~~, the state and the defendant shall
2 each have the right to peremptorily challenge two jurors
3 and shall strike two jurors.

4 Sec. 275. Section seven hundred ninety-three point
5 one (793.1), Code 1971, is amended to read as follows:

6 793.1 OFFICE OF APPEAL--WHO MAY APPEAL. The mode
7 of reviewing in the supreme court any judgment, action,
8 or decision of the district court by a magistrate in
9 a criminal case which is an indictable offense is by
10 appeal. Either the defendant or state may appeal.

11 Sec. 276. Sections one hundred thirteen point nine
12 (113.9), one hundred sixty point fourteen (160.14),
13 three hundred fifty-five point nine (355.9), six hundred
14 sixty-five point two (665.2), seven hundred seventeen
15 point seven (717.7), seven hundred thirty-three point
16 two (733.2), and seven hundred fifty-four point two
17 (754.2), Code 1971, are amended by striking from such
18 sections the words "justice of the peace" or justices
19 of the peace" and inserting in lieu thereof the words
20 "judicial magistrate" or "judicial magistrates" as
21 indicated.

22 Sec. 277. Sections three hundred thirty-six point
23 two (336.2) and three hundred thirty-six point three
24 (336.3), Code 1971, are amended by striking from such
25 sections the words "before a justice of the peace" or

1 "before justices of the peace".

2 Sec. 278. Sections three hundred twenty-one point
3 one hundred ninety (321.190) and five hundred fifty-
4 eight point twenty (558.20), Code 1971, are amended
5 by striking from such sections the words "justice of
6 the peace" and inserting in lieu thereof the words
7 "judicial magistrate or district associate judge".

8 Sec. 279. Sections seven hundred fifty-one point
9 twenty (751.20), seven hundred fifty-two point four
10 (752.4), and seven hundred sixty-two point three (762.3),
11 Code 1971, are amended by striking from such sections
12 the words "justice of the peace" or "justices of the
13 peace" and inserting in lieu thereof the words
14 "magistrate" or "magistrates" as indicated.

15 Sec. 280. Sections three hundred thirty-seven point
16 twelve (337.12) and seven hundred thirty-three point
17 two (733.2), Code 1971, are amended by striking from
18 such sections the word "justice" or "justices" and
19 inserting in lieu thereof the words "judicial magistrate"
20 or "judicial magistrates" as indicated.

21 Sec. 281. Sections seven hundred sixty-one point
22 twenty-nine (761.29), seven hundred sixty-two point
23 two (762.2), seven hundred sixty-two point three (762.3),
24 seven hundred sixty-two point four (762.4), seven hundred
25 sixty-two point five (762.5), seven hundred sixty-two

1 point nine (762.9), seven hundred sixty-two point ten
2 (762.10), seven hundred sixty-two point eleven (762.11),
3 seven hundred sixty-two point twelve (762.12), seven
4 hundred sixty-two point thirteen (762.13), seven hundred
5 sixty-two point twenty-five (762.25), seven hundred
6 sixty-two point twenty-eight (762.28), seven hundred
7 sixty-two point twenty-nine (762.29), seven hundred
8 sixty-two point thirty (762.30), seven hundred sixty-
9 two point thirty-four (762.34), seven hundred sixty-
10 two point thirty-eight (762.38), and seven hundred
11 sixty-two point thirty-nine (762.39), Code 1971, are
12 amended by striking from such sections the word "justice"
13 or "justices" and inserting in lieu thereof the words
14 "magistrate" or "magistrates" as indicated.

15 Sec. 282. Sections forty-nine point one hundred
16 fifteen (49.115), sixty-five point nine (65.9), one
17 hundred eighty-eight point twenty-nine (188.29), three
18 hundred thirty-six point four (336.4), four hundred
19 twenty point sixteen (420.16), four hundred twenty point
20 thirty-four (420.34), six hundred four point one (604.1),
21 six hundred five point nineteen (605.19) through six
22 hundred five point twenty-three (605.23), inclusive,
23 six hundred twenty-six point fifty-seven (626.57), six
24 hundred twenty-six point seventy-six (626.76), six
25 hundred twenty-six point one hundred two (626.102),

1 six hundred forty-eight point six (648.6), six hundred
2 forty-eight point seven (648.7), six hundred forty-eight
3 point eight (648.8), six hundred forty-eight point
4 eleven (648.11), six hundred forty-eight point twelve
5 (648.12), six hundred forty-eight point thirteen
6 (648.13), six hundred forty-eight point fourteen
7 (648.14), six hundred forty-eight point twenty-one
8 (648.21), six hundred fifty-seven point five (657.5),
9 seven hundred eighteen point twenty-three (718.23),
10 seven hundred sixty-one point fifteen (761.15), seven hundred
11 sixty-two point thirty-six (762.36), seven hundred
12 sixty-two point thirty-seven (762.37), seven hundred
13 sixty-two point forty (762.40), seven hundred sixty-
14 two point forty-five (762.45) through seven hundred
15 sixty-two point fifty-two (762.52), inclusive, seven
16 hundred sixty-six point four (766.4), seven hundred
17 sixty-nine point thirty-three (769.33), seven hundred
18 sixty-nine point thirty-four (769.34), and chapters
19 three hundred sixty-seven (367), six hundred one (601),
20 six hundred two (602), six hundred three (603), and
21 seven hundred fifty-three (753), Code 1971, are repealed.

22 Sec. 283. EFFECTIVE DATE. The provisions of this
23 Act shall take effect as provided in this section.

24 1. The provisions of sections twelve (12) through
25 nineteen (19), inclusive, of this Act relating to the

1 powers and duties of county judicial magistrate
2 appointing commissions shall take effect on July 1,
3 1972.

4 2. The provisions of sections six (6) and seven
5 (7) of this Act relating to the powers and duties of
6 judicial nominating commissions shall take effect on
7 July 1, 1972.

8 3. The remaining sections of this Act, except for
9 those expressly providing otherwise, shall take effect
10 on July 1, 1973.

11 b. Page 1, by amending the title by striking all
12 of said title after the word "Act" and inserting in
13 lieu thereof the following:

14 "to provide a unified trial court having district
15 court judges, district associate judges, and judicial
16 magistrates; to discontinue inferior courts; to establish
17 traffic violations offices within the district court
18 to receive uniform traffic violation penalties;
19 to prescribe procedures for district courts, and
20 providing penalties."

On the part of the Senate:

TOM RILEY, CHAIRMAN

HAROLD A. THORDSEN

FRANCIS L. MESSERLY

G. WILLIAM GROSS

On the part of the House:

CHARLES H. PELTON, CHAIRMAN

CHARLES E. GRASSLEY

GEORGE J. KNOKE

RICHARD M. RADL