

APR 8 1973  
Place On Calendar

HOUSE FILE 585  
By COMMITTEE ON JUDICIARY  
AND LAW ENFORCEMENT

Passed House, Date 4-23-73(963) Passed Senate, Date \_\_\_\_\_  
Vote: Ayes 88 Nays 5 Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_

Approved \_\_\_\_\_

*Motion to reconsider 4-24, lost 4-26 (1026)*

## A BILL FOR

1 An Act to amend the unified trial court Act by making certain  
2 corrections and changes in the procedure to be followed in  
3 cases involving small claims, nonindictable misdemeanors,  
4 and traffic violations; relating to the jurisdiction and  
5 office of judicial magistrate and district associate judge;  
6 abolishing the office of full-time magistrate; and making  
7 necessary corrective amendments to various provisions of  
8 law to accord with the structure and intent of the unified  
9 trial court Act.

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

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DIVISION I

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2 Section 1. Acts of the General Assembly, Second Session  
3 of the Sixty-fourth General Assembly, chapter one thousand  
4 one hundred twenty-four (1124), section two hundred eighty-  
5 three (283), subsection one (1), is amended by striking the  
6 subsection and inserting in lieu thereof the following:

7 1. The provisions of sections three (3) through five (5),  
8 twelve (12) through twenty (20), and twenty-eight (28) through  
9 thirty (30), inclusive, of this Act shall take effect on July  
10 1, 1972.

11 Sec. 2. The office of full-time magistrate is abolished,  
12 and all provisions of law relating to that office and any  
13 appointments to that office prior to the effective date of  
14 this division of this Act shall not take effect.

15 Sec. 3. Section forty-six point twelve (46.12), Code 1973,  
16 is amended to read as follows:

17 46.12 NOTIFICATION OF VACANCY AND RESIGNATION. When a  
18 vacancy occurs or will occur within sixty days in the supreme  
19 court or district court, including the office of district  
20 associate judge, the secretary of state shall forthwith so  
21 notify the chairman of the proper judicial nominating commis-  
22 sion. The chairman shall call a meeting of the commission  
23 within ten days after such notice; if he fails to do so, the  
24 chief justice shall call such meeting.

25 When a judge of the supreme court or district court,  
26 including a district associate judge, resigns, he shall submit  
27 a copy of his resignation to the secretary of state at the  
28 time he submits his resignation to the governor; and when  
29 a judge of the supreme court or district court, including a  
30 district associate judge, dies, the clerk of district court  
31 of the county of his residence shall in writing forthwith  
32 notify the secretary of state of such fact.

33 Sec. 4. Section forty-six point fifteen (46.15), Code  
34 1973, is amended to read as follows:

35 46.15 APPOINTMENTS TO BE FROM NOMINEES. All appointments

1 to the supreme court and district court, including district  
2 associate judges, shall be made from the nominees of the  
3 respective judicial nominating commissions.

4 Sec. 5. Section forty-six point sixteen (46.16), Code  
5 1973, is amended to read as follows:

6 46.16 TERMS OF JUDGES. Subject to the provisions of sec-  
7 tions 605.24 and 605.25 and to removal for cause:

8 1. The initial term of office of judges of the supreme  
9 court and district court, including the office of district  
10 associate judges, shall be for one year after appointment  
11 and until January 1 following the next judicial election after  
12 expiration of such year; and

13 2. The regular term of office of judges of the supreme  
14 court retained at a judicial election shall be eight years,  
15 ~~and~~ of judges of the district court so retained shall be six  
16 years, and of district associate judges so retained shall  
17 be four years, from the expiration of their initial or pre-  
18 vious regular term as the case may be.

19 Sec. 6. Section six hundred two point eighteen (602.18),  
20 subsections two (2), three (3), and seven (7), Code 1973,  
21 are amended to read as follows:

22 2. The number of judgeships to which each of the judicial  
23 districts shall be entitled shall be determined from time  
24 to time according to the following formula, giving equal  
25 weight to cases filed and population: In districts containing  
26 a city of fifty thousand or more population, there shall be  
27 one judgeship per five hundred fifty combined civil and  
28 criminal filings excluding small claims and nonindictable  
29 misdemeanors filed after June 30, 1973, and forty thousand  
30 population, or major fraction of either; in all other districts  
31 there shall be one judgeship per four hundred fifty combined  
32 civil and criminal filings excluding small claims and non-  
33 indictable misdemeanors filed after June 30, 1973, and forty  
34 thousand population, or major fraction of either; provided,  
35 the seat of government shall be entitled to one additional

1 judgeship. There shall also be excluded from criminal filings  
 2 indictable misdemeanors assigned to district associate judges  
 3 after June 30, 1973 as shown on their quarterly administrative  
 4 reports. The figures on filings shall be the average for  
 5 the latest available previous three-year period and when  
 6 current census figures on population are not available, figures  
 7 shall be taken from the state department of health computa-  
 8 tions.

9 3. A vacancy, for purposes of this section, is defined  
 10 as the death, resignation, retirement, removal, or failure  
 11 of retention in office at the judicial election, of a judge  
 12 or increase in judgeships under this section.

13 7. Vacancies shall not be filled in any district which  
 14 may become entitled to fewer judgeships under ~~said~~ subsec-  
 15 tion two (2) of this section; but no incumbent judge shall  
 16 ever be removed from office by reason thereof.

17 Sec. 7. Section six hundred two point thirty-six (602.36),  
 18 Code 1973, is amended to read as follows:

19 602.36 COURTS ABOLISHED, TRANSITION. All mayor's courts,  
 20 justice of the peace courts, police courts, superior courts,  
 21 and municipal courts and offices connected therewith, are  
 22 abolished as of July 1, 1973. Promptly after July 1, 1973,  
 23 the officials of these courts shall ~~file~~ deposit all ~~documents~~  
 24 funds, dockets and books records pertaining to their offices  
 25 with the clerk of the district court of their counties.

26 ~~District-judges~~ The chief judge or his designee shall assign  
 27 enter an order enrolled in the office of the clerk assigning  
 28 to judicial magistrates, district associate judges, and  
 29 district judges the pending cases within judicial-magistrates'  
 30 jurisdiction their respective jurisdictions, and such cases  
 31 shall then be pending before those judicial magistrates,  
 32 district associate judges, and district judges. All other  
 33 pending-cases-shall-be-pending-in-the-district-court-of-the  
 34 county, -and-the The clerk ~~of that court~~ shall within thirty  
 35 days give written notice of ~~that fact~~ such assignment by

1 ordinary mail to the parties or their attorneys of record  
2 at their last known addresses. Criminal warrants issued by  
3 courts abolished by this section which are unserved or  
4 unreturned on July 1, 1973, shall be valid and returnable  
5 to the judicial magistrate, district associate judge, or  
6 district judge to whom the case has been assigned. All  
7 municipal court judges, clerks of the municipal court and  
8 their deputies, bailiffs of municipal court and their deputies,  
9 police court judges, justices of the peace and constables  
10 holding office on July 1, 1972, or elected or appointed  
11 thereafter, shall continue in office through June 30, 1973.

12 Sec. 8. Section six hundred two point twenty-eight  
13 (602.28), Code 1973, is amended by striking the section and  
14 inserting in lieu thereof the following:

15 602.28 DISTRICT ASSOCIATE JUDGES. The office of district  
16 associate judge is established in each judicial district.  
17 The number of district associate judges in a judicial district  
18 shall be the total number for the counties within the district  
19 determined as follows: For every county which has a popula-  
20 tion of thirty-five thousand or more and less than eighty  
21 thousand, there shall be one district associate judge; for  
22 every county which has a population of eighty thousand or  
23 more and less than one hundred twenty-five thousand, there  
24 shall be two district associate judges; for every county which  
25 has a population of one hundred twenty-five thousand or more  
26 and less than two hundred thousand, there shall be three  
27 district associate judges; and for every county which has  
28 a population of two hundred thousand or more, there shall  
29 be four district associate judges. Population shall be  
30 determined according to the last federal decennial census.

31 The regular judges of the municipal courts of Iowa who  
32 are in office on June 30, 1973, and who are less than seventy-  
33 two years of age on July 1, 1973, and who have not been  
34 appointed district court judges, shall fill the initial  
35 vacancies in the judgeships created by this section. All

1 vacancies in the office of district associate judge except  
2 those initially filled by municipal court judges shall be  
3 filled by nomination and appointment as provided in this  
4 section and chapter forty-six (46) of the Code.

5 A vacancy in the office of district associate judge shall  
6 be defined as death, resignation, retirement, removal, or  
7 failure of retention in office at the judicial election, of  
8 a judge or increase in judgeships under this section. Vacan-  
9 cies shall be filled upon their occurrence only when there  
10 are fewer district associate judges in office in a district  
11 than as provided for in this section.

12 During January of each year, and other times as appropriate  
13 the supreme court administrator shall make the determinations  
14 required under this section and shall notify the nominating  
15 commissions involved and the governor of any appointments  
16 that may be required as a result thereof. The supreme court  
17 administrator shall notify the secretary of state of any  
18 judgeships created by this section not filled by judges of  
19 the municipal courts. The secretary of state shall notify  
20 the proper judicial nominating commission in accordance with  
21 chapter forty-six (46) of the Code. The commission shall  
22 proceed as provided in that chapter.

23 Sec. 9. Section six hundred two point forty-two (602.42),  
24 subsection one (1), Code 1973, is amended to read as follows:

25 1. A district court judge designated by the chief judge  
26 of the district to serve until a successor is designated.

27 Sec. 10. Section six hundred two point forty-two (602.42),  
28 Code 1973, is amended by adding the following new unnumbered  
29 paragraph:

30 NEW PARAGRAPH. The clerk of the district court shall  
31 maintain a permanent record of the name, address, and term  
32 of office for each commissioner designated, appointed, or  
33 elected.

34 Sec. 11. Section six hundred two point forty-three  
35 (602.43), Code 1973, is amended to read as follows:

1 602.43 APPOINTING COMMISSIONERS. The board of supervisors  
2 of each county shall appoint three electors to the county  
3 judicial magistrate appointing commission for the county for  
4 six-year terms beginning January 1, 1973. The county auditor  
5 shall certify the name, address and expiration date of term  
6 for all regular and special appointees of the board of super-  
7 visors to the clerk of the court.

8 Sec. 12. Section six hundred two point forty-six (602.46),  
9 Code 1973, is amended to read as follows:

10 602.46 CONDUCT OF ELECTIONS. When an election of judicial  
11 magistrate appointing commissioners in a county is to be held,  
12 the clerk of the district court for the county shall cause  
13 ballots to be mailed to the members of the bar eligible in  
14 accordance with section 602.45, substantially as follows:

15 ..... County Judicial Magistrate Appointing Commission  
16 BALLOT

17 To be cast by the resident members of the bar of .....  
18 County.

19 Vote for (state number) for ..... County judicial magis-  
20 trate appointing commissioner(s) for term commencing .....  
21 .....

22 John-Dee  
23 .....  
24 .....

25 To be counted, this ballot must be completed and mailed  
26 or delivered to Clerk of the District Court, .....,  
27 not later than December 31, 19.... (or the appropriate date  
28 under section 602.49 of the Code in case of an election to  
29 fill a vacancy).

30 Sec. 13. Section six hundred two point fifty (602.50),  
31 Code 1973, is amended to read as follows:

32 602.50 APPOINTMENT AND TERMINATION OF JUDICIAL MAGISTRATES.  
33 During April, 1973, ~~and in April of the year in which magis-~~  
34 ~~trates' terms expire,~~ the judicial magistrate appointing com-  
35 mission shall, by majority vote, appoint Iowa judicial magis-

1 trates in such number as provided in section 602.57 six hundred  
2 two point fifty-nine (602.59) of the Code. In April of each  
3 year in which magistrates' terms expire, the commission shall  
4 appoint the number of magistrates allotted to the county by  
5 the supreme court administrator as provided in section six  
6 hundred two point fifty-seven (602.57) of the Code and the  
7 magistrates allowed by section six hundred two point fifty-  
8 eight (602.58) of the Code. The commission shall appoint  
9 no more magistrates than allotted to the county by the supreme  
10 court administrator except as provided in sections 602.57  
11 and 602.58. The judicial magistrates appointed initially  
12 shall take office July 1, 1973, and their term of office shall  
13 expire June 30, 1974. Thereafter, judicial magistrates shall  
14 take office on July 1, 1974, and every two years thereafter,  
15 ~~provided-however,-full-time-judicial-magistrates-appointed~~  
16 ~~for-the-term-commencing-July-1,-1974,-shall-hold-office-for~~  
17 ~~a-term-of-four-years-and-shall-be-subject-to-appointment-every~~  
18 ~~four-years-thereafter.~~ The commission shall promptly certify  
19 the names and addresses of the magistrates appointed to the  
20 clerk of the district court and the chief judge of the judicial  
21 district. The clerk shall certify to the supreme court  
22 administrator and to the state comptroller the names and  
23 addresses of magistrates so appointed. The certification  
24 of the clerk to the comptroller shall be authority for the  
25 comptroller to pay the salaries in accordance with section  
26 602.54. Judicial magistrates shall be officers of the state.  
27 Before assuming office, a judicial magistrate shall sub-  
28 scribe and file in the office of the clerk of the district  
29 court of the county of his residence his oath of office to  
30 uphold and support the Constitutions of the United States  
31 of America and state of Iowa, the laws enacted pursuant  
32 thereto, and the law and ordinances of the political  
33 subdivisions of the state of Iowa. Before July 1, 1973, and  
34 annually thereafter, the supreme court administrator shall  
35 cause a school of instruction to be conducted for ~~district~~

1 judicial magistrates, which each ~~district~~ judicial magistrate  
2 appointed as provided in this chapter prior to the time he  
3 takes office shall attend unless excused by the chief justice  
4 for good cause.

5 Sec. 14. Section six hundred two point fifty-three  
6 (602.53), Code 1973, is amended by striking unnumbered  
7 paragraph two (2).

8 Sec. 15. Section six hundred two point fifty-seven  
9 (602.57), unnumbered paragraph one (1), Code 1973, is amended  
10 to read as follows:

11 There shall be a ~~combined~~ total of two one hundred ~~twenty~~  
12 ninety Iowa judicial magistrates ~~and-district-court-associate~~  
13 ~~judges-combined~~ except as provided in section 602.58. During  
14 January of 1974 and every two years thereafter, the supreme  
15 court administrator shall apportion the number of district  
16 magistrates among the counties in accordance with the following  
17 criteria:

18 Sec. 16. Section six hundred two point fifty-nine (602.59),  
19 Code 1973, is amended by striking the section and inserting  
20 in lieu thereof the following:

21 602.59 INITIAL ALLOTMENT. The allotment of the judicial  
22 magistrates in 1973 shall be as follows:

23 1. One magistrate for each of the following counties:  
24 Adams, Allamakee, Audubon, Calhoun, Cherokee, Davis, Decatur,  
25 Emmet, Franklin, Fremont, Greene, Guthrie, Hancock, Howard,  
26 Humboldt, Ida, Jasper, Jefferson, Keokuk, Louisa, Lucas, Lyon,  
27 Madison, Marshall, Mitchell, Monroe, Montgomery, O'Brien,  
28 Osceola, Palo Alto, Pocahontas, Ringgold, Shelby, Taylor,  
29 Union, Van Buren, Wayne, Winnebago, and Worth.

30 2. Two magistrates for each of the following counties:  
31 Adair, Appanoose, Boone, Buchanan, Buena Vista, Butler,  
32 Carroll, Cass, Chickasaw, Clarke, Clay, Clayton, Crawford,  
33 Dallas, Delaware, Des Moines, Dubuque, Fayette, Grundy,  
34 Hamilton, Hardin, Henry, Iowa, Jackson, Jones, Kossuth,  
35 Mahaska, Marion, Mills, Monona, Muscatine, Page, Poweshiek,

1 Sac, Sioux, Tama, Wapello, Washington, Webster, Winneshiek,  
2 and Wright.

3 3. Three magistrates for each of the following counties:  
4 Benton, Black Hawk, Bremer, Cedar, Cerro Gordo, Clinton,  
5 Dickinson, Floyd, Harrison, Johnson, Lee, Plymouth, Story,  
6 and Warren.

7 4. Four magistrates for Linn county.

8 5. Five magistrates for Scott county.

9 6. Six magistrates for each of the following counties:  
10 Polk, Pottawattamie, and Woodbury.

11 Sec. 17. Section six hundred five point fifteen (605.15),  
12 Code 1973, is amended to read as follows:

13 605.15 PRACTICE PROHIBITED. During the time that he is  
14 holding such office he shall not practice as an attorney or  
15 counselor or give advice in relation to any action pending  
16 or about to be brought in any of the courts of the state.  
17 ~~Judicial-magistrates-who-are-members-of-the-bar-of-Iowa-may~~  
18 ~~practice-as-attorneys-and-counselors,-except-they-may-not~~  
19 ~~practice-as-attorneys-and-counselors,-or-give-advice,-in-rela-~~  
20 ~~tion-to-any-matter-within-the-purview-of-the-jurisdiction~~  
21 ~~of-judicial-magistrates-~~

22 Sec. 18. Division one (I) of this Act, being deemed of  
23 immediate importance shall take effect and be in force from  
24 and after its publication in The Des Moines Register, a news-  
25 paper published in Des Moines, Iowa, and in The Cedar Rapids  
26 Gazette, a newspaper published in Cedar Rapids, Iowa.

27 DIVISION II

28 Sec. 19. Section sixty-four point one (64.1), subsection  
29 four (4), Code 1973, is amended to read as follows:

30 4. Judges of the supreme and district courts, and district  
31 associate judges, ~~and-judicial-magistrates.~~

32 Sec. 20. Section three hundred twenty-one point two hundred  
33 seven (321.207), Code 1973, is amended by striking unnumbered  
34 paragraph two (2).

35 Sec. 21. Section three hundred twenty-one point two hundred

1 thirty-six (321.236), subsection one (1), paragraphs a and  
2 b, Code 1973, are amended to read as follows:

3 a. May be charged upon a simple notice of a fine not  
4 exceeding ~~ten~~ five dollars payable to the city or town clerk,  
5 if authorized by ordinance.

6 b. Notwithstanding any such ordinance, may be ~~charged~~  
7 ~~and-proceed-before-a-traffic-violations-office-or-a-court,~~  
8 ~~as-the-case-may-be-the-same-as-other-traffic-violations~~  
9 prosecuted under the provisions of sections seven hundred  
10 fifty-three point thirteen (753.13) through seven hundred  
11 fifty-three point twenty (753.20) of the Code or as any other  
12 traffic violation.

13 Sec. 22. Section three hundred twenty-one point four hun-  
14 dred eighty-five (321.485), unnumbered paragraph one (1),  
15 Code 1973, is amended to read as follows:

16 Whenever Except as provided in sections seven hundred  
17 fifty-three point thirteen (753.13) through seven hundred  
18 fifty-three point twenty (753.20) of the Code, whenever a  
19 peace officer has reasonable cause to believe that a person  
20 has violated any provision of this chapter punishable as a  
21 misdemeanor, such officer may:

22 Sec. 23. Section three hundred twenty-one point four  
23 hundred eighty-five (321.485), subsection two (2), Code 1973,  
24 is amended to read as follows:

25 2. Without arresting the person, either

26 a. Prepare ~~in-triplicate~~ a written citation to appear  
27 in court containing the name and address of such person, the  
28 operator or chauffeur license number if any, the registration  
29 number if any of his vehicle, the offense charged, and the  
30 time when and place where such person shall appear in court;  
31 or

32 b. Prepare ~~in-triplicate~~ a memorandum of the alleged  
33 traffic violation containing the name and address of such  
34 person, the registration number if any of his vehicle, the  
35 offense alleged to have been committed, and such other infor-

1 mation as may be prescribed by the commissioner.

2 The number of copies and the form of the citations and  
3 memorandums authorized by this section shall be as prescribed  
4 by the commissioner.

5 Sec. 24. Section three hundred twenty-one point four  
6 hundred eighty-six (321.486), unnumbered paragraph three (3),  
7 Code 1973, is amended to read as follows:

8 If the officer prepares either a summons citation or a  
9 memorandum as provided in section 321.485, the alleged offender  
10 shall be requested to sign the same ~~in-triplicate~~, and if  
11 he does sign may be released without arrest. In case a summons  
12 citation is issued, the signing shall constitute a written  
13 promise to appear as stated in said summons citation. ~~The~~  
14 ~~duplicate-summons~~ A copy of the citation shall be presented  
15 to the person named therein. If memorandum is prepared, the  
16 original shall be retained by the officer, ~~the-duplicate a~~  
17 copy sent to the department, and ~~the-triplicate a copy~~  
18 presented to the person named therein.

19 Sec. 25. Section three hundred twenty-one point four  
20 hundred eighty-seven (321.487), unnumbered paragraph two  
21 (2), Code 1973, is amended to read as follows:

22 An appearance in response to such summons citation may  
23 be made either in person or by counsel.

24 Sec. 26. Section three hundred twenty-one point four  
25 hundred ninety-one (321.491), unnumbered paragraph one (1),  
26 Code 1973, is amended to read as follows:

27 Every district court judge, district associate judge, and  
28 judicial magistrate ~~and-clerk-of-a-court-of-record~~ shall keep  
29 a full record of every case in which a person is charged with  
30 any violation of this chapter or of any other law regulating  
31 the operation of vehicles on highways.

32 Sec. 27. Section three hundred thirty-six point three  
33 (336.3), Code 1973, is amended to read as follows:

34 336.3 ABSENCE OF COUNTY ATTORNEY--SUBSTITUTE--COMPENSA-  
35 TION. In case of absence, sickness, or disability of the

1 county attorney and his deputies, the court before whom it  
 2 is his duty to appear, and in which there may be business  
 3 requiring his attention, may appoint an attorney to act as  
 4 county attorney, by order to be entered upon the records of  
 5 the court, and he shall receive out of the compensation allowed  
 6 to the county attorney, ~~(when-such-appearance-is~~ in proceedings  
 7 before a judicial magistrate, such sum as the board of  
 8 supervisors shall determine to be reasonable for the services  
 9 rendered, and, ~~when-it-is-before-a-court-of-record,)\*~~ if in  
 10 proceedings before a district associate judge or a district  
 11 judge, such sum as the judge shall determine to be a reason-  
 12 able compensation, and, while acting under said appointment,  
 13 he shall have all the authority and be subject to all the  
 14 responsibilities herein conferred upon county attorneys.

15 Sec. 28. Section four hundred fifty-three point one  
 16 (453.1), Code 1973, is amended by striking the section and  
 17 inserting in lieu thereof the following:

18 453.1 DEPOSITS IN GENERAL. All funds held in the hands  
 19 of the following officers or institutions shall be deposited  
 20 in banks as are first approved by the appropriate governing  
 21 body as indicated: For the treasurer of state, by the execu-  
 22 tive council; for the county treasurer, recorder, auditor,  
 23 sheriff, township clerk, clerk of the district court, and  
 24 judicial magistrate, by the board of supervisors; for the  
 25 city or town treasurer, by the city or town council; for the  
 26 county public hospital or merged area hospital, by the board  
 27 of hospital trustees; for a memorial hospital, by the memorial  
 28 hospital commission; for a school corporation, by the board  
 29 of school directors; provided, however, that the treasurer  
 30 of state and the treasurer of each political subdivision shall  
 31 invest all funds not needed for current operating expenses  
 32 in time certificates of deposit in banks listed as approved  
 33 depositories pursuant to this chapter or in investments per-  
 34 mitted by section four hundred fifty-two point ten (452.10)  
 35 of the Code. The list of public depositories and the amounts

1 severally deposited therein shall be a matter of public record.  
2 The term "bank" means a bank or a private bank, as defined  
3 in section five hundred twenty-four point one hundred three  
4 (524.103) of the Code.

5 Sec. 29. Section six hundred two point one (602.1), Code  
6 1973, is amended to read as follows:

7 602.1 UNIFIED TRIAL COURT. There shall be a unified trial  
8 court in the state of Iowa, known as "Iowa District Court".  
9 The Iowa district court shall have exclusive, general and  
10 original jurisdiction of all actions, proceedings, and reme-  
11 dies, civil, criminal, probate, and juvenile, and except in  
12 cases where exclusive or concurrent jurisdiction is conferred  
13 upon some other court, tribunal, or administrative body, and  
14 it shall have and exercise all the power usually possessed  
15 and exercised by trial courts of general jurisdiction and  
16 shall be a court of record.

17 Sec. 30. Section six hundred two point three (602.3),  
18 Code 1973, is amended by striking the section and inserting  
19 in lieu thereof the following:

20 602.3 JUDICIAL OFFICERS. The jurisdiction of the Iowa  
21 district court shall be exercised by Iowa district judges,  
22 district associate judges and judicial magistrates.

23 Sec. 31. Section six hundred two point eighteen (602.18),  
24 unnumbered paragraph ten (10), Code 1973, is amended to read  
25 as follows:

26 For Judicial election districts are established for purposes  
27 of nomination, appointment and election of judges and  
28 application of the provisions of subsections 2 through 8 of  
29 this section, judicial-election-districts-are-established  
30 and for the purpose of removal of judicial magistrates as  
31 provided in section six hundred two point fifty-six (602.56)  
32 of the Code. They shall include the fourth, sixth, and seventh  
33 districts as above set forth, but the other election districts  
34 shall be as follows:

35 Sec. 32. Section six hundred two point twenty-nine

1 (602.29), Code 1973, is amended to read as follows:

2 602.29 TERM, RETENTION. District associate judges shall  
3 stand for retention in office within the county of ~~his~~ their  
4 residence at the judicial election in 1974 and every four  
5 years thereafter, under sections 46.17 through 46.24. The  
6 term of office of the judges who are retained in office at  
7 the judicial election shall extend for four years after January  
8 1 next following the election, and the term of office of the  
9 judges who are not retained in office at such a judicial  
10 election shall extend until January 1 next following such  
11 election. ~~District-court-associate-judges-shall-be-subject~~  
12 ~~to-the-same-removal-procedures-as-that-of-judicial-magistrates.~~  
13 District associate judges shall cease to hold office upon  
14 attaining age seventy-two.

15 Sec. 33. Section six hundred two point thirty-two (602.32),  
16 Code 1973, is amended by striking the section and inserting  
17 in lieu thereof the following:

18 602.32 JURISDICTION, PROCEDURE, APPEALS. District asso-  
19 ciate judges shall have the jurisdiction provided in section  
20 six hundred two point sixty (602.60) of the Code. District  
21 associate judges shall hold court as directed at any place  
22 within the judicial district that a judicial magistrate may  
23 do so, and shall employ judicial magistrates' practice and  
24 procedure. In addition, district associate judges shall have  
25 jurisdiction in civil actions for money judgments where the  
26 amount in controversy does not exceed five thousand dollars,  
27 jurisdiction of indictable misdemeanors and the jurisdiction  
28 provided for in section two hundred thirty-one point three  
29 (231.3) of the Code when designated as a judge of the juvenile  
30 court. When a district court judge is unable to serve as  
31 a result of temporary incapacity, a district associate judge  
32 may, by order of the chief judge of the district enrolled  
33 in the records of the clerk of the district court, temporarily  
34 exercise any of the jurisdiction of a district judge during  
35 the time of incapacity and as to the specific matters or

1 classes of matters specified in that order. While exercising  
2 jurisdiction other than that of a judicial magistrate, district  
3 associate judges shall employ district judges' practice and  
4 procedure. District associate judges shall have power to  
5 act at any place within their respective judicial districts,  
6 and venue shall be the same as in other district court  
7 proceedings.

8 Appeals from judgments or orders of district associate  
9 judges while exercising the jurisdiction possessed by judicial  
10 magistrates shall be governed by the laws relating to appeals  
11 and orders from judicial magistrates. Appeals from judgments  
12 or orders of district associate judges while exercising any  
13 other jurisdiction conferred upon them shall be governed by  
14 the laws relating to appeals from judgments or orders from  
15 district judges.

16 For purposes of administration district associate judges  
17 shall be under the jurisdiction of the chief judge of the  
18 judicial district and he shall have the power to allocate  
19 their work load as he deems necessary. District associate  
20 judges shall be subject to the same rules and laws that apply  
21 to district judges except as otherwise provided in this  
22 chapter.

23 Sec. 34. Section six hundred two point thirty-three  
24 (602.33), Code 1973, is amended by striking the section and  
25 inserting in lieu thereof the following:

26 602.33 REPORTERS. Each district associate judge may  
27 appoint a shorthand reporter subject to the approval of the  
28 chief judge of the district. All shorthand reporters appointed  
29 are reporters for the judicial district and their compensation  
30 shall be in accordance with section six hundred five point  
31 eight (605.8) of the Code.

32 Sec. 35. Section six hundred two point thirty-six (602.36),  
33 Code 1973, is amended by adding the following new unnumbered  
34 paragraph:

35 NEW UNNUMBERED PARAGRAPH. The district court shall succeed

1 to, and exercise full authority and jurisdiction over, the  
2 records of the municipal court, and may enforce all judgments,  
3 decrees, and orders thereof in the same manner and to the  
4 same extent as it may exercise like jurisdiction and authority  
5 over its own records, and, for the purpose of the issuance  
6 of process, and of any and all other acts necessary to the  
7 due and efficient enforcement of the orders, judgments, and  
8 decrees of the municipal court, the records thereof shall  
9 be deemed records of the district court; except that no judg-  
10 ment of the municipal court shall be a lien on real estate  
11 unless the person in whose favor the judgment exists files  
12 a written request with the district court clerk on forms pre-  
13 scribed by the supreme court administrator. Upon filing the  
14 request, the clerk shall enter the judgment in the judgment  
15 docket and lien index, and such judgment shall be a lien on  
16 real estate for a period ending ten years after date of entry  
17 of the judgment in municipal court.

18 Sec. 36. Section six hundred two point fifty-four (602.54),  
19 Code 1973, is amended to read as follows:

20 602.54 SALARY, EXPENSES. Each judicial magistrate shall  
21 receive a salary payable from the general fund of the state  
22 and also his actual and necessary expenses in the performance  
23 of his duties while away from the city or town of his resi-  
24 dence, in accordance with section 605.2. The salary of judi-  
25 cial magistrates, except as otherwise provided herein, shall  
26 be the sum of four thousand eight hundred dollars annually.  
27 ~~The-judicial-magistrates-serving-as-full-time-magistrates~~  
28 ~~shall-receive-an-annual-salary-of-seventeen-thousand-two-hun-~~  
29 ~~dred-dollars.~~ Judicial magistrates and district associate  
30 judges, except district associate judges who were in office  
31 as municipal court judges on June 30, 1973 shall be members  
32 of the Iowa public employees' retirement system.

33 Sec. 37. Section six hundred two point fifty-five (602.55),  
34 unnumbered paragraph one (1), Code 1973, is amended to read  
35 as follows:

1 Each month each judicial magistrate shall file with the  
2 clerk of the district court of the proper county a sworn,  
3 itemized statement, by case, of all funds received and dis-  
4 bursed, and at least monthly shall remit to the clerk all  
5 funds received by him. The clerk of court shall provide ade-  
6 quate clerical assistance to ~~the full-time magistrates and~~  
7 district associate judges to carry out this section. The  
8 clerk shall remit all fines and forfeited bail received from  
9 a magistrate to the city or town that was the plaintiff in  
10 any action. The clerk shall remit to the treasurer of the  
11 county, for the benefit of the school fund, all other fines  
12 and forfeited bail received from a magistrate. All fees and  
13 costs for the filing of a complaint or information or upon  
14 forfeiture of bail received from a magistrate shall be remitted  
15 monthly by the clerk as follows:

16 Sec. 38. Section six hundred two point fifty-six (602.56),  
17 Code 1973, is amended by striking the section and inserting  
18 in lieu thereof the following:

19 602.56 REMOVAL OF JUDICIAL MAGISTRATES. The electors  
20 residing within a county where a magistrate resides or a dis-  
21 trict judge of his district may petition the judges of the  
22 district court to terminate the appointment of a judicial  
23 magistrate sitting in that district. If by the electorate,  
24 such petition shall be signed by at least two percent of the  
25 electors voting for governor in the last general election  
26 of the county of residence of the magistrate. The petition  
27 shall contain a general statement of the grounds upon which  
28 termination is sought. Within thirty days after the petition  
29 is filed with the clerk of the district court of the county  
30 in which the judicial magistrate resides, the chief judge  
31 of the judicial district shall appoint a tribunal composed  
32 of three other judges of the judicial election district where  
33 the magistrate resides who shall schedule and hold a hearing  
34 to determine if good cause exists to terminate the appointment.  
35 The clerk shall give notification of the time and place

1 of hearing to the magistrate against whom the petition was  
2 brought by restricted certified mail and shall notify all  
3 other interested parties by publication. Notification shall  
4 be made at least fifteen days prior to the time set for  
5 hearing. The judicial magistrate may be represented by counsel  
6 at the hearing, shall have the right to confront and cross-  
7 examine all witnesses against him, and may call witnesses  
8 and introduce evidence in his own behalf.

9 The tribunal may, by majority vote, dismiss the petition,  
10 declare the office vacant, or make other disposition of the  
11 case as is appropriate. All decisions of the tribunal are  
12 final, and there shall be no appeal.

13 Sec. 39. Section six hundred two point sixty (602.60),  
14 Code 1973, is amended to read as follows:

15 602.60 JURISDICTION, VENUE. Judicial magistrates shall  
16 have jurisdiction of nonindictable misdemeanors, including  
17 traffic and ordinance violations, preliminary hearings, search  
18 warrant proceedings, ~~forcible-entry-and-detainer-actions,~~  
19 and small claims. They shall also have jurisdiction to  
20 exercise the powers specified in section sections 748.2, six  
21 hundred forty-four point two (644.2), and six hundred forty-  
22 four point twelve (644.12) of the Code. They shall have power  
23 to act any place within the district as directed, and venue  
24 shall be the same as in other district court proceedings.  
25 ~~Judicial-magistrates-serving-on-a-full-time-basis-and-district~~  
26 ~~associate-judges-shall-have-jurisdiction-of-indictable-misde-~~  
27 ~~meanors.--While-exercising-that-jurisdiction-they-shall-employ~~  
28 ~~district-judges--practice-and-procedure.~~

29 For purposes of administration judicial magistrates shall  
30 be under the jurisdiction of the chief judge of the judicial  
31 district. Judicial magistrates shall be subject to the same  
32 rules and laws that apply to district judges except as other-  
33 wise provided in this chapter.

34 Sec. 40. Section six hundred two point sixty-one (602.61),  
35 Code 1973, is amended to read as follows:

1 602.61 TIMES AND PLACES OF HOLDING COURT. Judicial magis-  
 2 trates shall hold court at the times and places designated  
 3 by the chief judge of the district. The times and places  
 4 shall be designated so as to insure accessibility of judicial  
 5 magistrates at all times throughout the district. In addition,  
 6 the chief judge may allocate the work load among the judicial  
 7 magistrates as he deems necessary. The chief judge may assign  
 8 a magistrate to hold court at other designated places within  
 9 the district outside of the county of the magistrate's  
 10 residence only if it is necessary for the orderly  
 11 administration of justice. The boards of supervisors shall  
 12 provide facilities for the holding of court at the county  
 13 seats. If court is held in a city or town, outside the county  
 14 seat, such city or town shall furnish suitable facilities  
 15 and equipment. The schedule of places and times of  
 16 availability of magistrates and of any changes therein shall  
 17 be disseminated by the chief judge of the judicial district  
 18 to the peace officers within the district.

19 Sec. 41. Section six hundred two point sixty-three  
 20 (602.63), Code 1973, is amended to read as follows:

21 602.63 DOCKETS, JUDGMENTS, COSTS. The clerk of the  
 22 district court of the county in which a judicial magistrate  
 23 resides shall furnish the judicial magistrate, district asso-  
 24 ciate judge, or district judge acting as judicial magistrate,  
 25 a docket in which shall be entered all proceedings except  
 26 small claims. Such docket shall be indexed and shall contain  
 27 in each case the title and nature of the action; place of  
 28 hearing; appearances; and notations of the documents filed  
 29 with the judicial magistrate, of the proceedings in the case  
 30 and orders made, of the verdict and judgment including costs,  
 31 of any satisfaction of the judgment, of whether the judgment  
 32 was certified to the clerk of the district court, of whether  
 33 an appeal was taken, and of the amount of the appeal bond.  
 34 ~~The defendant charged with a nonindictable misdemeanor who~~  
 35 ~~is found guilty or forfeits bail shall be assessed as costs~~

1 ~~five-dollars-for-the-filing-and-docketing-of-the-complaint~~  
 2 ~~or-information-which-shall-be-distributed-pursuant-to-section~~  
 3 ~~602.55.--All-other-costs-in-criminal-actions-shall-be-assessed~~  
 4 ~~and-distributed-as-in-chapter-606-~~ All costs in criminal  
 5 cases shall be assessed and distributed as in chapter six  
 6 hundred six (606) of the Code, except that the cost of filing  
 7 and docketing of a complaint or information for a nonindict-  
 8 able misdemeanor shall be five dollars which shall be dis-  
 9 tributed pursuant to section six hundred two point fifty-five  
 10 (602.55) of the Code. If the judgment and costs are not fully  
 11 and immediately satisfied in criminal cases, the judicial  
 12 magistrate shall promptly certify a copy of the judgment to  
 13 the clerk of the district court indicating thereon the portion  
 14 unsatisfied; and the clerk shall index and file the judgment,  
 15 whereupon it shall be a judgment of the district court without  
 16 recording.

17 Sec. 42. Section six hundred two point sixty-four (602.64),  
 18 Code 1973, is amended by striking the section and inserting  
 19 in lieu thereof the following:

20 602.64 ADMINISTRATIVE REPORTS. Each judicial magistrate,  
 21 district associate judge and district judge acting as a judi-  
 22 cial magistrate shall report all judicial business handled  
 23 by him to the clerk and board of supervisors of his county  
 24 and the chief judge of his judicial district. Such reports  
 25 shall be on a form prescribed by the supreme court adminis-  
 26 trator and be made at such times as required by him. The  
 27 administrator may require the clerk to forward copies of indi-  
 28 vidual reports to him or require a consolidated report for  
 29 the county.

30 Sec. 43. Section six hundred two point sixty-five (602.65),  
 31 Code 1973, is amended to read as follows:

32 602.65 MAGISTRATES NOT HOLDING OFFICE. When a ~~district~~  
 33 judicial magistrate ceases to hold office, his docket and  
 34 all records relating to his office shall be promptly deposited  
 35 with the clerk of the district court who issued the docket.

1 Sec. 44. Section six hundred two point seventy-one  
2 (602.71), subsection ten (10), unnumbered paragraph one (1),  
3 Code 1973, is amended to read as follows:

4 In all ~~criminal-actions~~ nonindictable misdemeanors:

5 Sec. 45. Section six hundred two point seventy-one  
6 (602.71), subsection ten (10), unnumbered paragraph a, Code  
7 1973, is amended to read as follows:

8 a. When an application has been filed by an adverse party,  
9 the county prosecuting attorney shall immediately furnish  
10 the attorney general with a copy of said application.

11 Sec. 46. Section six hundred five point fourteen (605.14),  
12 Code 1973, is amended to read as follows:

13 605.14 JUDGE TO BE ATTORNEY--EXCEPTION. No person shall  
14 be eligible ~~to~~ for, or hold the office of supreme court,  
15 district court or district court associate judge of-a-court  
16 of-record,--except-judicial-magistrates, who is not,--at-the  
17 time-of-his-election, an attorney at law, duly admitted to  
18 practice under the laws of this state.

19 Sec. 47. Section six hundred five point seventeen (605.17),  
20 Code 1973, is amended to read as follows:

21 605.17 WHEN JUDGE DISQUALIFIED. A judge or ~~justice~~  
22 magistrate is disqualified from acting as such, except by  
23 mutual consent of parties, in any case wherein he or any  
24 member of any corporation, partnership, firm or association  
25 with which he may be associated is a party or interested,  
26 or where he is related to either party by consanguinity or  
27 affinity within the fourth degree, or where he or any member  
28 of any firm, partnership or association with which he may  
29 be associated has been attorney for either party in the action  
30 or proceeding. This section shall not prevent him from dispos-  
31 ing of any preliminary matter not affecting the merits of  
32 the case.

33 Sec. 48. Section six hundred five A point three (605A.3),  
34 Code 1973, is amended to read as follows:

35 605A.3 NOTICE BY JUDGE IN WRITING. This chapter shall

1 not apply to any judge of the municipal, superior, district  
2 or supreme court, including a district associate judges judge,  
3 until he gives notice in writing, while serving as a judge,  
4 to the state comptroller and treasurer of state, of his purpose  
5 to come within its purview. Judges of the municipal and  
6 superior courts shall at the same time give a copy of such  
7 notice to the city treasurer and county auditor within the  
8 district of such court. Such notice shall be given within  
9 one year after the effective date hereof or within one year  
10 after any date on which he takes oath of office as such judge.

11 The term "district associate judge" wherever used through-  
12 out this chapter means only those district associate judges  
13 who also were in office as judges of municipal courts on July  
14 1, 1973.

15 Sec. 49. Section six hundred five A point four (605A.4),  
16 unnumbered paragraph one (1), Code 1973, is amended to read  
17 as follows:

18 Each judge coming within the purview of this chapter shall,  
19 on or before retirement, pay to the state comptroller for  
20 deposit with the ~~state-treasurer~~ treasurer of state to the  
21 credit of a fund to be known as the "judicial retirement  
22 fund", hereinafter called the "fund", a sum equal to four  
23 percent of his basic salary for services as such judge for  
24 the total period of service as a judge of a municipal,  
25 superior, district or supreme court, including district  
26 associate judges, before the date of said notice, and after  
27 the date of the notice there shall be deducted and withheld  
28 from the basic salary of each judge coming within the purview  
29 of this chapter a sum equal to four percent of such basic  
30 salary. Provided that the maximum amount which any judge  
31 shall be required to contribute for past service shall not  
32 exceed for municipal or superior or district associate judges  
33 thirty-five hundred dollars, for district judges four thousand  
34 dollars and for supreme court judges five thousand dollars.  
35 The amounts so deducted and withheld from the basic salary

1 of each said judge shall be paid to the state comptroller  
2 for deposit with the treasurer of state to the credit of the  
3 judicial retirement fund, and said fund is hereby appropriated  
4 for the payment of annuities, refunds, and allowances herein  
5 provided, except that the amount of such appropriations  
6 affecting payment of annuities, refunds, and allowances to  
7 judges of the municipal and superior court shall be limited  
8 to that part of said fund accumulated for their benefit as  
9 hereinafter provided. The judges of the municipal, superior,  
10 district and supreme court, including district associate  
11 judges, coming within the provisions of this chapter shall  
12 be deemed to consent and agree to the deductions from basic  
13 salary as provided herein, and payment less such deductions  
14 shall be a full and complete discharge and acquittance of  
15 all claims and demands whatsoever for all regular services  
16 rendered by such judges during the period covered by such  
17 payment, except the right to the benefits to which they shall  
18 be entitled under the provisions of this chapter. The state  
19 shall contribute a sum not exceeding three percent of the  
20 basic salary of all judges of the district and supreme court  
21 for the years 1949 and 1950 and thereafter such sums as may  
22 be necessary over the amount contributed by the district and  
23 supreme court judges to finance the system, but only to the  
24 extent that the system applies to them. After ~~July 1~~ June  
25 30, 1973, the state shall contribute such sums as may be  
26 necessary over the amount contributed by district associate  
27 judges to finance the system as to them for the portion of  
28 their tenure ~~prior to~~ after July 1, 1973, and thereafter such  
29 sums as may be necessary over the amount contributed by the  
30 district associate judges to finance the system, but only  
31 to the extent the system applies to them; and the respective  
32 cities and counties within each municipal and superior court  
33 district shall contribute the additional amount necessary  
34 pursuant to the next paragraph of this section, for the portion  
35 of the tenure of such district associate judges prior to July

1 1, 1973.

2 Sec. 50. Section six hundred five A point four (605A.4),  
3 Code 1973, is amended by striking unnumbered paragraph two  
4 (2).

5 Sec. 51. Section six hundred five A point twelve (605A.12),  
6 Code 1973, is amended to read as follows:

7 605A.12 VOLUNTARY RETIREMENT FOR DISABILITY. Any judge  
8 of the supreme, district or municipal court including a  
9 district associate judge, who shall have served as a judge  
10 of one or both of such courts for a period of six years in  
11 the aggregate and who believes he has become permanently  
12 incapacitated, physically or mentally, to perform the duties  
13 of his office may personally or by his next friend or guardian  
14 file with the state comptroller a written application for  
15 retirement. The application shall be filed in duplicate and  
16 accompanied by an affidavit as to the duration and particulars  
17 of his service and the nature of his incapacity. The state  
18 comptroller shall forthwith transmit one copy of the  
19 application and affidavit to the chief justice who shall  
20 request the attorney general in writing to cause an investiga-  
21 tion to be made relative to the claimed incapacity and report  
22 back the results thereof in writing. If the chief justice  
23 finds from the report of the attorney general that the appli-  
24 cant is permanently incapacitated, physically or mentally,  
25 to perform the duties of his office he shall by his endorse-  
26 ment thereon declare the applicant retired, and the office  
27 vacant, and shall file the report in the office of the state  
28 comptroller, and a copy in the office of the secretary of  
29 state. From the date of such filing the applicant shall be  
30 deemed retired from his office and entitled to the benefits  
31 of this chapter to the same extent as if he had retired under  
32 the provisions of section 605A.6.

33 Sec. 52. Section six hundred five A point fourteen  
34 (605A.14), Code 1973, is amended to read as follows:

35 605A.14 FORFEITURE OF BENEFITS--REFUND. In the event

1 a judge of the supreme, district or municipal court including  
2 a district associate judge, is removed for cause other than  
3 permanent disability he shall forfeit the right to any  
4 retirement benefits under the system but the total amount  
5 of his contribution to the fund shall be returned to him or  
6 his legal representative.

7 Sec. 53. Section six hundred thirty point one (630.1),  
8 Code 1973, is amended to read as follows:

9 630.1 DEBTOR EXAMINED. When execution against the prop-  
10 erty of a judgment debtor, or one of several debtors in the  
11 same judgment, has been issued from the district or supreme  
12 court to the sheriff of the county where such debtor resides,  
13 or if he ~~de~~ does not reside in the state, to the sheriff of  
14 the county where the judgment was rendered, ~~or-a-transcript~~  
15 ~~of-a-justice's-judgment-has-been-filed~~, and execution issued  
16 thereon is returned unsatisfied in whole or in part, the owner  
17 of the judgment is entitled to an order for the appearance  
18 and examination of such debtor.

19 Sec. 54. Section six hundred thirty-one point one (631.1),  
20 Code 1973, is amended to read as follows:

21 631.1 SMALL CLAIMS. A small claim is a civil action for  
22 a money damages judgment where the amount in controversy ~~in~~  
23 ~~money is one-thousand~~ five hundred dollars or less, exclusive  
24 of ~~interests~~ interest and costs, and actions for forcible  
25 entry and detainer which are based on those grounds set forth  
26 in section six hundred forty-eight point one (648.1),  
27 subsections one (1), two (2), three (3), and five (5) of the  
28 Code.

29 Sec. 55. Section six hundred thirty-one point two (631.2),  
30 Code 1973, is amended to read as follows:

31 631.2 TRIAL OF SMALL CLAIMS. Small claims shall be tried  
32 only by judicial magistrates and district associate judges,  
33 except when tried by regular procedure under section 631.8  
34 when they shall be tried by a district judge. Small claims  
35 shall be commenced, heard, and determined in accordance with

1 this chapter. Other statutes and rules relating to civil  
2 proceedings shall apply, but only insofar as not inconsistent  
3 with this chapter. Small claims on file for ninety days and  
4 not determined shall be dismissed by the clerk without  
5 prejudice unless prior thereto a party secures an order of  
6 continuance to a date certain after notice and hearing, upon  
7 a ground stated in rule 215.1 of the rules of civil procedure.  
8 Contested claims in an amount of a small claim may be heard  
9 by the court and determined under this chapter and actions  
10 therefor may be commenced hereunder; if commenced as a regular  
11 civil action or under the statutes relating to probate pro-  
12 ceedings, they shall be transferred to the small claims docket  
13 and proceed accordingly. Small claims coming within this  
14 chapter but commenced as a regular action shall not be dis-  
15 missed but shall be transferred to the small claims docket.  
16 Civil and probate actions not small claims but commenced  
17 hereunder shall be dismissed without prejudice except for  
18 defendants who have appeared, as to whom such actions shall  
19 be transferred to the combination or probate docket, as  
20 appropriate.

21 Sec. 56. Section six hundred thirty-one point three  
22 (631.3), Code 1973, is amended to read as follows:

23 631.3 COMMENCEMENT OF ACTIONS. All actions shall be com-  
24 menced by the filing of an original notice with the clerk.  
25 The clerk shall mail a copy of the original notice to each  
26 defendant at his last known address, as stated in the origi-  
27 nal notice, by ~~restricted~~ certified mail, restricted delivery,  
28 return receipt to the clerk requested. Instead of the mailing,  
29 the plaintiff may, after filing the original notice with the  
30 clerk, cause a copy of same to be served on all or some  
31 defendants in the manner provided in the rules of civil  
32 procedure pertaining to the commencement of actions. The  
33 clerk shall maintain a book known as the small claims docket,  
34 which shall contain as to small claims the matters contained  
35 in the combination docket as to the regular civil actions.

1 Sec. 57. Section six hundred thirty-one point four (631.4),  
2 Code 1973, is amended to read as follows:

3 631.4 ORIGINAL NOTICE--FORM. The original notice must  
4 be mailed or otherwise served not less than ten nor more than  
5 twenty days prior to the hearing appearance date. The original  
6 notice and copies shall be signed by the plaintiff, either  
7 in person or by attorney, and shall be in substantially the  
8 following form:

9 IN THE DISTRICT COURT OF IOWA  
10 IN AND FOR ..... COUNTY

11 .....)

12 Plaintiff(s) )

13 )

14 )

15 .....)

16 Address of each plaintiff )

17 )

18 VS ) SMALL CLAIM NO. ....

19 )

20 .....)

21 Defendant(s) )

22 )

23 )

24 .....)

25 Address of each defendant )

26 ORIGINAL NOTICE

27 To the above named defendant(s):

28 YOU ARE HEREBY NOTIFIED that the above named plaintiff(s)  
29 demands of you .....

30 (1. If demand is for money, state amount; 2. If  
31 .....

32 demand is for ~~something-else, state-briefly-what-is-demanded~~

33 .....

34 ~~and-its-value-in-money, 3. If both money and something-else~~

35 .....

1 ~~are demanded, state both 1 and 2~~ forcible entry and detainer,  
 2 ..... based on .....  
 3 state address and grounds) (state briefly the basis  
 4 ..... and that unless you appear ~~and defend~~ before  
 5 for the demand)  
 6 the clerk of the above named court either by written appear-  
 7 ance or in person at ..... in ....., Iowa, at  
 8 (Place) (City or Town)  
 9 ..... o'clock ...M. on the ..... day of .....,  
 10 19..., judgment will be rendered against you for the relief  
 11 demanded, together with interest and court costs.

12 .....  
 13 Plaintiff(s)

14 Sec. 58. Section six hundred thirty-one point five (631.5),  
 15 Code 1973, is amended by striking the section and inserting  
 16 in lieu thereof the following:

17 631.5 DUTIES OF CLERK. The clerk shall furnish forms  
 18 of original notice. Before filing an original notice, the  
 19 clerk shall receive a filing fee of two dollars plus the  
 20 amount of postage for mailing the original notice to each  
 21 defendant to which it is to be mailed. At the time of filing,  
 22 the clerk shall enter on the original notice and the copies  
 23 to be served, the file number, and the time and place of  
 24 appearance, which appearance may be in writing or in person,  
 25 and which shall be not less than ten nor more than twenty  
 26 days after the date on which the notice will be mailed or  
 27 otherwise served.

28 If the defendant appears before the clerk on or before  
 29 the time set in the original notice, the clerk shall assign  
 30 the claim to a judicial magistrate having jurisdiction, for  
 31 hearing at a place and time certain. The time of hearing  
 32 shall be not less than five days nor more than ten days from  
 33 the date of the defendant's appearance before the clerk.  
 34 The clerk shall immediately notify the plaintiff or his  
 35 attorney, the defendant or his attorney and the judicial

1 magistrate to which the claim is assigned of the time and  
2 place of hearing by ordinary mail. The clerk shall also  
3 transmit the original notice, and all other papers relating  
4 to the case, to the judicial magistrate to whom the case is  
5 assigned, and copies of all papers so transmitted shall be  
6 retained in the clerk's office.

7 If the defendant fails to appear, judgment shall be rendered  
8 against the defendant by the clerk if the relief is readily  
9 ascertainable. If the relief is not readily ascertainable  
10 the claim shall be assigned to a judicial magistrate for  
11 determination and the clerk shall immediately notify the  
12 plaintiff or his attorney and the judicial magistrate of such  
13 assignment by ordinary mail.

14 Sec. 59. Section six hundred thirty-one point eight  
15 (631.8), subsection four (4), Code 1973, is amended to read  
16 as follows:

17 4. In small claims actions, a counterclaim, cross claim,  
18 or intervention in a greater amount than that of a small claim  
19 shall be in the form of a regular pleading. A copy shall  
20 be filed for each existing party. New parties, when permitted  
21 by order, may be brought in under rule 34 of the rules of  
22 civil procedure and shall be given notice under the rules  
23 of civil procedure pertaining to announcement commencement  
24 of actions. The court shall either order such counterclaim,  
25 cross claim, or intervention to be tried by regular procedure  
26 and the other claim to be heard under this division, or order  
27 the entire action to be tried by regular procedure.

28 Sec. 60. Section six hundred thirty-one point nine (631.9),  
29 Code 1973, is amended to read as follows:

30 631.9 PROPER NOTICE DETERMINED. At the time for appearance  
31 or hearing the court-er clerk or court shall first determine  
32 that proper notice has been given a party before proceeding  
33 further as to him, unless he has appeared or is an existing  
34 party, and also that the action is properly brought as a small  
35 claim. Proper notice shall consist of either signed return

1 receipt, returned receipt indicating refusal to accept notice,  
 2 or sheriff's return of service of an original notice, whichever  
 3 is applicable. In the event the plaintiff appears and the  
 4 defendant fails to appear, and the court or clerk determines  
 5 that proper notice has not been given a party, he shall reset  
 6 the hearing date, and direct the plaintiff to serve the party  
 7 as in the manner prescribed for the service of original notice  
 8 provided in the rules of civil procedure, which shall be not  
 9 less than ten nor more than twenty days prior to the hearing  
 10 date.

11 Sec. 61. Section six hundred thirty-one point ten (631.10),  
 12 Code 1973, is amended to read as follows:

13 631.10 FAILURE TO APPEAR AT HEARING--EFFECT. Unless good  
 14 cause to the contrary is shown, if the parties fail to appear  
 15 at the time of hearing the claim shall be dismissed without  
 16 prejudice by the court ~~or clerk~~; if the plaintiff fails to  
 17 appear but the defendant appears, the claim shall be dismissed  
 18 with prejudice by the court ~~or clerk~~; and if the plaintiff  
 19 appears but the defendant fails to appear, judgment shall  
 20 be rendered against the defendant by the court, ~~or by the~~  
 21 ~~clerk if the relief to be granted is readily ascertainable.~~  
 22 The filing by the plaintiff of a verified account, or an  
 23 instrument in writing for the payment of money with an  
 24 affidavit the same is genuine, shall constitute an appearance  
 25 by plaintiff for the purpose of this rule. ~~At the request~~  
 26 ~~of either party, the court shall grant such party one~~  
 27 ~~continuance to a day certain.~~

28 Sec. 62. Section six hundred thirty-one point eleven  
 29 (631.11), Code 1973, is amended to read as follows:

30 631.11 HEARING. ~~The time for appearance shall be the~~  
 31 ~~time for hearing, unless a continuance has been granted under~~  
 32 ~~section 631.10.~~ The hearing shall be to the court, shall  
 33 be simple and informal, and shall be conducted by the court  
 34 itself, without regard to technicalities of procedure; but  
 35 the decision must be based on substantial evidence. The court

1 shall swear the parties and their witnesses, and examine them  
2 in such way as to bring out the truth. The parties may  
3 participate, either personally or by attorney. The court  
4 may continue the hearing from time to time if justice requires.  
5 ~~The proceedings shall not be reported unless a party provides~~  
6 ~~a reporter at his own expense or the parties by agreement~~  
7 ~~cause the proceedings to be electronically reported, but there~~  
8 ~~shall be no delay for such purpose.~~

9 Upon the trial, the judicial magistrate shall make minutes  
10 of the testimony of each witness and append the exhibits or  
11 copies thereof. The proceedings upon trial shall not be  
12 reported, unless the party provides a reporter at such party's  
13 expense. By agreement the parties may cause the proceedings  
14 upon trial to be reported electronically.

15 Sec. 63. Section six hundred thirty-one point twelve  
16 (631.12), subsection one (1), Code 1973, is amended to read  
17 as follows:

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

1 Sec. 64. Section six hundred forty-eight point five  
2 (648.5), Code 1973, is amended to read as follows:

3 648.5 JURISDICTION. The ~~district~~ court within the county  
4 shall have jurisdiction of actions for the forcible entry  
5 or detention of real property. ~~Where-an-action-is-broughte~~  
6 ~~in-the-district-court-it~~ It shall be tried as an equitable  
7 ~~action,~~ ~~and-upon-presentation-of-the-petition-to-the-associate~~  
8 ~~district-judge-or-judicial-magistrate-after-the-same-has-been~~  
9 ~~filed,-the~~ Unless commenced as a small claim, a petition shall  
10 be presented to a district court judge. The court shall make  
11 an order fixing the time and place for hearing upon said  
12 petition and shall prescribe that notice of the hearing be  
13 personally served upon the defendant or defendants, which  
14 service shall be at least five days prior to the date set  
15 for hearing.

16 Sec. 65. Section six hundred sixty-five point four (665.4),  
17 subsections two (2) and three (3), Code 1973, are amended  
18 to read as follows:

19 2. By Before district judges and district associate judges,  
20 by a fine not exceeding five hundred dollars or imprisonment  
21 in a county jail not exceeding six months or by both such  
22 fine and imprisonment.

23 3. By Before judicial magistrates, by a fine not exceeding  
24 one hundred dollars or imprisonment in a county jail not  
25 exceeding thirty days.

26 Sec. 66. Section seven hundred forty-eight point four  
27 (748.4), Code 1973, is amended to read as follows:

28 748.4 DUTIES. It shall be the duty of a peace officer  
29 and his deputy, if any, throughout the county, township,  
30 or municipality of which he is such officer, to preserve the  
31 peace, to ferret out crime, to apprehend and arrest all crimi-  
32 nals, and insofar as it is within his power, to secure evidence  
33 of all crimes committed, and present the same to the county  
34 attorney, grand jury, ~~mayer-or-police-courts~~ or magistrate,  
35 and to file informations against all persons whom he knows,

1 or has reason to believe, to have violated the laws of the  
2 state, and to perform all other duties, civil or criminal,  
3 pertaining to his office or enjoined upon him by law. Nothing  
4 herein shall be deemed to curtail the powers and duties  
5 otherwise granted to or imposed upon peace officers.

6 Sec. 67. Section seven hundred fifty-one point twenty-  
7 six (751.26), Code 1973, is amended to read as follows:

8 751.26 EXECUTION--SALE--DESTRUCTION. Execution shall  
9 issue for the sale of all property, except money, which may  
10 have a legitimate use, and for the destruction of all prop-  
11 erty having no legitimate use. Sales shall be made as pro-  
12 vided by section ~~626.76~~\* six hundred twenty-six point seventy-  
13 five (626.75) of the Code. Due return of the execution shall  
14 be made thereon by the officer executing it.

15 Sec. 68. Section seven hundred fifty-two point four  
16 (752.4), Code 1973, is amended to read as follows:

17 752.4 ONE-YEAR LIMITATION. A prosecution for a nonin-  
18 dictable misdemeanor ~~triable before a magistrate~~, or violation  
19 of an ordinance of a city or town, must be commenced within  
20 one year after the commission thereof, and not after.

21 Sec. 69. Section seven hundred fifty-three point nine  
22 (753.9), Code 1973, is amended to read as follows:

23 753.9 FAILURE TO APPEAR. Any Except for citations for  
24 traffic violations, any person who willfully fails to appear  
25 in court as specified by the citation shall be guilty of a  
26 misdemeanor and upon conviction shall be punished by a fine  
27 of not more than five hundred dollars or by imprisonment in  
28 the county jail not exceeding three months, or by both such  
29 fine and imprisonment. Failure to appear in response to a  
30 citation for a traffic violation shall be governed by section  
31 three hundred twenty-one point four hundred eighty-seven  
32 (321.487) of the Code.

33 Sec. 70. Section seven hundred fifty-three point thirteen  
34 (753.13), Code 1973, is amended to read as follows:

35 753.13 UNIFORM CITATION AND COMPLAINT. The commissioner

1 of public safety shall adopt a uniform, combined traffic cita-  
2 tion and complaint, which shall be used for charging all  
3 traffic violations in Iowa under state law or municipal ordi-  
4 nance, unless the defendant is charged by information or  
5 section 321.236, subsection 1, is applicable. Each citation  
6 and complaint shall be serially numbered and shall be in qua-  
7 druplicate, and the officer shall deliver the original and  
8 a copy to the court where the defendant is to appear, a copy  
9 to the defendant, and a copy to the law enforcement agency  
10 of the officer. The court shall forward the copy of the cita-  
11 tion and complaint in accordance with section 321.207. The  
12 citation and complaint shall contain, among other things,  
13 spaces for the parties' names and for the information required  
14 by section 321.485, subsection 2; a place where the defendant  
15 may sign the promise to appear referred to in section ~~321.400~~  
16 three hundred twenty-one point four hundred eighty-six  
17 (321.486) of the Code; a list of the minimum fines prescribed  
18 by section 753.15, either separately or by groups; a brief  
19 explanation of sections 753.16 and 753.17; and a space where  
20 the defendant may sign an admission of the violation when  
21 such section 753.16 is applicable. Every citation and  
22 complaint shall require the defendant to appear before a court  
23 at a specified time and place. Notwithstanding section  
24 321.485, subsection 2, the officer may arrest the defendant  
25 although a citation and complaint is used to charge the  
26 violation, if authorized by section 755.4.

27 Sec. 71. Section seven hundred fifty-three point fifteen  
28 (753.15), unnumbered paragraphs one (1) and two (2), Code  
29 1973, are amended to read as follows:

30 753.15 SCHEDULED VIOLATIONS. The following shall be  
31 scheduled violations and the minimum fine for all convictions  
32 of the following violations, whether of state law or municipal  
33 ordinance, shall be:

34 Violations of the schedule of axle and tandem axle and  
35 gross or group of axle weight violations in section 321.463

1 shall be scheduled violations subject to the provisions,  
2 procedures and exceptions contained in sections ~~753.16\*-to~~  
3 ~~753.20\*~~ seven hundred fifty-three point thirteen (753.13)  
4 to seven hundred fifty-three point eighteen (753.18) of the  
5 Code, irrespective of the amount of the fine under such  
6 schedule. Violations of the schedule of weight violations  
7 shall be chargeable, where the fine charged does not exceed  
8 one hundred dollars, only by uniform citation and complaint.  
9 Violations of the schedule of weight violations, where the  
10 fine charged exceeds one hundred dollars: (1) Shall, when  
11 the violation is admitted and section 753.16 applies, be  
12 chargeable upon uniform citation and complaint, indictment,  
13 or county attorney's information, (2) but otherwise, shall  
14 be chargeable only upon indictment or county attorney's  
15 information. In all cases of charges under the schedule of  
16 weight violations, the charge shall specify the amount of  
17 fine charged under the schedule. Where a defendant is  
18 convicted and the fine under the foregoing schedule of weight  
19 violations exceeds one hundred dollars, the conviction shall  
20 be of an indictable offense although section 753.16 is employed  
21 and whether the violation is charged upon uniform citation  
22 and complaint, indictment, or county attorney's information.

23 Sec. 72. Section seven hundred fifty-three point fifteen  
24 (753.15), subsection two (2), Code 1973, is amended to read  
25 as follows:

26 2. Registration card or plate violation under sections  
27 three hundred twenty-one point thirty-seven (321.37), three  
28 hundred twenty-one point thirty-eight (321.38), three hundred  
29 twenty-one point thirty-nine (321.39), and three hundred  
30 twenty-one point three hundred eighty-eight (321.388) of the  
31 Code, five dollars.

32 Sec. 73. Section seven hundred fifty-three point sixteen  
33 (753.16), subsection three (3), paragraph b, Code 1973, is  
34 amended to read as follows:

35 b. If the defendant does not comply with paragraph "a"

1 of this subsection, the officer may release the defendant  
 2 upon observing him mail to a court in the county the citation  
 3 and complaint and twice the minimum fine together with five  
 4 dollars costs, or in lieu of twice the fine and the costs,  
 5 a guaranteed arrest bond certificate as provided in section  
 6 321.1, subsection 70, as bail together with the following  
 7 statement signed by the defendant:

8 "I agree that either (1) I will appear pursuant to this  
 9 citation or (2) if I do not so appear ~~that-I-hereby-admit~~  
 10 ~~the-violation-charged-in-the-citation-and-complaint-and-con-~~  
 11 ~~sent-to-entry-of-judgment-of-conviction-for-twice-the-minimum~~  
 12 ~~fine-together-with-five-dollars-costs-and-to-application-of~~  
 13 ~~the-enclosed-funds-or-bail-in-satisfaction-of-such-fine-and~~  
 14 ~~costs~~ the amount deposited as bail will be forfeited."

15 Sec. 74. Section seven hundred fifty-three point seventeen  
 16 (753.17), Code 1973, is amended to read as follows:

17 753.17 REQUIRED COURT APPEARANCE. Section 753.16 shall  
 18 not apply to a scheduled violation:

19 1. When the violation charged ~~resulted-in~~ involved an  
 20 accident or injury.

21 2. When the officer ~~determines-that~~ believed the defendant  
 22 ~~does~~ did not have in force a valid operator's or chauffeur's  
 23 license or permit.

24 3. When the officer ~~determines-that~~ believed the violation  
 25 was hazardous or aggravated because of highway conditions,  
 26 visibility, traffic, repetition, or other circumstances.

27 In such cases, the defendant shall appear before the court  
 28 and regular procedure shall apply. If an information is used  
 29 the officer shall endorse thereon, "~~Not-for-traffic-viola-~~  
 30 ~~tions-office~~ Court appearance required." If a citation and  
 31 complaint is used, the officer shall strike out the space  
 32 in which the defendant may admit the violation before a traffic  
 33 violations office and shall endorse thereon "Court appear-  
 34 ance required". ~~A-citation-and-complaint-or-information~~  
 35 ~~containing-a-charge-under-subsections-1-and-2-of-this-section~~

1 ~~shall not itself constitute substantive proof of the charge.~~  
2 A defendant shall appear before the court for any nonscheduled  
3 violation either in person or by attorney.

4 Sec. 75. Section seven hundred fifty-three point eighteen  
5 (753.18), Code 1973, is amended to read as follows:

6 753.18 OTHER PENALTIES. ~~When section 753.16 does not~~  
7 ~~apply to a scheduled violation or when the defendant denies~~  
8 ~~a scheduled violation, if~~ If the defendant is found guilty  
9 convicted of a scheduled violation, the penalty shall be the  
10 scheduled fine, without suspension of the fine prescribed  
11 in section 753.15 together with five dollars court costs  
12 assessed and distributed as prescribed by section six hundred  
13 two point sixty-three (602.63) of the Code, unless it appears  
14 from the evidence that the violation was hazardous or  
15 aggravated of the type set forth in section seven hundred  
16 fifty-three point seventeen (753.17), subsection three (3),  
17 of the Code, in which event the punishment shall be increased  
18 accordingly within the limits of law.

19 Sec. 76. Section seven hundred fifty-three point twenty  
20 (753.20), subsection one (1), Code 1973, is amended by strik-  
21 ing the subsection and inserting in lieu thereof the following:

22 1. Traffic violations may be tried in the judicial dis-  
23 trict in which the offense is committed.

24 Sec. 77. Section seven hundred fifty-four point three  
25 (754.3), Code 1973, is amended to read as follows:

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

33 Whenever the preliminary information or complaint charges  
34 a misdemeanor the magistrate, or district court clerk or his  
35 deputy, may in his discretion issue a citation instead of

1 a warrant of arrest. The citation shall set forth  
2 substantially the nature of the offense and shall command  
3 the person against whom the complaint was made to appear  
4 before the magistrate issuing the citation at a time and place  
5 stated therein.

6 The citation may be served in the same manner as an original  
7 notice in a civil action.

8 If the person named in the citation is actually served  
9 as provided herein and fails without good cause to appear  
10 as commanded by the citation, he shall be ~~considered-in-con-~~  
11 ~~tempt-of-court-and-may-be-punished-by-a-fine-of-not-more-than~~  
12 twenty-dollars guilty of a misdemeanor, and, upon convic-  
13 tion, shall be punished as provided in section seven hundred  
14 fifty-three point nine (753.9) of the Code. Upon such failure  
15 to appear, the magistrate, or district court clerk or his  
16 deputy, shall issue a warrant of arrest for the offense origi-  
17 nally charged, ~~and-institute-proceedings-in-contempt-as~~  
18 provided-by-chapter-665. Failure to appear in response to  
19 a citation for a traffic violation shall be governed by sec-  
20 tion three hundred twenty-one point four hundred eighty-seven  
21 (321.487) of the Code.

22 If Except for citations for traffic violations, if after  
23 issuing a citation the magistrate, or district court clerk  
24 or his deputy, becomes satisfied that the person to whom such  
25 citation has been directed will not appear, he may at once  
26 issue a warrant of arrest without waiting for the date  
27 mentioned in the citation. A warrant or citation issued by  
28 a clerk or deputy shall be returnable before a magistrate  
29 for the county, or in his absence, before the nearest  
30 magistrate, whether the warrant is for a felony as under  
31 section 757.2 or for a misdemeanor. If a citation or warrant  
32 is issued by the clerk, the preliminary information shall  
33 be transmitted to the magistrate before whom the defendant  
34 is to appear.

35 Sec. 78. Section seven hundred sixty-two point two (762.2),

1 Code 1973, is amended to read as follows:

2 762.2 INFORMATION--COMPLAINT. Criminal actions for the  
3 commission of a public offense must be commenced before a  
4 magistrate or district court clerk or his deputy by an  
5 information or complaint, subscribed and sworn to, and filed  
6 with the magistrate or district court clerk or his deputy.

7 Sec. 79. Section seven hundred sixty-two point five  
8 (762.5), Code 1973, is amended to read as follows:

9 762.5 FILING OF INFORMATION. The magistrate or district  
10 court clerk or his deputy must file such information and mark  
11 thereon the time of filing the same.

12 Sec. 80. Section seven hundred sixty-two point six (762.6),  
13 Code 1973, is amended to read as follows:

14 762.6 WARRANT OF ARREST. Immediately upon the filing  
15 of such information, the magistrate, or ~~in his absence~~, the  
16 district court clerk or deputy may, in his discretion, issue  
17 a warrant for the arrest of the defendant, directed in the  
18 same manner as a warrant of arrest upon a preliminary informa-  
19 tion, which may be served in like manner.

20 Sec. 81. Section seven hundred sixty-two point twelve  
21 (762.12), Code 1973, is amended by striking the section and  
22 inserting in lieu thereof the following:

23 762.12 TRIAL. Upon a plea other than guilty, the magis-  
24 trate shall set a trial date which shall be at least fifteen  
25 days after the plea is entered. He shall notify the prose-  
26 cuting attorney of the trial date and shall advise the defen-  
27 dant that the trial will be without jury unless demand for  
28 jury trial is made at least ten days prior to the date set  
29 for trial.

30 Upon the trial, the judicial magistrate shall make minutes  
31 of the testimony of each witness and append the exhibits or  
32 copies thereof. The proceedings upon trial shall not be  
33 reported, unless the party provides a reporter at such party's  
34 expense. By agreement the parties may cause the proceedings  
35 upon trial to be reported electronically. If the defendant

1 is indigent and requests that the proceedings upon trial be  
2 reported, the judicial magistrate shall cause them to be  
3 reported by a reporter, or electronically, at public expense.

4 Sec. 82. Section seven hundred sixty-two point fifteen  
5 (762.15), Code 1973, is amended to read as follows:

6 762.15 JURY TRIAL. Either party in a criminal action  
7 shall be entitled to jury trial by filing with the magistrate  
8 a written jury demand within at least ten days after the  
9 ~~information or complaint is filed, or at least two days~~ before  
10 the time set for trial ~~trial if the action is tried before~~  
11 ~~ten days elapses~~. Failure to make a jury demand in the manner  
12 prescribed herein constitutes a waiver of jury. If demand  
13 is made, the action shall be tried by a jury of six members.

14 Sec. 83. Section seven hundred sixty-two point thirty-  
15 five (762.35), Code 1973, is amended to read as follows:

16 762.35 APPEAL. In either case the prosecuting witness  
17 may appeal from such judgment to a district judge, by giving  
18 notice thereof as provided with reference to appeals by  
19 defendant, and the fact of the giving of such notice shall  
20 be entered ~~(by the\*)~~ magistrate on his record. The same pro-  
21 cedure shall obtain as upon an appeal by the defendant.

22 Sec. 84. Section seven hundred sixty-two point forty-three  
23 (762.43), Code 1973, is amended to read as follows:

24 762.43 APPEAL. An appeal may be taken by the plaintiff  
25 only upon a finding of invalidity of an ordinance or statute.  
26 In all other cases, an appeal may only be taken by the defen-  
27 dant and only upon a judgment of conviction. Execution of  
28 the judgment shall be stayed upon the filing with the clerk  
29 of the district court an appeal bond with surety approved  
30 by the clerk, in the sum specified in the judgment. The  
31 defendant may take an appeal, by giving notice orally to the  
32 magistrate that he appeals, or by delivering to the magistrate  
33 not later than ten days thereafter, a written notice of his  
34 appeal, and in either case the magistrate must make an entry  
35 on its docket of the giving of such notice. Payment of fine

1 or service of a sentence of imprisonment does not waive the  
2 right to appeal, nor render the appeal moot. When an appeal  
3 is taken, the magistrate shall forward to the appropriate  
4 district court clerk a copy of the docket entries in his  
5 court, together with copies of the complaint, warrant, motions,  
6 pleadings ~~or~~ , his minutes of the witness' testimony and the  
7 exhibits or copies thereof, and all other papers in the case.  
8 Within ten days after an appeal is taken, unless extended  
9 by order of a district judge or by stipulation of the parties,  
10 any party may file with the clerk, as a part of the record,  
11 a transcript of the official report, if any, and, in the event  
12 the report was made electronically, the tape or other medium  
13 on which the proceedings were preserved. A district judge  
14 shall promptly hear the appeal upon the record thus filed  
15 without further evidence. If the original action was tried  
16 before a district judge acting as a judicial magistrate, the  
17 appeal shall be to a different district judge. The judge  
18 shall decide the appeal without regard to technicalities or  
19 defects. Judgment shall be rendered as though the case were  
20 being originally tried.

21 Sec. 85. Section seven hundred sixty-nine point two  
22 (769.2), Code 1973, is amended to read as follows:

23 769.2 FILING BY COUNTY ATTORNEY. The county attorney  
24 may file with ~~a magistrate or~~ the clerk of the district court  
25 an information charging a person with an indictable offense.

26 Sec. 86. Section seven hundred sixty-nine point eight  
27 (769.8), Code 1973, is amended to read as follows:

28 769.8 APPROVAL BY JUDGE. The information, before being  
29 filed, shall be presented to ~~some judge of the district court~~  
30 a district judge or district associate judge of the county  
31 having jurisdiction of the offense, which judge shall endorse  
32 his approval or disapproval thereon. If the information  
33 receive the approval of the judge, the same shall be filed.  
34 If not approved, the charge shall be presented to the next  
35 grand jury for consideration.



1 pending in mayor's courts, justice of the peace courts, police  
2 courts, superior courts and municipal courts as of June 30,  
3 1973. It provides that the municipal court judges, the clerks  
4 of the municipal court, and their deputies, bailiffs of the  
5 municipal court and their deputies, police court judges, jus-  
6 tices of the peace and constables which hold office on July  
7 1, 1972 and are continued in office by the unified trial court  
8 Act, shall also include those who are elected or appointed  
9 to those offices after July 1, 1972.

10 Section 8. This section provides that the office of  
11 district associate judge shall be a permanent position. The  
12 number of district associate judges is determined by a formula  
13 according to population. Under present population statistics  
14 the number of district associate judgeships created will be  
15 the same as under the original Act plus the number of full-  
16 time magistrate positions which would have been created but  
17 for this amendment. The present municipal court judges fill  
18 the initial vacancies, and any additional vacancies and all  
19 future vacancies are to be filled by nomination and appointment  
20 as provided for district judges.

21 Section 9. This section provides that the district court  
22 judge appointed to the judicial magistrate appointive commis-  
23 sion shall serve until a successor is designated.

24 Sections 10 and 11. These sections provide that the  
25 district court clerk shall keep a record of the name and  
26 address and expiration of term of all appointees of the com-  
27 mission.

28 Section 12. This section eliminates the sample name on  
29 the ballot for conduct of elections of the judicial magistrate  
30 appointive commissioners.

31 Section 13. This section clarifies the appointment pro-  
32 cedures for judicial magistrate appointive commissions and  
33 eliminates and corrects references to full-time magistrates  
34 and district magistrates.

35 Sections 14, 17, and 18. These sections redefine the

1 circumstances under which judicial magistrates shall not be  
2 allowed to hear particular cases.

3 Sections 15 and 16. These sections clarify the allotment  
4 of judicial magistrate and eliminate the full-time magistrates  
5 and district associate judgeships from the total allotment  
6 and apportionment. Section 16 removes one magistrate from  
7 the number allotted to Cedar county and increases those  
8 allotted to Dickinson county by one.

9 The bill provides that all of the above amendments shall  
10 take effect immediately.

11 The remaining sections of the bill will take effect in  
12 the normal manner.

13 Section 19. This section provides clarification that  
14 judicial magistrates shall be required to post a bond.

15 Section 20. This section eliminates the requirement that  
16 judges in traffic offenses need to make a notation on the  
17 back of the operator's license.

18 Section 21. This section reduces the amount allowed for  
19 parking violations from ten dollars to five dollars. It makes  
20 clear that parking meter violations may be proceeded upon  
21 as in scheduled traffic violations.

22 Section 22. This section eliminates scheduled violations  
23 from the regular procedure to be employed by peace officers  
24 in enforcing the motor vehicle code.

25 Sections 23 and 24. These sections provide that the written  
26 traffic citations shall be in a number of copies as prescribed  
27 by the commissioner of public safety rather than in triplicate  
28 as is presently required.

29 Sections 24 and 25. These sections correct references  
30 to the word "summons" and replace them with the word "cita-  
31 tion" wherever the correction is necessary.

32 Section 26. This section eliminates the phrase "court  
33 of record" and replaces it with the names of the particular  
34 judges of the district court.

35 Section 27. This section amends the provision of the Code

1 relating to compensation of substitute county attorneys to  
2 comport with the structure of the new court Act.

3 Section 28. This section provides that judicial magis-  
4 trates shall deposit the funds which they hold as approved  
5 by the board of supervisors.

6 Section 29. This section clarifies the fact that Iowa  
7 district court has exclusive jurisdiction except in those  
8 cases where exclusive or concurrent jurisdiction is conferred  
9 upon another court or administrative body, and it clarifies  
10 the fact that Iowa district court is a court of record.

11 Section 30. This section clarifies the fact that the  
12 officers of the district court shall be exercising jurisdic-  
13 tion of the court rather than judicial power.

14 Section 31. This section provides that the removal pro-  
15 cedure for judicial magistrates shall be limited in area to  
16 judicial election districts.

17 Section 32. This section clarifies the fact that district  
18 associate judges are to stand for retention in office every  
19 four years after the judicial election in 1974.

20 Section 33. Section 33 provides that district associate  
21 judges shall be under the jurisdiction of the chief judge  
22 of the district for administration purposes. It increases  
23 their jurisdiction over civil matters to five thousand dollars  
24 and places them under the chief judge of their judicial  
25 district for administration purposes.

26 Section 34. This section provides for the appointment  
27 of shorthand reporters by each district associate judge.

28 Section 35. Section 35 clarifies the transfer of municipal  
29 court records to the district court and that court's assumption  
30 of power over them.

31 Section 36. This section eliminates full-time magistrates  
32 from the salary section relating to district associate judges.  
33 It also provides that district associate judges who did not  
34 serve as municipal court judges shall be members of the Iowa  
35 public employees retirement system.

1     Section 37. This section eliminates a reference to full-  
2 time magistrate.

3     Section 38. This section provides that a district judge  
4 or two percent of the electorate voting for governor in the  
5 last general election of the county of a judicial magistrate  
6 may petition for his removal, in which case, the chief judge  
7 of that judicial election district shall appoint a three-judge  
8 tribunal to hear the case.

9     Section 39. This section eliminates from the jurisdiction  
10 of judicial magistrates forcible entry and detainer actions  
11 which involve determinations of title, and adds to the juris-  
12 diction of judicial magistrate the power to determine contro-  
13 versies over lost property.

14     Section 40. This section provides a direction to the chief  
15 judge of the district regarding his determinations as to the  
16 times and places of holding court. The scheduling is to be  
17 accomplished to insure accessibility of magistrates and the  
18 chief judge is also given the power to allocate work load  
19 as necessary.

20     Section 41. This section clarifies the costs applicable  
21 in cases of nonindictable misdemeanors.

22     Section 42. This section allows the supreme court  
23 administrator to prescribe the data required and times of  
24 filing reports of the work load of the district associate  
25 judges and judicial magistrates.

26     Section 43. This section changes the word "district" to  
27 "judicial".

28     Section 44. This section provides clarification that the  
29 procedure for discretionary review in criminal actions applies  
30 only to nonindictable misdemeanors.

31     Section 45. This section corrects a reference to "county"  
32 attorney which must also apply to city attorneys.

33     Section 46. This section clarifies which judges must be  
34 attorneys and makes other corrective word changes.

35     Section 47. See the explanation for sections 14, 17 and

1 48.

2 Section 48. This section corrects the word "judges" by  
3 replacing it with the singular and defines district associ-  
4 ate judge for purposes of the judicial retirement chapter.

5 Section 49. This section clarifies procedures used in  
6 implementing the changes necessary in the judicial retirement  
7 system to comport with the state's assumption of the salaries  
8 of district associate judges.

9 Section 50. This section strikes a paragraph of the  
10 judicial retirement system chapter which will not be necessary  
11 after July 1.

12 Sections 51 and 52. These sections add district associ-  
13 ate judges to a section of the judicial retirement system  
14 chapter omitted from the original bill.

15 Section 53. This section changes a verb form and elimi-  
16 nates a reference to a judgment in a justice's court.

17 Section 54. This section redefines small claims to include  
18 forcible entry and detainer actions defined in section 648.1,  
19 subsections one, two, three and five of the Code. These are  
20 actions which do not involve title disputes.

21 Section 55. This section clarifies the fact that small  
22 claims are to be heard by the court without jury.

23 Sections 56 through 63. These sections amend the pro-  
24 cedure to be followed in small claims cases. They provide  
25 that the hearing shall be only after an appearance has been  
26 made by the defendant. They amend the original notice to  
27 be used in small claims cases to comport with the redefinition  
28 of the jurisdiction of small claims, and more clearly deline-  
29 ate the requirements for proper notice in small claims cases.

30 Section 64. This section provides that the requirement  
31 for a petition in forcible entry and detainer actions applies  
32 only to those which are not defined as small claims.

33 Section 65. This section corrects the language contained  
34 in the provision for punishment for contempt of court.

35 Section 66. This section eliminates the reference to

1 mayor and police courts in the description of the duties of  
2 police officers and their deputies.

3 Section 67. This section corrects a reference to another  
4 section of the Code.

5 Section 68. This section more correctly delineates which  
6 offenses have a one-year time limitation.

7 Section 69. This section eliminates duplicative penal-  
8 ties for failure to appear in response to a traffic citation.

9 Section 70. This section corrects a reference to another  
10 section of the Code.

11 Section 71. This section amends the section describing  
12 scheduled traffic violations so that a definition is provided,  
13 and corrects a reference to another section of the Code.

14 Section 72. This section clarifies which plate violations  
15 are scheduled violations.

16 Section 73. This section eliminates the admission of a  
17 traffic violation if an individual does not appear in response  
18 to a citation and provides instead simply that the amount  
19 deposited will be forfeited in twice the amount of the fine  
20 plus five dollars costs.

21 Section 74. This section clarifies the fact that in those  
22 cases in which an individual is required to appear in response  
23 to a traffic citation because he did not have an operator's  
24 permit, or that the violation was hazardous or aggravated  
25 because of highway conditions, that it be in the belief of  
26 the officer.

27 Section 75. This section clarifies the procedures involved  
28 in penalties for scheduled violations.

29 Section 76. This section clarifies that venue for traffic  
30 violations shall be in the judicial district where the offense  
31 occurred.

32 Section 77. This section sets out more fully the pro-  
33 cedure for a clerk to follow in issuing a citation.

34 Section 78. This section makes clear that a criminal  
35 action for commission of a public offense must be commenced

1 before a magistrate or district court clerk or his deputy.

2 Sections 79 and 80. These sections clarify that the  
3 district court clerk may file informations and issue warrants.

4 Sections 81 and 82. These sections provide that trial  
5 in nonindictable misdemeanor cases shall be without jury  
6 unless jury is requested by the defendant, and clarifies  
7 procedures to be followed in such cases.

8 Section 83. This section corrects an omission of two words  
9 in the first sentence of section 762.35 of the Code.

10 Section 84. This section allows an appeal from a deci-  
11 sion in nonindictable misdemeanor cases by the plaintiff only  
12 upon a finding of invalidity of an ordinance or statute, and  
13 provides for clarification of the procedure for the trial  
14 of nonindictable misdemeanors and requires that a record be  
15 kept of the trial by either reporter or electronic means.

16 Section 85. This section clarifies that county attorneys  
17 may file informations with the clerk and not the magistrate  
18 as previously allowed.

19 Section 86. This section provides that approval of infor-  
20 mations may be obtained from district associate judges in  
21 addition to district judges.

22 Section 87. This section clarifies to whom indictable  
23 misdemeanors may be transferred by district judges.

24 Section 88. This section provides that when appeal is  
25 taken the magistrate shall also forward to the appropriate  
26 district court clerk his minutes of the witness' testimony  
27 and exhibits or copies thereof.

28 Section 89. This section repeals two sections of the  
29 Code relating to full-time judicial magistrates.

30  
31  
32  
33  
34  
35

LSB 488  
jd/cc/1

HOUSE FILE 585

H-340

1 Amend House File 585 as follows:

2 1. Page 16, by inserting the following new sec-  
3 tion after line 31:

4 Sec. \_\_\_\_ . Section six hundred two point thirty-  
5 four (602.34), Code 1973, unnumbered paragraphs one (1)  
6 and two (2) are amended to read as follows:

7 602.34 CLERKS AND BAILIFFS. ~~Elective-clerks~~  
8 Clerks and ~~elective~~ bailiffs of municipal courts who  
9 are in office on June 30, 1973, and municipal court  
10 deputy clerks and deputy bailiffs who are in office on  
11 that date, shall on July 1, 1973, become deputies of  
12 the district court clerks and sheriffs respectively,  
13 in the counties of their residence. During the two  
14 years after June 30, 1973, said persons shall be  
15 assigned, to the maximum extent possible, to duties  
16 comparable to their former duties as municipal court  
17 clerks, bailiffs, deputy clerks, or deputy bailiffs.  
18 The boards of supervisors may enlarge the district  
19 court clerks' and sheriffs' facilities accordingly, and  
20 shall have authority to build, remodel, purchase, and  
21 lease real and personal property and equipment for such  
22 purpose, subject to chapter 75 and sections 332.7 and  
23 332.8, where applicable. The compensation and other  
24 benefits received on January 1, 1972, by the individu-  
25 als who so become deputies shall not be reduced after  
26 June 30, 1973, from the amount on that date, unless all  
27 the deputies of the office are similarly reduced, but  
28 shall be paid by the counties of their residence;  
29 provided, that if the salary of any deputy equals or  
30 exceeds the salary of the district court clerk or  
31 sheriff of whom he is deputy, then the salary of the  
32 particular district court clerk or sheriff shall be  
33 increased so as to exceed the salary of the deputy by  
34 the sum of two hundred dollars per year.

35 The individuals who were ~~elective~~ municipal court  
36 clerks and bailiffs on June 30, 1973, and who were  
37 municipal court deputy clerks and deputy bailiffs on  
38 that date, may as deputies of the district court clerks  
39 and sheriffs be suspended, demoted, or discharged by  
40 the district court clerks and sheriffs only for neglect  
41 of duty, disobedience of orders, misconduct, or failure  
42 to properly perform duties, by pursuing the procedure  
43 provided by sections 365.19 through 365.26; and in  
44 these cases the district court clerk or sheriff shall  
45 be deemed to be the person having the appointing  
46 power, the county auditor shall perform the functions  
47 of the mayor or city manager, the board of supervisors  
48 shall perform the functions of the civil service com-  
49 mission, and the county attorney shall perform the  
50 functions of the city attorney or solicitor.

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April 23, 1973

51           2. By renumbering sections and changing refer-  
52           ences where necessary.

H-340 Filed and adopted  
April 19, 1973

By STANLEY of Muscatine  
DOYLE of Woodbury  
WEST of Marshall  
BROCKETT of Marshall  
JUNKER of Woodbury  
EDELLEN of Emmet  
WELLS of Linn  
CARR of Dubuque  
MENNENGA of Clinton

HOUSE FILE 585

H-339

1           Amend the Hennessey-Wells amendment, H-326, to  
2           House File 585 as follows:  
3           1. Line 17, by striking the word "fifteen" and  
4           inserting in lieu thereof the word "forty".

H-339 Filed and lost  
April 19, 1973

By WELLS of Linn  
JORDAN of Linn

HOUSE CLIP SHEET

Monday, April 23, 1973

HOUSE FILE 585

H-327

1 Amend House File 585 as follows:

2 1. Page 2, by striking lines 2 through 10 and  
3 inserting in lieu thereof the following new section:  
4 Sec. \_\_\_\_\_. Acts of the Sixty-fourth General Assembly,  
5 1972 Session, chapter one thousand one hundred twenty-  
6 four (1124), section two hundred eighty-three (283),  
7 is amended by striking the section and inserting in  
8 lieu thereof the following:

9 Sec. 283. EFFECTIVE DATE. The provisions of this  
10 Act shall take effect as provided in this section.

11 1. The provisions of sections twelve (12) through  
12 twenty (20) and twenty-eight (28) through thirty (30),  
13 inclusive, of this Act relating to the powers and  
14 duties of county judicial magistrate appointing  
15 commissions shall take effect on July 1, 1972.

16 2. The provisions of sections three (3) through  
17 seven (7) of this Act shall take effect on July 1,  
18 1974.

19 3. The remaining sections of this Act, except  
20 for those expressly providing otherwise, shall take  
21 effect on July 1, 1975.

22 2. Page 4, by adding after line 16 the following  
23 new section:

24 Sec. \_\_\_\_\_. Section six hundred two point eighteen  
25 (602.18), subsection ten (10), Code 1973, is amended  
26 to read as follows:

27 10. The supreme court administrator shall notify  
28 the secretary of state of any additional judgeships  
29 created by this chapter. The secretary of state shall  
30 notify the proper judicial nominating commission in  
31 accordance with chapter 46. Such commission shall  
32 proceed as provided in that chapter. Effective July  
33 1, ~~1973~~ 1975, a district judge shall be appointed  
34 for the district pursuant to chapter 46, if the dis-  
35 trict is entitled to an additional judge or judges  
36 as a result of this chapter.

37 3. Page 4, by striking line 22 and inserting in  
38 lieu thereof the following: "abolished as of July  
39 1, ~~1973~~ 1975. Promptly after July 1, ~~1973~~ 1975,".

40 4. Page 5, line 4, by striking the figures "1973"

- 41 and inserting in lieu thereof the figures "1975".
- 42 5. Page 5, line 11, by striking the figures "1973"
- 43 and inserting in lieu thereof the figures "~~1973~~ 1975".
- 44 6. Page 5, line 32, by striking the figures "1973"
- 45 and inserting in lieu thereof the figures "~~1973~~ 1975".
- 46 7. Page 5, line 33, by striking the figures "1973"
- 47 and inserting in lieu thereof the figures "~~1973~~ 1975".
- 48 8. Page 7, line 33, by striking the figures "1973"
- 49 and inserting in lieu thereof the figures "~~1973~~ 1975".
- 50 9. Page 8, line 12, by striking the figures "1973"
- 51 and inserting in lieu thereof the figures "~~1973~~ 1975".
- 52 10. Page 8, line 13, by striking the figures
- 53 "1974" and inserting in lieu thereof the figures "~~1974~~
- 54 1976".
- 55 11. Page 8, line 14, by striking the figures
- 56 "1974" and inserting in lieu thereof the figures "~~1974~~
- 57 1976".
- 58 12. Page 8, line 33, by striking the figures
- 59 "1973" and inserting in lieu thereof the figures "~~1973~~
- 60 1975".
- 61 13. Page 9, line 9, by striking the words
- 62 "paragraph one (1)" and inserting in lieu thereof
- 63 the words "paragraphs one (1) and two (2)", and by
- 64 striking the word "is" and inserting in lieu thereof
- 65 the word "are".
- 66 14. Page 9, line 14, by striking the figures
- 67 "1974" and inserting in lieu thereof the figures "~~1974~~
- 68 1976".
- 69 15. Page 9, by inserting after line 17 the follow-
- 70 ing:
- 71 During February of ~~1974~~ 1976 and during February
- 72 of every two years thereafter, the supreme court
- 73 administrator shall notify the clerk of the district
- 74 court of each county and the chief judge of the
- 75 appropriate judicial district, of the number of
- 76 magistrates to which the county is entitled.
- 77 16. Page 9, line 22, by striking the figures
- 78 "1973" and inserting in lieu thereof the figures "~~1973~~
- 79 1975".
- 80 17. Page 10, by adding after line 21, the following
- 81 new sections:
- 82 Sec. \_\_\_\_\_. Acts of the Sixty-fourth General Assembly,
- 83 1972 Session, chapter one thousand one hundred twenty-
- 84 four (1124), section one (1), is amended to read as
- 85 follows:
- 86 Section 1. UNIFIED TRIAL COURT. Effective July
- 87 1, ~~1973~~ 1975,\* there shall be a unified trial court
- 88 in the state of Iowa, known as "Iowa District Court".
- 89 The Iowa district court shall have general and original
- 90 jurisdiction of all actions, proceedings, and remedies,
- 91 civil, criminal, probate, and juvenile, and shall
- 92 have and exercise all the power usually possessed
- 93 and exercised by trial courts of general jurisdiction.

94           Sec. \_\_\_\_\_. Acts of the Sixty-fourth General Assembly,  
95 1972 Session, chapter one thousand one hundred twenty-  
96 four (1124), section six (6), is amended to read as  
97 follows:

98           Sec. 6.\* Before April 1, ~~1973~~ 1975, the supreme  
99 court administrator shall notify the secretary of  
100 state of any additional judgeships created by this  
101 Act. The secretary of state shall notify the proper  
102 judicial nominating commission in accordance with  
103 chapter forty-six (46) of the Code. Such commission  
104 shall proceed as provided in that chapter. Effective  
105 July 1, ~~1973~~ 1975, a district judge shall be appointed  
106 for the district pursuant to chapter forty-six (46)  
107 of the Code, if the district is entitled to an  
108 additional judge or judges as a result of this Act.

109           Sec. \_\_\_\_\_. Acts of the Sixty-fourth General Assembly,  
110 1972 Session, chapter one thousand one hundred twenty-  
111 four (1124), section twenty-five (25), is amended  
112 to read as follows:

113           Sec. 25. During January of ~~1975~~ 1977, the supreme  
114 court administrator shall make a report to the ~~Sixty-~~  
115 ~~sixth~~ Sixty-seventh General Assembly, detailing the  
116 previous year's statistics provided by the judicial  
117 magistrates. The ~~Sixty-sixth~~ Sixty-seventh General  
118 Assembly shall review and readjust the compensation  
119 of judicial magistrates. If the general assembly  
120 fails to readjust the salaries under this section  
121 the salaries shall remain the same.

122           18. Page 14, line 7, by striking the word "There"  
123 and inserting in lieu thereof the words "~~There~~  
124 Effective July 1, 1975 there".

125           19. Page 15, line 4, by striking the figures  
126 "1974" and inserting in lieu thereof the figures "~~1974~~  
127 1976".

128           20. Page 16, by adding after line 31 the following  
129 new section:

130           Sec. \_\_\_\_\_. Section six hundred two point thirty-  
131 four (602.34), Code 1973, is amended to read as  
132 follows:

133           602.34 CLERKS AND BAILIFFS. Elective clerks and  
134 elective bailiffs of municipal courts who are in  
135 office on June 30, ~~1973~~ 1975, and municipal court  
136 deputy clerks and deputy ~~bailiffs~~ who are in office  
137 on that date, shall on July 1, ~~1973~~ 1975, become  
138 deputies of the district court clerks and sheriffs  
139 respectively, in the counties of their residence.  
140 The board of supervisors may enlarge the district  
141 court clerks' and sheriffs' facilities accordingly,  
142 and shall have authority to build, remodel, purchase,  
143 and lease real and personal property and equipment  
144 for such purpose, subject to chapter 75 and sections  
145 332.7 and 332.8, where applicable. The compensa-  
146 tion and other benefits received on January 1, 1972,  
147 by the individuals who so become deputies shall not

148 be reduced after June 30, ~~1973~~ 1975, from the amount  
149 on that date, unless all the deputies of the office  
150 are similarly reduced, but shall be paid by the  
151 counties of their residence; provided, that if the  
152 salary of any deputy equals or exceeds the salary  
153 of the district court clerk or sheriff of whom he  
154 is deputy, then the salary of the particular district  
155 court clerk or sheriff shall be increased so as to  
156 exceed the salary of the deputy by the sum of two  
157 hundred dollars per year.

158 The individuals who were elective municipal court  
159 clerks and bailiffs on June 30, ~~1973~~ 1975, and who  
160 were municipal court deputy clerks and deputy bailiffs  
161 on that date, may as deputies of the district court  
162 clerks and sheriffs be suspended, demoted, or  
163 discharged by the district court clerks and sheriffs  
164 only for neglect of duty, disobedience of orders,  
165 misconduct, or failure to properly perform duties,  
166 by pursuing the procedure provided by sections 365.19  
167 through 365.26; and in these cases the district court  
168 clerk or sheriff shall be deemed to be the person  
169 having the appointing power, the county auditor shall  
170 perform the functions of the mayor or city manager,  
171 the board of supervisors shall perform the functions  
172 of the civil service commission, and the county  
173 attorney shall perform the functions of the city at-  
174 torney or solicitor.

175 As vacancies occur after June 30, ~~1973~~ 1975, in  
176 the number of any deputy district court clerks or  
177 deputy sheriffs in counties having a municipal court  
178 on December 31, ~~1972~~ 1974, as a result of resignations,  
179 retirements, deaths, or discharges for cause, the  
180 boards of supervisors may adjust the number of deputies  
181 if so indicated by work load, pursuant to section  
182 341.1; but the total number of district court deputy  
183 clerks or deputy sheriffs in such counties shall not  
184 otherwise be reduced notwithstanding section 365.28,  
185 until the district court deputy clerks or deputy  
186 sheriffs brought into the offices from the municipal  
187 courts cease to hold office in the particular county.

188 A municipal court bailiff or deputy bailiff who  
189 on June 30, ~~1973~~ 1975, is a member of the retirement  
190 system provided by chapter 411 shall continue to be  
191 such a member thereafter; and that chapter shall  
192 continue to apply to them notwithstanding this chapter,  
193 with the appropriate county deducting from his  
194 compensation his contributions to the retirement fund  
195 and the county contributing the public's portion to  
196 such fund.

197 21. Page 24, line 25, by striking the figures  
198 "1973" and inserting in lieu thereof the figures "~~1973~~  
199 1975".

200 22. Page 24, line 28, by striking the figures  
201 "1973" and inserting in lieu thereof the figures "~~1973~~  
202 1975".

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203 23. Page 25, line 1, by striking the figures  
204 "1973" and inserting in lieu thereof the figures "1973  
205 1975".  
206 24. By renumbering sections and correcting internal  
207 references as necessary to accord with this amendment.

H-327 Filed and lost  
April 19, 1973

By NIELSEN of Polk

H-277

1 Amend House File 585 as follows:

2 1. Page 21, line 10, by adding after the word  
3 "Code." the words "The five dollar cost for filing and  
4 docketing a complaint or information for a nonindict-  
5 able misdemeanor shall not apply in cases of overtime  
6 parking.". 277A  
witham  
->3

7 2. Page 23, lines 13 and 14, by striking the words 277B  
reasted  
4/23  
8 "July 1, 1973", and inserting in lieu thereof the  
9 words "June 30, 1973".

H-277 Filed  
April 6, 1973

By DOYLE of Woodbury

H-273

1 Amend House File 585 as follows:

2 1. Page 15, by adding after line 14 the following  
3 new section:

4 Sec. \_\_\_\_\_. Section six hundred two point thirty-one  
5 (602.31), Code 1973, is amended to read as follows:  
6 602.31 SALARY, EXPENSES, RETIREMENT. The annual  
7 salary of each district associate judge, payable from  
8 the general fund of the state of Iowa, shall be ~~the~~  
9 a sum of-seventeen-thousand-two-hundred-dollars equal  
10 to eighty percent of the salary of district judges.  
11 District associate judges shall also receive from the  
12 state their actual and necessary expenses in the per-  
13 formance of their duties away from the city of their  
14 residence, in accordance with section 605.2. District  
15 associate judges who are members of the judicial retire-  
16 ment system under chapter 605A shall remain members  
17 thereof; but the state of Iowa, instead of the city  
18 and county, shall deduct four percent from their sal-  
19 aries for the judicial retirement fund and shall con-  
20 tribute the public's portion to the judicial retirement  
21 fund.

22 2. By renumbering sections and correcting internal  
23 references as necessary in accord with this amendment.

H-273 Filed  
April 5, 1973

*Last*  
4/19  
By DOYLE of Woodbury

H-275

1 Amend House File 585 as follows:  
2 1. Page 10, by adding after line 31, the following  
3 new section:  
4 Sec. \_\_\_\_\_. Chapter three hundred twenty-one (321),  
5 Code 1973, is amended by adding the following new  
6 section:  
7 NEW SECTION. Fines in cases of traffic violations  
8 for which the penalty provided by law does not exceed  
9 a fine of one hundred dollars or imprisonment not to  
10 exceed thirty days, whether under state law or municipi-  
11 pal ordinance, may be paid by credit cards approved  
12 for that purpose by the commissioner. The commission-  
13 er shall enter appropriate agreements with financial  
14 institutions extending credit through the use of  
15 credit cards to insure reimbursement of the amount of  
16 the fine plus appropriate costs to the proper traffic  
17 violations office in the state. The commissioner  
18 shall provide for the necessary procedures to imple-  
19 ment this section by rule and regulation adopted pursuant  
20 to chapter seventeen A (17A) of the Code.  
21 2. Page 35, line 12, by adding after the word  
22 "things," the words "space for the imprint of a credit  
23 card,".  
24 3. Page 35, line 21, by adding after the word  
25 "applicable" the words "or in cases in which the pay-  
26 ment of any applicable fine and costs is by credit  
27 card".  
28 4. Page 36, by adding after line 31 the following  
29 new section:  
30 Sec. \_\_\_\_\_. Section seven hundred fifty-three point  
31 sixteen (753.16), subsection three (3), paragraph a,  
32 Code 1973, is amended to read as follows:  
33 a. If the defendant wishes to admit the violation,  
34 the officer may release the defendant upon observing  
35 him mail the citation and complaint, admission, and  
36 minimum fine, together with five dollars costs, to a  
37 traffic violations office in the county, in an enve-  
38 lope furnished by the officer. The officer may allow  
39 the defendant to use a credit card pursuant to rules  
40 and regulations of the department of public safety or  
41 to mail a check in the proper amount in lieu of cash  
42 or credit card. If the check is not paid by the drawee  
43 for any reason, the defendant may be held in contempt  
44 of court. The officer shall advise the defendant of  
45 the penalty for nonpayment of the check.

H-275 Filed  
April 5, 1973

*Doyle*  
By DOYLE of Woodbury

H-274

1 Amend House File 585 as follows:  
2 1. Page 41, line 6, by striking the words "Either  
3 party" and inserting in lieu thereof the words "Either  
4 party A defendant".

H-274 Filed  
April 5, 1973

By DOYLE of Woodbury  
*Doyle*  
273

HOUSE CLIP SHEET

Wednesday, April 18, 1973

HOUSE FILE 585

H-319

1 Amend House File 585 as follows:

2 1. Page 2, by striking lines 2 through 10 and  
3 inserting in lieu thereof the following new section:

4 Sec. \_\_\_\_\_. Acts of the Sixty-fourth General Assembly,  
5 1972 Session, chapter one thousand one hundred twenty-  
6 four (1124), section two hundred eighty-three (283),  
7 is amended by striking the section and inserting in  
8 lieu thereof the following:

9 Sec. 283. EFFECTIVE DATE. The provisions of this  
10 Act shall take effect as provided in this section.

11 1. The provisions of sections twelve (12) through  
12 twenty (20) and twenty-eight (28) through thirty (30),  
13 inclusive, of this Act relating to the powers and  
14 duties of county judicial magistrate appointing  
15 commissions shall take effect on July 1, 1972.

16 2. The provisions of sections three (3) through  
17 seven (7) of this Act shall take effect on July 1, 1972.

18 3. The remaining sections of this Act, except  
19 for those expressly providing otherwise, shall take  
20 effect on July 1, 1974.

21 2. Page 4, by adding after line 16 the following  
22 new section:

23 Sec. \_\_\_\_\_. Section six hundred two point eighteen  
24 (602.18), subsection ten (10), Code 1973, is amended  
25 to read as follows:

26 10. The supreme court administrator shall notify  
27 the secretary of state of any additional judgeships  
28 created by this chapter. The secretary of state shall  
29 notify the proper judicial nominating commission in  
30 accordance with chapter 46. Such commission shall  
31 proceed as provided in that chapter. Effective July  
32 1, ~~1973~~ 1974, a district judge shall be appointed  
33 for the district pursuant to chapter 46, if the dis-  
34 trict is entitled to an additional judge or judges  
35 as a result of this chapter.

36 3. Page 4, by striking line 22 and inserting in  
37 lieu thereof the following: "abolished as of July  
38 1, ~~1973~~ 1974. Promptly after July 1, ~~1973~~ 1974,".

39 4. Page 5, line 4, by striking the figures "1973"  
40 and inserting in lieu thereof the figures "1974".

41 5. Page 5, line 11, by striking the figures "1973"  
42 and inserting in lieu thereof the figures "~~1973~~ 1974".

43 6. Page 5, line 32, by striking the figures "1973"  
44 and inserting in lieu thereof the figures "~~1973~~ 1974".

45 7. Page 5, line 33, by striking the figures "1973"  
46 and inserting in lieu thereof the figures "~~1973~~ 1974".

- 47 8. Page 7, line 33, by striking the figures "1973"  
48 and inserting in lieu thereof the figures "~~1973~~ 1974".  
49 9. Page 8, line 12, by striking the figures "~~1973~~"  
50 and inserting in lieu thereof the figures "~~1973~~ 1974".  
51 10. Page 8, line 13, by striking the figures  
52 "1974" and inserting in lieu thereof the figures "~~1974~~  
53 1975".  
54 11. Page 8, line 14, by striking the figures  
55 "1974" and inserting in lieu thereof the figures "~~1974~~  
56 1975".  
57 12. Page 8, line 33, by striking the figures  
58 "1973" and inserting in lieu thereof the figures "~~1973~~  
59 1974".  
60 13. Page 9, line 9, by striking the words  
61 "paragraph one (1)" and inserting in lieu thereof  
62 the words "paragraphs one (1) and two (2)", and by  
63 striking the word "is" and inserting in lieu thereof  
64 the word "are".  
65 14. Page 9, line 14, by striking the figures  
66 "1974" and inserting in lieu thereof the figures "~~1974~~  
67 1975".  
68 15. Page 9, by inserting after line 17 the follow-  
69 ing:  
70 During February of ~~1974~~ 1975 and during February  
71 of every two years thereafter, the supreme court  
72 administrator shall notify the clerk of the district  
73 court of each county and the chief judge of the  
74 appropriate judicial district, of the number of  
75 magistrates to which the county is entitled.  
76 16. Page 9, line 22, by striking the figures  
77 "1973" and inserting in lieu thereof the figures "~~1973~~  
78 1974".  
79 17. Page 10, by adding after line 21, the following  
80 new sections:  
81 Sec. \_\_\_\_\_. Acts of the Sixty-fourth General Assembly,  
82 1972 Session, chapter one thousand one hundred twenty-  
83 four (1124), section one (1), is amended to read as  
84 follows:  
85 Section 1. UNIFIED TRIAL COURT. Effective July  
86 1, ~~1973~~ 1974,\* there shall be a unified trial court  
87 in the state of Iowa, known as "Iowa District Court".  
88 The Iowa district court shall have general and original  
89 jurisdiction of all actions, proceedings, and remedies,  
90 civil, criminal, probate, and juvenile, and shall  
91 have and exercise all the power usually possessed  
92 and exercised by trial courts of general jurisdiction.  
93 Sec. \_\_\_\_\_. Acts of the Sixty-fourth General Assembly,  
94 1972 Session, chapter one thousand one hundred twenty-  
95 four (1124), section six (6), is amended to read as  
96 follows:  
97 Sec. 6.\* Before April 1, ~~1973~~ 1974, the supreme  
98 court administrator shall notify the secretary of  
99 state of any additional judgeships created by this  
100 Act. The secretary of state shall notify the proper

101 judicial nominating commission in accordance with  
102 chapter forty-six (46) of the Code. Such commission  
103 shall proceed as provided in that chapter. Effective  
104 July 1, ~~1973~~ 1974, a district judge shall be appointed  
105 for the district pursuant to chapter forty-six (46)  
106 of the Code, if the district is entitled to an  
107 additional judge or judges as a result of this Act.

108 Sec. \_\_\_\_\_. Acts of the Sixty-fourth General Assembly,  
109 1972 Session, chapter one thousand one hundred twenty-  
110 four (1124), section twenty-five (25), is amended  
111 to read as follows:

112 Sec. 25. During January of ~~1975~~ 1976, the supreme  
113 court administrator shall make a report to the Sixty-  
114 sixth General Assembly, detailing the previous year's  
115 statistics provided by the judicial magistrates.  
116 The Sixty-sixth General Assembly shall review and  
117 readjust the compensation of judicial magistrates.  
118 If the general assembly fails to readjust the salaries  
119 under this section the salaries shall remain the same.

120 18. Page 14, line 7, by striking the word "There"  
121 and inserting in lieu thereof the words "~~There~~  
122 Effective July 1, 1974 there".

123 19. Page 15, line 4, by striking the figures  
124 "1974" and inserting in lieu thereof the figures "~~1974~~  
125 1976".

126 20. Page 16, by adding after line 31 the following  
127 new section:

128 Sec. \_\_\_\_\_. Section six hundred two point thirty-  
129 four (602.34), Code 1973, is amended to read as  
130 follows:

131 602.34 CLERKS AND BAILIFFS. Elective clerks and  
132 elective bailiffs of municipal courts who are in  
133 office on June 30, ~~1973~~ 1974, and municipal court  
134 deputy clerks and deputy bailiffs who are in office  
135 on that date, shall on July 1, ~~1973~~ 1974, become  
136 deputies of the district court clerks and sheriffs  
137 respectively, in the counties of their residence.  
138 The boards of supervisors may enlarge the district  
139 court clerks' and sheriffs' facilities accordingly,  
140 and shall have authority to build, remodel, purchase,  
141 and lease real and personal property and equipment  
142 for such purpose, subject to chapter 75 and sections  
143 332.7 and 332.8, where applicable. The compensa-  
144 tion and other benefits received on January 1, 1972,  
145 by the individuals who so become deputies shall not  
146 be reduced after June 30, ~~1973~~ 1974, from the amount  
147 on that date, unless all the deputies of the office  
148 are similarly reduced, but shall be paid by the  
149 counties of their residence; provided, that if the  
150 salary of any deputy equals or exceeds the salary  
151 of the district court clerk or sheriff of whom he  
152 is deputy, then the salary of the particular district  
153 court clerk or sheriff shall be increased so as to  
154 exceed the salary of the deputy by the sum of two  
155 hundred dollars per year.

156 The individuals who were elective municipal court  
157 clerks and bailiffs on June 30, ~~1973~~ 1974, and who  
158 were municipal court deputy clerks and deputy bailiffs  
159 on that date, may as deputies of the district court  
160 clerks and sheriffs be suspended, demoted, or  
161 discharged by the district court clerks and sheriffs  
162 only for neglect of duty, disobedience of orders,  
163 misconduct, or failure to properly perform duties,  
164 by pursuing the procedure provided by sections 365.19  
165 through 365.26; and in these cases the district court  
166 clerk or sheriff shall be deemed to be the person  
167 having the appointing power, the county auditor shall  
168 perform the functions of the mayor or city manager,  
169 the board of supervisors shall perform the functions  
170 of the civil service commission, and the county  
171 attorney shall perform the functions of the city at-  
172 torney or solicitor.

173 As vacancies occur after June 30, ~~1973~~ 1974, in  
174 the number of any deputy district court clerks or  
175 deputy sheriffs in counties having a municipal court  
176 on December 31, ~~1972~~ 1973, as a result of resignations,  
177 retirements, deaths, or discharges for cause, the  
178 boards of supervisors may adjust the number of deputies  
179 if so indicated by work load, pursuant to section  
180 341.1; but the total number of district court deputy  
181 clerks or deputy sheriffs in such counties shall not  
182 otherwise be reduced notwithstanding section 365.28,  
183 until the district court deputy clerks or deputy  
184 sheriffs brought into the offices from the municipal  
185 courts cease to hold office in the particular county.

186 A municipal court bailiff or deputy bailiff who  
187 on June 30, ~~1973~~ 1974, is a member of the retirement  
188 system provided by chapter 411 shall continue to be  
189 such a member thereafter; and that chapter shall  
190 continue to apply to them notwithstanding this chapter,  
191 with the appropriate county deducting from his  
192 compensation his contributions to the retirement fund  
193 and the county contributing the public's portion to  
194 such fund.

195 21. Page 24, line 25, by striking the figures  
196 "1973" and inserting in lieu thereof the figures "1973  
197 1974".

198 22. Page 24, line 28, by striking the figures  
199 "1973" and inserting in lieu thereof the figures "1973  
200 1974".

201 23. Page 25, line 1, by striking the figures  
202 "1973" and inserting in lieu thereof the figures "1973  
203 1974".

204 24. By renumbering sections and correcting internal  
205 references as necessary to accord with this amendment.

H-319 Filed  
April 17, 1973

By FISCHER of Grundy

*assisted as amended 4/17* - Motion to reconsider  
*4/17/73* - Motion to reconsider 4/17/73  
*4/17/73* - Motion to reconsider 4/17/73

H—349

1 Amend House File 585 as follows:  
2 1. Page 15, by adding after line 14 the follow-  
3 ing new section:  
4 Sec. \_\_\_\_ . Section six hundred two point thirty-  
5 one (602.31), Code 1973, is amended to read as follows:  
6 602.31 SALARY, EXPENSES, RETIREMENT. The annual  
7 salary of each district associate judge, payable from  
8 the general fund of the state of Iowa, shall be ~~the~~  
9 a sum of seventeen thousand two hundred dollars set  
10 by the legislature. District associate judges shall  
11 also receive from the state their actual and necessary  
12 expenses in the performance of their duties away from  
13 the city of their residence, in accordance with sec-  
14 tion 605.2. District associate judges who are members  
15 of the judicial retirement system under chapter 605A  
16 shall remain members thereof; but the state of Iowa,  
17 instead of the city and county, shall deduct four  
18 percent from their salaries for the judicial retire-  
19 ment fund and shall contribute the public's portion  
20 to the judicial retirement fund.  
21 2. By renumbering sections and correcting inter-  
22 nal references as necessary in accord with this amend-  
23 ment.

H—349 Filed and adopted By JESSE of Polk  
April 23, 1973

H—347

1 Amend House File 585 as follows:  
2 1. Page 17, by adding after line 17, the follow-  
3 ing new section:  
4 Sec. \_\_\_\_ . Section six hundred two point fifty-  
5 two (602.52), Code 1973, is amended to read as follows:  
6 602.52 QUALIFICATIONS, AGE. A judicial magistrate  
7 shall be an elector of the county of appointment, and  
8 after July 1, 1977 shall be less than seventy-two  
9 years of age, and shall cease to hold office upon  
10 attaining that age.  
11 2. By renumbering sections and correcting internal  
12 references as necessary to accord with this amendment.

H—347 Filed and lost By STROMER of Hancock  
April 23, 1973

H—333

1 Amend House File 585 as follows:  
2 A 1. Page 21, line 10, by adding after the word  
3 "Code." the words "The five dollar cost for filing and  
4 docketing a complaint or information for a nonindict-  
5 able misdemeanor shall not apply in cases of overtime  
6 parking."  
7 C 2. Page 23, lines 13 and 14, by striking the words  
8 "July 1, 1973", and inserting in lieu thereof the  
9 words "June 30, 1974".

H—333 Filed By DOYLE of Woodbury  
April 18, 1973

H—334

1 Amend House File 585 as follows:  
2 1. Page 16, by adding after line 31 the following  
3 new section:  
4 Sec. . . . Section six hundred two point thirty-  
5 four (602.34), unnumbered paragraph one (1), Code  
6 1973, is amended to read as follows:  
7 Elective clerks and elective bailiffs of municipal  
8 courts who are in office on June 30, 1973, and municip-  
9 al court deputy clerks and deputy bailiffs who are  
10 in office on that date, shall on July 1, 1973, become  
11 deputies of the district court clerks and sheriffs  
12 respectively, in the counties of their residence.  
13 The boards of supervisors may enlarge the district  
14 court clerks' and sheriffs' facilities accordingly,  
15 and shall have authority to build, remodel, purchase,  
16 and lease real and personal property and equipment  
17 for such purpose, subject to chapter 75 and sections  
18 332.7 and 332.8, where applicable. The compensation  
19 and other benefits received on January 1, 1972, by  
20 the individuals who so become deputies shall not be  
21 reduced after June 30, 1973, from the amount on that  
22 date, unless all the deputies of the office are simi-  
23 larly reduced, but shall be paid by the counties of  
24 their residence; provided, that if the salary of any  
25 deputy equals or exceeds the salary of the district  
26 court clerk or sheriff of whom he is deputy, then the  
27 salary of the particular district court clerk or  
28 sheriff shall be increased so as to exceed the salary  
29 of the deputy by the sum of two hundred dollars per  
30 year. Nothing in this section shall be construed to  
31 prohibit any increase in compensation and other bene-  
32 fits received by the individuals who so become  
33 deputies over the amounts received by them on January  
34 1, 1972.

H—334 Filed  
April 18, 1973

By DOYLE of Woodbury

H—332

1 Amend House File 585 as follows:  
2 1. Page 21, line 10, by adding after the word  
3 "Code." the words "The five dollar cost for filing and  
4 docketing a complaint or information for a nonindict-  
5 able misdemeanor shall not apply in cases of overtime  
6 parking."  
7 2. Page 23, lines 13 and 14, by striking the words  
8 "July 1, 1973" and inserting in lieu thereof the words  
9 "June 30, 1975".

H—332 Filed  
April 18, 1973

*with them*  
By DOYLE of Woodbury

H-330

1 Amend the Fischer of Grundy amendment, H-319, to  
2 House File 585 as follows:  
3 1. Line 155, by inserting after the word "year.",  
4 the words "Nothing in this section shall be construed  
5 to prohibit any increase in compensation and other  
6 benefits received by the individuals who so become  
7 deputies over the amounts received by them on January  
8 1, 1972.".

H-330 Filed  
April 18, 1973

By DOYLE of Woodbury  
*2/11/73*

H-326

1 Amend House File 585 as follows:  
2 1. Page 13, by adding after line 14 the following  
3 new section:  
4 Sec. \_\_\_\_ Section three hundred sixty-six point  
5 one (366.1), Code 1973, is amended to read as follows:  
6 366.1 POWER TO PASS. Municipal corporations shall  
7 have power to make and publish, from time to time,  
8 ordinances, not inconsistent with the laws of the  
9 state, for carrying into effect or discharging the  
10 powers and duties conferred by this title, and such as  
11 shall seem necessary and proper to provide for the  
12 safety, preserve the health, promote the prosperity,  
13 improve the morals, order, comfort, and convenience  
14 of such corporations and the inhabitants thereof, and  
15 to enforce obedience to such ordinances by fine not  
16 exceeding one hundred dollars, or by imprisonment not  
17 exceeding thirty days. An amount equal to fifteen  
18 percent of all fines collected by municipal corpora-  
19 tions shall be remitted quarterly to the county  
20 treasurer of the county in which the municipal corpora-  
21 tion is located for deposit in the county general  
22 fund.

H-326 Filed  
April 18, 1973

*2/11/73* By HENNESSEY of Delaware  
WELLS of Linn

H-324

1 Amend House File 585 as follows:  
2 1. Page 31, line 19, by striking the word  
3 "shall", and inserting in lieu thereof the follow-  
4 ing: "~~shall~~ may".  
5 2. Page 31, line 25, by striking the word  
6 "rule", and inserting in lieu thereof the follow-  
7 ing: "rule section".

H-324 Filed  
April 18, 1973

By NIELSEN of Polk

*adopted*  
4/18/73

H-323

1 Amend House File 585 as follows:  
2 Page 40, line 29, by adding after the period  
3 the following:  
4 "Upon the request of the defendant, the  
5 magistrate may set the date of trial at a time  
6 less than fifteen days after a plea other than  
7 guilty is entered. The magistrate shall notify  
8 the defendant that a request for earlier trial  
9 date shall constitute a waiver of jury."

H-323 Filed  
April 18, 1973

By KNOKE of Pottawattamie  
HILL of Polk

*adopted*  
4/18/73

April 30, 1973

HOUSE FILE 585

By COMMITTEE ON JUDICIARY AND LAW ENFORCEMENT

(AS AMENDED AND PASSED BY THE HOUSE)

Passed House, Date 5-9-73 (1170) Passed Senate, Date 5-9-73 (1170)

Vote: Ayes 40 Nays 4 Vote: Ayes 40 Nays 4

Approved June 29, 1973

~~Passed House for Senate amendment~~ ~~5-17-73~~ ~~Passed Senate per Conference Committee Report~~  
6-8-73  
42-1

~~Passed House per~~  
~~Conference Committee Report~~  
6-8-73 (1804)  
87-0

# A BILL FOR

- 1 An Act to amend the unified trial court Act by making certain
- 2 corrections and changes in the procedure to be followed in
- 3 cases involving small claims, nonindictable misdemeanors,
- 4 and traffic violations; relating to the jurisdiction and
- 5 office of judicial magistrate and district associate judge;
- 6 abolishing the office of full-time magistrate; and making
- 7 necessary corrective amendments to various provisions of
- 8 law to accord with the structure and intent of the unified
- 9 trial court Act.

10 *Be It Enacted by the General Assembly of the State of Iowa:*

*Conference Committee Appointed*

<u>House 5/18</u>	<u>Senate 5/17</u>
<i>Hill, Bayle, Hamrey,</i>	<i>Osley, Bergman, DeKoster,</i>
<i>Kent, Oakley</i>	<i>Hill, Willits</i>

1

## DIVISION I

2 Section 1. Acts of the General Assembly, Second Session  
3 of the Sixty-fourth General Assembly, chapter one thousand  
4 one hundred twenty-four (1124), section two hundred eighty-  
5 three (283), subsection one (1), is amended by striking the  
6 subsection and inserting in lieu thereof the following:

7 1. The provisions of sections three (3) through five (5),  
8 twelve (12) through twenty (20), and twenty-eight (28) through  
9 thirty (30), inclusive, of this Act shall take effect on July  
10 1, 1972.

11 Sec. 2. The office of full-time magistrate is abolished,  
12 and all provisions of law relating to that office and any  
13 appointments to that office prior to the effective date of  
14 this division of this Act shall not take effect.

15 Sec. 3. Section forty-six point twelve (46.12), Code 1973,  
16 is amended to read as follows:

17 46.12 NOTIFICATION OF VACANCY AND RESIGNATION.  
18 When a  
19 vacancy occurs or will occur within sixty days in the supreme  
20 court or district court, *including the office of district*  
21 *associate judge*, the secretary of state shall forthwith so  
22 notify the chairman of the proper judicial nominating commis-  
23 sion. The chairman shall call a meeting of the commission  
24 within ten days after such notice; if he fails to do so, the  
25 chief justice shall call such meeting.

26 When a judge of the supreme court or district court,  
27 *including a district associate judge*, resigns, he shall submit  
28 a copy of his resignation to the secretary of state at the  
29 time he submits his resignation to the governor; and when  
30 a judge of the supreme court or district court, *including a*  
31 *district associate judge*, dies, the clerk of the district court  
32 of the county of his residence shall in writing forthwith  
33 notify the secretary of state of such fact.

34 Sec. 4. Section forty-six point fifteen (46.15), Code  
35 1973, is amended to read as follows:

46.15 APPOINTMENTS TO BE FROM NOMINEES. All appoint-  
ments

1 to the supreme court and district court, *including district*  
2 *associate judges*, shall be made from the nominees of the  
3 respective judicial nominating commissions.

4 Sec. 5. Section forty-six point sixteen (46.16), Code  
5 1973, is amended to read as follows:

6 46.16 TERMS OF JUDGES. Subject to the provisions of sec-  
7 tions 605.24 and 605.25 and to removal for cause:

8 1. The initial term of office of judges of the supreme  
9 court and distirct court, *including the office of district*  
10 *associate judges*, shall be for one year after appointment  
11 and until January 1 following the next judicial election after  
12 expiration of such year; and

13 2. The regular term of office of judges of the supreme  
14 court retained at a judicial election shall be eight years,  
15 [and] of judges of the district court so retained shall be six  
16 years, *and of district associate judges so retained shall*  
17 *be four years*, from the expiration of their initial or pre-  
18 vious regular term as the case may be.

19 Sec. 6. Section six hundred two point eighteen (602.18),  
20 subsections two (2), three (3), and seven (7), Code 1973,  
21 are amended to read as follows:

22 2. The number of judgeships to which each of the judicial  
23 districts shall be entitled shall be determined from time  
24 to time according to the following formula, giving equal  
25 weight to cases filed and population: In districts containing  
26 a city of fifty thousand or more population, there shall be  
27 one judgeship per five hundred fifty combined civil and  
28 criminal filings excluding small claims and *nonindictable*  
29 *misdemeanors filed after June 30, 1973*, and forty thousand  
30 population, or major fraction of either; in all other districts  
31 there shall be one judgeship per four hundred fifty combined  
32 civil and criminal filings *excluding small claims and non-*  
33 *indictable misdemeanors filed after June 30, 1973* and forty  
34 thousand population, or major fraction of either; provided,  
35 the seat of government shall be entitled to one additional

1 judgeship. *There shall also be excluded from criminal filings*  
2 *indictable misdemeanors assigned to district associate judges*  
3 *after June 30, 1973 as shown on their quarterly administrative*  
4 *reports.* The figures on filings shall be the average for  
5 the latest available previous three-year period and when  
6 current census figures on population are not available, figures  
7 shall be taken from the state department of health computa-  
8 tions.

9 3. A vacancy, for purposes of this section, is defined  
10 as the death, *resignation*, retirement, removal, or failure  
11 of retention in office at the judicial election, of a judge  
12 or increase in judgeships under this section.

13 7. Vacancies shall not be filled in any district which  
14 may become entitled to fewer judgeships under [said] subsec-  
15 tion two (2) of this section; but no incumbent judge shall  
16 ever be removed from office by reason thereof.

17 Sec. 7. Section six hundred two point thirty-six (602.36),  
18 Code 1973, is amended to read as follows:

19 602.36 COURTS ABOLISHED, TRANSITION. All mayor's  
20 justice of the peace courts, police courts, superior courts, courts,  
21 and municipal courts and officers connected therewith, are  
22 abolished as of July 1, 1973. Promptly after July 1, 1973,  
23 the officials of these courts shall [file] *deposit* all [documents]  
24 *funds, dockets* and [books] *records* pertaining to their offices  
25 with the clerk of the district court of their counties.  
26 [District judges] *The chief judge or his designee* shall [assign]  
27 *enter an order enrolled in the office of the clerk assigning*  
28 to judicial magistrates, *district associate judges, and*  
29 *district judges* the pending cases within [judicial magistrates'  
30 jurisdiction] *their respective jurisdictions*, and such cases  
31 shall then be pending before those judicial magistrates,  
32 *district associate judges, and district judges.* [All other  
33 pending cases shall be pending in the district court of the  
34 county, and the] *The clerk [of that court] shall within thirty*  
35 days give written notice of [that fact] *such assignment* by

1 ordinary mail to the parties or their attorneys of record  
2 at their last known addresses. *Criminal warrants issued by*  
3 *courts abolished by this section which are unreturned or*  
4 *unreturned on July 1, 1973, shall be valid and returnable*  
5 *to the judicial magistrate, district associate judge, or*  
6 *district judge to whom the case has been assigned. All*  
7 *municipal court judges, clerks of the municipal court and*  
8 *their deputies, bailiffs of municipal court and their deputies,*  
9 *police court judges, justices of the peace and constables*  
10 *holding office on July 1, 1972, or elected or appointed*  
11 *thereafter, shall continue in office through June 30, 1973.*

12 Sec. 8. Section six hundred two point twenty-eight  
13 (602.28), Code 1973, is amended by striking the section and  
14 inserting in lieu thereof the following:

15 602.28 DISTRICT ASSOCIATE JUDGES. The office of district  
16 associate judge is established in each judicial district.

17 The number of district associate judges in a judicial district  
18 shall be the total number for the counties within the district  
19 determined as follows: For every county which has a popula-  
20 tion of thirty-five thousand or more and less than eighty  
21 thousand, there shall be one district associate judge; for  
22 every county which has a population of eighty thousand or  
23 more and less than one hundred twenty-five thousand, there  
24 shall be two district associate judges; for every county which  
25 has a population of one hundred twenty-five thousand or more  
26 and less than two hundred thousand, there shall be three  
27 district associate judges; and for every county which has  
28 a population of two hundred thousand or more, there shall  
29 be four district associate judges. Population shall be  
30 determined according to the last federal decennial census.

31 The regular judges of the municipal courts of Iowa who  
32 are in office on June 30, 1973, and who are less than seventy-  
33 two years of age on July 1, 1973, and who have not been  
34 appointed district court judges, shall fill the initial  
35 vacancies in the judgeships created by this section. All

1 vacancies in the office of district associate judge except  
2 those initially filled by municipal court judges shall be  
3 filled by nomination and appointment as provided in this  
4 section and chapter forty-six (46) of the Code.

5 A vacancy in the office of district associate judge shall  
6 be defined as death, resignation, retirement, removal, or  
7 failure of retention in office at the judicial election, of  
8 a judge or increase in judgeships under this section. Vacan-  
9 cies shall be filled upon their occurrence only when there  
10 are fewer district associate judges in office in a district  
11 than as provided for in this section.

12 During January of each year, and other times as appropriate  
13 the supreme court administrator shall make the determinations  
14 required under this section and shall notify the nominating  
15 commissions involved and the governor of any appointments  
16 that may be required as a result thereof. The supreme court  
17 administrator shall notify the secretary of state of any  
18 judgeships created by this section not filled by judges of  
19 the municipal courts. The secretary of state shall notify  
20 the proper judicial nominating commission in accordance with  
21 chapter forty-six (46) of the Code. The commission shall  
22 proceed as provided in that chapter.

23 Sec. 9. Section six hundred two point forty-two (602.42),  
24 subsection one (1), Code 1973, is amended to read as follows:

25 1. A district court judge designated by the chief judge  
26 of the district *to serve until a successor is designated*.

27 Sec. 10. Section six hundred two point forty-two (602.42),  
28 Code 1973, is amended by adding the following new unnumbered  
29 paragraph:

30 *NEW PARAGRAPH.* The clerk of the district court shall  
31 maintain a permanent record of the name, address, and term  
32 of office for each commissioner designated, appointed, or  
33 elected.

34 Sec. 11. Section six hundred two point forty-three  
35 (602.43), Code 1973, is amended to read as follows:



1 trates in such number as provided in section [602.57] *six hundred*  
2 *two point fifty-nine (602.59) of the Code. In April of each*  
3 *year in which magistrates' terms expire, the commission shall*  
4 *appoint the number of magistrates allotted to the county by*  
5 *the supreme court administrator as provided in section six*  
6 *hundred two point fifty-seven (602.57) of the Code and the*  
7 *magistrates allowed by section six hundred two point fifty-*  
8 *eight (602.58) of the Code. The commission shall appoint*  
9 no more magistrates than allotted to the county by the supreme  
10 court administrator except as provided in sections 602.57  
11 and 602.58. The judicial magistrates appointed initially  
12 shall take office July 1, 1973, and their term of office shall  
13 expire June 30, 1974. Thereafter, judicial magistrates shall  
14 take office on July 1, 1974, and every two years thereafter[,  
15 provided however, full-time judicial magistrates appointed  
16 for the term commencing July 1, 1974, shall hold office for  
17 a term of four years and shall be subject to appointment every  
18 four years thereafter]. The commission shall promptly certify  
19 the names and addresses of the magistrates appointed to the  
20 clerk of the district court and the chief judge of the judicial  
21 district. The clerk shall certify to the supreme court  
22 administrator and to the state comptroller the names and  
23 addresses of magistrates so appointed. The certification  
24 of the clerk to the comptroller shall be authority for the  
25 comptroller to pay the salaries in accordance with section  
26 602.54. Judicial magistrates shall be officers of the state.

27 Before assuming office, a judicial magistrate shall sub-  
28 scribe and file in the office of the clerk of the district  
29 court of the county of his residence his oath of office to  
30 uphold and support the Constitutions of the United States  
31 of America and state of Iowa, the laws enacted pursuant  
32 thereto, and the law and ordinances of the political  
33 subdivisions of the state of Iowa. Before July 1, 1973, and  
34 annually thereafter, the supreme court administrator shall  
35 cause a school of instruction to be conducted for [district]

1 *judicial magistrates, which each [district] judicial magistrate*  
2 *appointed as provided in this chapter prior to the time he*  
3 *takes office shall attend unless excused by the chief justice*  
4 *for good cause.*

5 Sec. 14. Section six hundred two point fifty-three  
6 (602.53), Code 1973, is amended by striking unnumbered  
7 paragraph two (2).

8 Sec. 15. Section six hundred two point fifty-seven  
9 (602.57), unnumbered paragraph one (1), Code 1973, is amended  
10 to read as follows:

11 There shall be a [combined] total of [two] *one* hundred [twenty]  
12 *ninety* Iowa judicial magistrates [and district court associate  
13 judges combined] except as provided in section 602.58. During  
14 January of 1974 and every two years thereafter, the supreme  
15 court administrator shall apportion the number of district  
16 magistrates among the counties in accordance with the following  
17 criteria:

18 Sec. 16. Section six hundred two point fifty-nine (602.59),  
19 Code 1973, is amended by striking the section and inserting  
20 in lieu thereof the following:

21 602.59 INITIAL ALLOTMENT. The allotment of the judicial  
22 magistrates in 1973 shall be as follows:

23 1. One magistrate for each of the following counties:  
24 Adams, Allamakee, Audubon, Calhoun, Cherokee, Davis, Decatur,  
25 Emmet, Franklin, Fremont, Greene, Guthrie, Hancock, Howard,  
26 Humboldt, Ida, Jasper, Jefferson, Keokuk, Louisa, Lucas, Lyon,  
27 Madison, Marshall, Mitchell, Monroe, Montgomery, O'Brien,  
28 Osceola, Palo Alto, Pocahontas, Ringgold, Shelby, Taylor,  
29 Union, Van Buren, Wayne, Winnebago, and Worth.

30 2. Two magistrates for each of the following counties:  
31 Adair, Appanoose, Boone, Buchanan, Buena Vista, Butler,  
32 Carroll, Cass, Chickasaw, Clarke, Clay, Clayton, Crawford,  
33 Dallas, Delaware, Des Moines, Dubuque, Fayette, Grundy,  
34 Hamilton, Hardin, Henry, Iowa, Jackson, Jones, Kossuth,  
35 Mahaska, Marion, Mills, Monona, Muscatine, Page, Poweshiek,

1 Sac, Sioux, Tama, Wapello, Washington, Webster, Winneshiek,  
2 and Wright.

3 3. Three magistrates for each of the following counties:  
4 Benton, Black Hawk, Bremer, Cedar, Cerro Gordo, Clinton,  
5 Dickinson, Floyd, Harrison, Johnson, Lee, Plymouth, Story,  
6 and Warren.

7 4. Four magistrates for Linn county.

8 5. Five magistrates for Scott county.

9 6. Six magistrates for each of the following counties:  
10 Polk, Pottawattamie, and Woodbury.

11 Sec. 17. Section six hundred five point fifteen (605.15),  
12 Code 1973, is amended to read as follows:

13 605.15 PRACTICE PROHIBITED. During the time that he is  
14 holding such office he shall not practice as an attorney or  
15 counselor or give advice in relation to any action pending  
16 or about to be brought in any of the courts of the state.  
17 [Judicial magistrates who are members of the bar of Iowa may  
18 practice as attorneys and counselors, except they may not  
19 practice as attorneys and counselors, or give advice, in rela-  
20 tion to any matter within the purview of the jurisdiction  
21 of judicial magistrates.]

22 Sec. 18. Division one (I) of this Act, being deemed of  
23 immediate importance shall take effect and be in force from  
24 and after its publication in The Des Moines Register, a news-  
25 paper published in Des Moines, Iowa, and in The Cedar Rapids  
26 Gazette, a newspaper published in Cedar Rapids, Iowa.

#### 27 DIVISION II

28 Sec. 19. Section sixty-four point one (64.1), subsection  
29 four (4), Code 1973, is amended to read as follows:

30 4. Judges of the supreme and district courts[,] and district  
31 associate judges[, and judicial magistrates].

32 Sec. 20. Section three hundred twenty-one point two hundred  
33 seven (321.207), Code 1973, is amended by striking unnumbered  
34 paragraph two (2).

35 Sec. 21. Section three hundred twenty-one point two hundred

1 thirty-six (321.236), subsection one (1), paragraphs a and  
2 b, Code 1973, are amended to read as follows:

3 a. May be charged upon a simple notice of a fine not  
4 exceeding [ten] *five* dollars payable to the city or town clerk,  
5 if authorized by ordinance.

6 b. Notwithstanding any such ordinance, may be [charged  
7 and proceed before a traffic violations office or a court,  
8 as the case may be, the same as other traffic violations]  
9 *prosecuted under the provisions of sections seven hundred*  
10 *fifty-three point thirteen (753.13) through seven hundred*  
11 *fifty-three point twenty (753.20) of the Code or as any other*  
12 *traffic violation.*

13 Sec. 22. Section three hundred twenty-one point four hun-  
14 dred eighty-five (321.485), unnumbered paragraph one (1),  
15 Code 1973, is amended to read as follows:

16 [Whenever] *Except as provided in sections seven hundred*  
17 *fifty-three point thirteen (753.13) through seven hundred*  
18 *fifty-three point twenty (753.20) of the Code, whenever a*  
19 *peace officer has reasonable cause to believe that a person*  
20 *has violated any provision of this chapter punishable as a*  
21 *misdemeanor, such officer may:*

22 Sec. 23. Section three hundred twenty-one point four  
23 hundred eighty-five (321.485), subsection two (2), Code 1973,  
24 is amended to read as follows:

25 2. Without arresting the person, either

26 a. Prepare [in triplicate] a written citation to appear  
27 in court containing the name and address of such person, the  
28 operator or chauffeur license number if any, the registration  
29 number if any of his vehicle, the offense charged, and the  
30 time when and place where such person shall appear in court;  
31 or

32 b. Prepare [in triplicate] a memorandum of the alleged  
32 traffic violation containing the name and address of such  
34 person, the registration number if any of his vehicle, the  
35 offense alleged to have been committed, and such other infor-

1 mation as may be prescribed by the commissioner.

2 *The number of copies and the form of the citations and*  
3 *memorandums authorized by this section shall be as prescribed*  
4 *by the commissioner.*

5 Sec. 24. Section three hundred twenty-one point four  
6 hundred eighty-six (321.486), unnumbered paragraph three (3),  
7 Code 1973, is amended to read as follows:

8 If the officer prepares either a [summons] *citation* or a  
9 memorandum as provided in section 321.485, the alleged offender  
10 shall be requested to sign the same [in triplicate], and if  
11 he does sign may be released without arrest. In case a [summons]  
12 *citation* is issued, the signing shall constitute a written  
13 promise to appear as stated in said [summons] *citation*. [The  
14 duplicate summons] *A copy of the citation* shall be presented  
15 to the person named therein. If memorandum is prepared, the  
16 original shall be retained by the officer, [the duplicate] *a*  
17 *copy* sent to the department, and [the triplicate] *a copy*  
18 presented to the person named therein.

19 Sec. 25. Section three hundred twenty-one point four  
20 hundred eighty-seven (321.487), unnumbered paragraph two  
21 (2), Code 1973, is amended to read as follows:

22 An appearance in response to such [summons] *citation* may  
23 be made either in person or by counsel.

24 Sec. 26. Section three hundred twenty-one point four  
25 hundred ninety-one (321.491), unnumbered paragraph one (1),  
26 Code 1973, is amended to read as follows:

27 Every *district court judge, district associate judge, and*  
28 *judicial magistrate* [and clerk of a court of record] shall keep  
29 a full record of every case in which a person is charged with  
30 any violation of this chapter or of any other law regulating  
31 the operation of vehicles on highways.

32 Sec. 27. Section three hundred thirty-six point three  
33 (336.3), Code 1973, is amended to read as follows:

34 336.3 ABSENCE OF COUNTY ATTORNEY—SUBSTITUTE—  
35 TION. In case of absence, sickness, or disability of the  
COMPENSA-

1 county attorney and his deputies, the court before whom it -  
2 is his duty to appear, and in which there may be business  
3 requiring his attention, may appoint an attorney to act as  
4 county attorney, by order to be entered upon the records of  
5 the court, and he shall receive out of the compensation allowed  
6 to the county attorney, [(when such appearance is) *in proceedings*  
7 *before a judicial magistrate*, such sum as the board of  
8 supervisors shall determine to be reasonable for the services  
9 rendered, and, [when it is before a court of record,)\*] *if in*  
10 *proceedings before a district associate judge or a district*  
11 *judge*, such sum as the judge shall determine to be a reason-  
12 able compensation, and, while acting under said appointment,  
13 he shall have all the authority and be subject to all the  
14 responsibilities herein conferred upon county attorneys.

15 Sec. 28. Section three hundred sixty-six point one  
16 (366.1), Code 1973, is amended to read as follows:

17 366.1 POWER TO PASS. Municipal corporations shall  
18 have power to make and publish, from time to time,  
19 ordinances, not inconsistent with the laws of the state,  
20 for carrying into effect or discharging the powers  
21 and duties conferred by this title, and such as shall  
22 seem necessary and proper to provide for the safety,  
23 preserve the health, promote the prosperity, improve  
24 the morals, order, comfort, and convenience of such  
25 corporations and the inhabitants thereof, and to  
26 enforce obedience to such ordinances by fine not  
27 exceeding one hundred dollars, or by imprisonment  
28 not exceeding thirty days. *An amount equal to*  
29 *fifteen percent of all fines collected by municipal*  
30 *corporations shall be remitted quarterly to the county*  
31 *treasurer of the county in which the municipal corpora-*  
32 *tion is located for deposit in the county general fund.*

33 Sec. 29. Section four hundred fifty-three point one  
34 (453.1), Code 1973, is amended by striking the section and  
35 inserting in lieu thereof the following:

36 453.1 DEPOSITS IN GENERAL. All funds held in the hands  
37 of the following officers or institutions shall be deposited  
38 in banks as are first approved by the appropriate governing  
39 body as indicated: For the treasurer of state, by the execu-  
40 tive council; for the county treasurer, recorder, auditor,  
41 sheriff, township clerk, clerk of the district court, and  
42 judicial magistrate, by the board of supervisors; for the  
43 city or county treasurer, by the city or town council; for the  
44 county public hospital or merged area hospital, by the board  
45 of hospital trustees; for a memorial hospital, by the memorial  
46 hospital commission; for a school corporation, by the board  
47 of school directors; provided, however, that the treasurer  
48 of state and the treasurer of each political subdivision shall  
49 invest all funds not needed for current operating expenses  
50 in time certificates of deposit in banks listed as approved  
51 depositories pursuant to this chapter or in investments per-  
52 mitted by section four hundred fifty-two point ten (452.10)  
53 of the Code. The list of public depositories and the amounts

1 severally deposited therein shall be a matter of public record.  
2 The term "bank" means a bank or a private bank, as defined  
3 in section five hundred twenty-four point one hundred three  
4 (524.103) of the Code.

5 Sec. 30. Section six hundred two point one (602.1), Code  
6 1973, is amended to read as follows:

7 602.1 UNIFIED TRIAL COURT. There shall be a unified trial  
8 court in the state of Iowa, known as "Iowa District Court".  
9 The Iowa district court shall have *exclusive*, general and  
10 original jurisdiction of all actions, proceedings, and reme-  
11 dies, civil, criminal, probate, and juvenile, [and] *except in*  
12 *cases where exclusive or concurrent jurisdiction is conferred*  
13 *upon some other court, tribunal, or administrative body, and*  
14 *it shall have and exercise all the power usually possessed*  
15 *and exercised by trial courts of general jurisdiction and*  
16 *shall be a court of record.*

17 Sec. 31. Section six hundred two point three (602.3),  
18 Code 1973, is amended by striking the section and inserting  
19 in lieu thereof the following:

20 602.3 JUDICIAL OFFICERS. The jurisdiction of the Iowa  
21 district court shall be exercised by Iowa district judges,  
22 district associate judges and judicial magistrates.

23 Sec. 32. Section six hundred two point eighteen (602.18),  
24 unnumbered paragraph ten (10), Code 1973, is amended to read  
25 as follows:

26 [For] *Judicial election districts are established for purposes*  
27 *of nomination, appointment and election of judges and*  
28 *application of the provisions of subsections 2 through 8 of*  
29 *this section, [judicial election districts are established]*  
30 *and for the purpose of removal of judicial magistrates as*  
31 *provided in section six hundred two point fifty-six (602.56)*  
32 *of the Code. They shall include the fourth, sixth, and seventh*  
33 *districts as above set forth, but the other election districts*  
34 *shall be as follows:*

35 Sec. 33. Section six hundred two point twenty-nine

1 (602.29), Code 1973, is amended to read as follows:

2 602.29 TERM, RETENTION. District associate judges shall  
3 stand for retention in office within the county of [his] *their*  
4 residence at the judicial election in 1974 *and every four*  
5 *years thereafter*, under sections 46.17 through 46.24. The  
6 term of office of the judges who are retained in office at  
7 the judicial election shall extend for four years after January  
8 1 next following the election, and the term of office of the  
9 judges who are not retained in office at such a judicial  
10 election shall extend until January 1 next following such  
11 election. [District court associate judges shall be subject  
12 to the same removal procedures as that of judicial magistrates.]  
13 District associate judges shall cease to hold office upon  
14 attaining age seventy-two.

15 Sec. 34. Section six hundred two point thirty-  
16 one (602.31), Code 1973, is amended to read as follows:

17 602.31 SALARY, EXPENSES, RETIREMENT. The annual  
18 salary of each district associate judge, payable from  
19 the general fund of the state of Iowa, shall be [the]  
20 *a sum [of seventeen thousand two hundred dollars] set*  
21 *by the legislature*. District associate judges shall  
22 also receive from the state their actual and necessary  
23 expenses in the performance of their duties away from  
24 the city of their residence, in accordance with sec-  
25 tion 605.2. District associate judges who are members  
26 of the judicial retirement system under chapter 605A  
27 shall remain members thereof; but the state of Iowa,  
28 instead of the city and county, shall deduct four  
29 percent from their salaries for the judicial retire-  
30 ment fund and shall contribute the public's portion  
31 to the judicial retirement fund.

32 Sec. 35. Section six hundred two point thirty-two (602.32),  
33 Code 1973, is amended by striking the section and inserting  
34 in lieu thereof the following:

35 602.32 JURISDICTION, PROCEDURE, APPEALS. District asso-

36 ciate judges shall have the jurisdiction provided in section  
37 six hundred two point sixty (602.60) of the Code. District  
38 associate judges shall hold court as directed at any place  
39 within the judicial district that a judicial magistrate may  
40 do so, and shall employ judicial magistrates' practice and  
41 procedure. In addition, district associate judges shall have  
42 jurisdiction in civil actions for money judgments where the  
43 amount in controversy does not exceed five thousand dollars,  
44 jurisdiction of indictable misdemeanors and the jurisdiction  
45 provided for in section two hundred thirty-one point three  
46 (231.3) of the Code when designated as a judge of the juvenile  
47 court. When a district court judge is unable to serve as  
48 a result of temporary incapacity, a district associate judge  
49 may, by order of the chief judge of the district enrolled  
50 in the records of the clerk of the district court, temporarily  
51 exercise any of the jurisdiction of a district judge during  
52 the time of incapacity and as to the specific matters or

1 classes of matters specified in that order. While exercising  
2 jurisdiction other than that of a judicial magistrate, district  
3 associate judges shall employ district judges' practice and  
4 procedure. District associate judges shall have power to  
5 act at any place within their respective judicial districts,  
6 and venue shall be the same as in other district court  
7 proceedings.

8 Appeals from judgments or orders of district associate  
9 judges while exercising the jurisdiction possessed by judicial  
10 magistrates shall be governed by the laws relating to appeals  
11 and orders from judicial magistrates. Appeals from judgments  
12 or orders of district associate judges while exercising any  
13 other jurisdiction conferred upon them shall be governed by  
14 the laws relating to appeals from judgments or orders from  
15 district judges.

16 For purposes of administration district associate judges  
17 shall be under the jurisdiction of the chief judge of the  
18 judicial district and he shall have the power to allocate  
19 their work load as he deems necessary. District associate  
20 judges shall be subject to the same rules and laws that apply  
21 to district judges except as otherwise provided in this  
22 chapter.

23 Sec. 36. Section six hundred two point thirty-three  
24 (602.33), Code 1973, is amended by striking the section and  
25 inserting in lieu thereof the following:

26 602.33 REPORTERS. Each district associate judge may  
27 appoint a shorthand reporter subject to the approval of the  
28 chief judge of the district. All shorthand reporters appointed  
29 are reporters for the judicial district and their compensation  
30 shall be in accordance with section six hundred five point  
31 eight (605.8) of the Code.

32 Sec. 37. Section six hundred two point thirty-  
33 four (602.34), Code 1973, unnumbered paragraphs one (1)  
34 and two (2) are amended to read as follows:

35 602.34. CLERKS AND BAILIFFS. [Elective clerks]

36 *Clerks* and [elective] bailiffs of municipal courts who  
37 are in office on June 30, 1973, and municipal court  
38 deputy clerks and deputy bailiffs who are in office on  
39 that date, shall on July 1, 1973, become deputies of  
40 the district court clerks and sheriffs respectively,  
41 in the counties of their residence. *During the two*  
42 *years after June 30, 1973, said persons shall be*  
43 *assigned, to the maximum extent possible, to duties*  
44 *comparable to their former duties as municipal court*  
45 *clerks, bailiffs, deputy clerks, or deputy bailiffs.*  
46 The board of supervisors may enlarge the district court  
47 clerks' and sheriffs' facilities accordingly, and  
48 shall have authority to build, remodel, purchase, and  
49 lease real and personal property and equipment for such  
50 purpose, subject to chapter 75 and sections 332.7 and  
51 332.8, where applicable. The compensation and other  
52 benefits received on January 1, 1972, by the individu-  
53 als who so become deputies shall not be reduced after  
54 June 30, 1973, from the amount on that date, unless all  
55 the deputies of the office are similarly reduced, but  
56 shall be paid by the counties of their residence;  
57 provided, that if the salary of any deputy equals or  
58 exceeds the salary of the district court clerk or  
59 sheriff of whom he is deputy, then the salary of the  
60 particular district court clerk or sheriff shall be  
61 increased so as to exceed the salary of the deputy by  
62 the sum of two hundred dollars per year.

63 *Nothing in this section shall be construed to*  
64 *prohibit any increase in compensation and other bene-*  
65 *fits received by the individuals who so become*  
66 *deputies over the amounts received by them on January 1,*  
67 *1972.*

68 The individuals who were [elective] municipal court  
69 clerks and bailiffs on June 30, 1973, and who were  
70 municipal court deputy clerks and deputy bailiffs on

71 that date, may as deputies of the district court clerks  
72 and sheriffs be suspended, demoted, or discharged by  
73 the district court clerks and sheriffs only for neglect  
74 of duty, disobedience of orders, misconduct, or failure  
75 to properly perform duties, by pursuing the procedure  
76 provided by sections 365.19 through 365.26; and in  
77 these cases the district court clerk or sheriff shall  
78 be deemed to be the person having the appointing power,  
79 the county auditor shall perform the functions of the  
80 mayor or city manager, the board of supervisors shall  
81 perform the functions of the civil service commission,  
82 and the county attorney shall perform the functions of  
83 the city attorney or solicitor.

84 Sec. 38. Section six hundred two point thirty-six (602.36),  
85 Code 1973, is amended by adding the following new unnumbered  
86 paragraph:

87 *NEW UNNUMBERED PARAGRAPH.* The district court shall  
succeed

1 to, and exercise full authority and jurisdiction over, the  
2 records of the municipal court, and may enforce all judgments,  
3 decrees, and orders thereof in the same manner and to the  
4 same extent as it may exercise like jurisdiction and authority  
5 over its own records, and, for the purpose of the issuance  
6 of process, and of any and all other acts necessary to the  
7 due and efficient enforcement of the orders, judgments, and  
8 decrees of the municipal court, the records thereof shall  
9 be deemed records of the district court: except that no judg-  
10 ment of the municipal court shall be a lien on real estate  
11 unless the person in whose favor the judgment exists files  
12 a written request with the district court clerk on forms pre-  
13 scribed by the supreme court administrator. Upon filing the  
14 request, the clerk shall enter the judgment in the judgment  
15 docket and lien index, and such judgment shall be a lien on  
16 real estate for a period ending ten years after date of entry  
17 of the judgment in municipal court.

18 Sec. 39. Section six hundred two point fifty-four (602.54),  
19 Code 1973, is amended to read as follows:

20 602.54 SALARY, EXPENSES. Each judicial magistrate shall  
21 receive a salary payable from the general fund of the state  
22 and also his actual and necessary expenses in the performance  
23 of his duties while away from the city or town of his resi-  
24 dence, in accordance with section 605.2. The salary of judi-  
25 cial magistrates, except as otherwise provided herein, shall  
26 be the sum of four thousand eight hundred dollars annually.  
27 [The judicial magistrates serving as full time magistrates  
28 shall receive an annual salary of seventeen thousand two hun-  
29 dred dollars.] *Judicial magistrates and district associate*  
30 *judges, except district associate judges who were in office*  
31 *as municipal court judges on June 30, 1973 shall be members*  
32 *of the Iowa public employees' retirement system.*

33 Sec. 40. Section six hundred two point fifty-five (602.55),  
34 unnumbered paragraph one (1), Code 1973, is amended to read  
35 as follows:

1 Each month each judicial magistrate shall file with the  
2 clerk of the district court of the proper county a sworn,  
3 itemized statement, by case, of all funds received and dis-  
4 bursed, and at least monthly shall remit to the clerk all  
5 funds received by him. The clerk shall provide ade-  
6 quate clerical assistance to [the full time magistrates and]  
7 district associate judges to carry out this section. The  
8 clerk shall remit all fines and forfeited bail received from  
9 a magistrate to the city or town that was the plaintiff in  
10 any action. The clerk shall remit to the treasurer of the  
11 county, for the benefit of the school fund, all other fines  
12 and forfeited bail received from a magistrate. All fees and  
13 costs for the filing of a complaint or information or upon  
14 forfeiture of bail received from a magistrate shall be remitted  
15 monthly by the clerk as follows:

16 Sec. 41. Section six hundred two point fifty-six (602.56),  
17 Code 1973, is amended by striking the section and inserting  
18 in lieu thereof the following:

19 602.56 REMOVAL OF JUDICIAL MAGISTRATES. The electors  
20 residing within a county where a magistrate resides or a dis-  
21 trict judge of his district may petition the judges of the  
22 district court to terminate the appointment of a judicial  
23 magistrate sitting in that district. If by the electorate,  
24 such petition shall be signed by at least two percent of the  
25 electors voting for governor in the last general election  
26 of the county of residence of the magistrate. The petition  
27 shall contain a general statement of the grounds upon which  
28 termination is sought. Within thirty days after the petition  
29 is filed with the clerk of the district court of the county  
30 in which the judicial magistrate resides, the chief judge  
31 of the judicial district shall appoint a tribunal composed  
32 of three other judges of the judicial election district where  
33 the magistrate resides who shall schedule and hold a hearing  
34 to determine if good cause exists to terminate the appointemnt.  
35 The clerk shall give notification of the time and place

1 of hearing to the magistrate against whom the petition was  
2 brought by restricted certified mail and shall notify all  
3 other interested parties by publication. Notification shall  
4 be made at least fifteen days prior to the time set for  
5 hearing. The judicial magistrate may be represented by counsel  
6 at the hearing, shall have the right to confront and cross-  
7 examine all witnesses against him, and may call witnesses  
8 and introduce evidence in his own behalf.

9 The tribunal may, by majority vote, dismiss the petition,  
10 declare the office vacant, or make other disposition of the  
11 case as is appropriate. All decisions of the tribunal are  
12 final, and there shall be no appeal.

13 Sec. 42. Section six hundred two point sixty (602.60),  
14 Code 1973, is amended to read as follows:

15 602.60 JURISDICTION, VENUE. Judicial magistrates shall  
16 have jurisdiction of nonindictable misdemeanors, including  
17 traffic and ordinance violations, preliminary hearings, search  
18 warrant proceedings, [forcible entry and detainer actions,]  
19 and small claims. They shall also have *jurisdiction to*  
20 *exercise* the powers specified in [section] *sections 748.2, six*  
21 *hundred forty-four point two (644.2), and six hundred forty-*  
22 *four point twelve (644.12) of the Code.* They shall have power  
23 to act any place within the district as directed, and venue  
24 shall be the same as in other district court proceedings.  
25 [Judicial magistrates serving on a full time basis and district  
26 associate judges shall have jurisdiction of indictable misde-  
27 meaners. While exercising that jurisdiction they shall employ  
28 district judges' practice and procedure.]

29 *For purposes of administration judicial magistrates shall*  
30 *be under the jurisdiction of the chief judge of the judicial*  
31 *district. Judicial magistrates shall be subject to the same*  
32 *rules and laws that apply to district judges except as other-*  
33 *wise provided in this chapter.*

24 Sec. 43. Section six hundred two point sixty-one (602.61),  
35 Code 1973, is amended to read as follows:



1 [five dollars for the filing and docketing of the complaint  
2 or information which shall be distributed pursuant to section  
3 602.55. All other costs in criminal actions shall be assessed  
4 and distributed as in chapter 606.] *All costs in criminal*  
5 *cases shall be assessed and distributed as in chapter six*  
6 *hundred six (606) of the Code, except that the cost of filing*  
7 *and docketing of a complaint or information for a nonindict-*  
8 *able misdemeanor shall be five dollars which shall be dis-*  
9 *tributed pursuant to section six hundred two point fifty-five*  
10 *(602.55) of the Code. The five dollar cost for filing*  
11 *and docketing a complaint or information for a nonindict-*  
12 *able misdemeanor shall not apply in cases of overtime*  
13 *parking.* If the judgment and costs are not fully

14 and immediately satisfied in criminal cases, the judicial  
15 magistrate shall promptly certify a copy of the judgment to  
16 the clerk of the district court indicating thereon the portion  
17 unsatisfied; and the clerk shall index and file the judgment,  
18 whereupon it shall be a judgment of the district court without  
19 recording.

20 Sec. 45. Section six hundred two point sixty-four (602.64),  
21 Code 1973, is amended by striking the section and inserting  
22 in lieu thereof the following:

23 602.64 ADMINISTRATIVE REPORTS. Each judicial magistrate,  
24 district associate judge and district judge acting as a judi-  
25 cial magistrate shall report all judicial business handled  
26 by him to the clerk and board of supervisors of his county  
27 and the chief judge of his judicial district. Such reports  
28 shall be on a form prescribed by the supreme court adminis-  
29 trator and be made at such times as required by him. The  
30 administrator may require the clerk to forward copies of indi-  
31 vidual reports to him or require a consolidated report for  
32 the county.

33 Sec. 46. Section six hundred two point sixty-five (602.65),  
34 Code 1973, is amended to read as follows:

35 602.65 MAGISTRATES NOT HOLDING OFFICE. When a [dis-  
trict]

- 36 *judicial* magistrate ceases to hold office, his docket and  
37 all records relating to his office shall be promptly deposited  
38 with the clerk of the district court who issued the docket.



1 not apply to any judge of the municipal, superior, district  
2 or supreme court, including a district associate [judges] *judge*,  
3 until he gives notice in writing, while serving as a judge,  
4 to the state comptroller and treasurer of state, of his purpose  
5 to come within its purview. Judges of the municipal and  
6 superior courts shall at the same time give a copy of such  
7 notice to the city treasurer and county auditor within the  
8 district of such court. Such notice shall be given within  
9 one year after the effective date hercof or within one year  
10 after any date on which he takes oath of office as such judge.

11 *The term "district associate judge" wherever used through-*  
12 *out this chapter means only those district associate judges*  
13 *who also were in office as judges of municipal courts on **June***  
14 ***30, 1973.***

15 Sec. 52. Section six hundred five A point four (605A.4),  
16 unnumbered paragraph one (1), Code 1973, is amended to read  
17 as follows:

18 Each judge coming within the purview of this chapter shall,  
19 on or before retirement, pay to the state comptroller for  
20 deposit with the [state treasurer] *treasurer of state* to the  
21 credit of a fund to be known as the "judicial retirement  
22 fund", hereinafter called the "fund", a sum equal to four  
23 percent of his basic salary for services as such judge for  
24 the total period of service as a judge of a municipal,  
25 superior, district or supreme court, including district  
26 associate judges, before the date of said notice, and after  
27 the date of the notice there shall be deducted and withheld  
28 from the basic salary of each judge coming within the purview  
29 of this chapter a sum equal to four percent of such basic  
30 salary. Provided that the maximum amount which any judge  
31 shall be required to contribute for past service shall not  
32 exceed for municipal or superior or district associate judges  
33 thirty-five hundred dollars, for district judges four thousand  
34 dollars and for supreme court judges five thousand dollars.  
35 The amounts so deducted and withheld from the basic salary

1 of each said judge shall be paid to the state comptroller  
2 for deposit with the treasurer of state to the credit of the  
3 judicial retirement fund, and said fund is hereby appropriated  
4 for the payment of annuities, refunds, and allowances herein  
5 provided, except that the amount of such appropriations  
6 affecting payment of annuities, refunds, and allowances to  
7 judges of the municipal and superior court shall be limited  
8 to that part of said fund accumulated for their benefit as  
9 hereinafter provided. The judges of the municipal, superior,  
10 district and supreme court, including district associate  
11 judges, coming within the provisions of this chapter shall  
12 be deemed to consent and agree to the deductions from basic  
13 salary as provided herein, and payment less such deductions  
14 shall be a full and complete discharge and acquittance of  
15 all claims and demands whatsoever for all regular services  
16 rendered by such judges during the period covered by such  
17 payment, except the right to the benefits to which they shall  
18 be entitled under the provisions of this chapter. The state  
19 shall contribute a sum not exceeding three percent of the  
20 basic salary of all judges of the district and supreme court  
21 for the years 1949 and 1950 and thereafter such sums as may  
22 be necessary over the amount contributed by the district and  
23 supreme court judges to finance the system, but only to the  
24 extent that the system applies to them. After [July 1] *June*  
25 *30, 1973*, the state shall contribute such sums as may be  
26 necessary over the amount contributed by district associate  
27 judges to finance the system as to them for the portion of  
28 their tenure [prior to] *after July 1, 1973, and thereafter such*  
29 *sums as may be necessary over the amount contributed by the*  
30 *district associate judges to finance the system, but only*  
31 *to the extent the system applies to them*; and the respective  
32 cities and counties within each municipal and superior court  
33 district shall contribute the additional amount necessary  
34 pursuant to the next paragraph of this section, for the portion  
35 of the tenure of such district associate judges prior to July

1 1, 1973.

2 Sec. 53. Section six hundred five A point four (605A.4),  
3 Code 1973, is amended by striking unnumbered paragraph two  
4 (2).

5 Sec. 54. Section six hundred five A point twelve (605A.12),  
6 Code 1973, is amended to read as follows:

7 605A.12 VOLUNTARY RETIREMENT FOR DISABILITY. Any  
judge

8 of the supreme, district or municipal court *including a*  
9 *district associate judge*, who shall have served as a judge  
10 of one or both of such courts for a period of six years in  
11 the aggregate and who believes he has become permanently  
12 incapacitated, physically or mentally, to perform the duties  
13 of his office may personally or by his next friend or guardian  
14 file with the state comptroller a written application for  
15 retirement. The application shall be filed in duplicate and  
16 accompanied by an affidavit as to the duration and particulars  
17 of his service and the nature of his incapacity. The state  
18 comptroller shall forthwith transmit one copy of the  
19 application and affidavit to the chief justice who shall  
20 request the attorney general in writing to cause an investiga-  
21 tion to be made relative to the claimed incapacity and report  
22 back the results thereof in writing. If the chief justice  
23 finds from the report of the attorney general that the appli-  
24 cant is permanently incapacitated, physically or mentally,  
25 to perform the duties of his office he shall by his endorse-  
26 ment thereon declare the applicant retired, and the office  
27 vacant, and shall file the report in the office of the state  
28 comptroller, and a copy in the office of the secretary of  
29 state. From the date of such filing the applicant shall be  
30 deemed retired from his office and entitled to the benefits  
31 of this chapter to the same extent as if he had retired under  
32 the provisions of section 605A.6.

33 Sec. 55. Section six hundred five A point fourteen  
34 (605A.14), Code 1973, is amended to read as follows:

35 605A.14 FORFEITURE OF BENEFITS—REFUND. In the  
event

1 a judge of the supreme, district or municipal court *including*  
2 *a district associate judge*, is removed for cause other than  
3 permanent disability he shall forfeit the right to any  
4 retirement benefits under the system but the total amount  
5 of his contribution to the fund shall be returned to him or  
6 his legal representative.

7 Sec. 56. Section six hundred thirty point one (630.1),  
8 Code 1973, is amended to read as follows:

9 630.1 DEBTOR EXAMINED. When execution against the prop-  
10 erty of a judgment debtor, or one of several debtors in the  
11 same judgment, has been issued from the district or supreme  
12 court to the sheriff of the county where such debtor resides,  
13 or if he [do] *does* not reside in the state, to the sheriff of  
14 the county where the judgment was rendered, [or a transcript  
15 of a justice's judgment has been filed,] and execution issued  
16 thereon is returned unsatisfied in whole or in part, the owner  
17 of the judgment is entitled to an order for the appearance  
18 and examination of such debtor.

19 Sec. 57. Section six hundred thirty-one point one (631.1),  
20 Code 1973, is amended to read as follows:

21 631.1 SMALL CLAIMS. A small claim is a civil action for  
22 *a money [damages] judgment* where the amount in controversy [in  
23 money] is [one thousand] *five hundred* dollars or less, exclusive  
24 of [interests] *interest* and costs, and actions for forcible  
25 entry and detainer *which are based on those grounds set forth*  
26 *in section six hundred forty-eight point one (648.1),*  
27 *subsections one (1), two (2), three (3), and five (5) of the*  
28 *Code.*

29 Sec. 58. Section six hundred thirty-one point two (631.2),  
30 Code 1973, is amended to read as follows:

31 631.2 TRIAL OF SMALL CLAIMS. Small claims shall be tried  
32 only by judicial magistrates and district associate judges,  
33 except when tried by regular procedure under section 631.8  
34 when they shall be tried by a district judge. Small claims  
35 shall be commenced, heard, and determined in accordance with

1 this chapter. Other statutes and rules relating to civil  
2 proceedings shall apply, but only insofar as not inconsistent  
3 with this chapter. Small claims on file for ninety days and  
4 not determined shall be dismissed by the clerk without  
5 prejudice unless prior thereto a party secures an order of  
6 continuance to a date certain after notice and hearing, upon  
7 a ground stated in rule 215.1 of the rules of civil procedure.  
8 Contested claims in an amount of a small claim may be heard  
9 *by the court* and determined under this chapter and actions  
10 therefor may be commenced hereunder; if commenced as a regular  
11 civil action or under the statutes relating to probate pro-  
12 ceedings, they shall be transferred to the small claims docket  
13 and proceed accordingly. Small claims coming within this  
14 chapter but commenced as a regular action shall not be dis-  
15 missed but shall be transferred to the small claims docket.  
16 Civil and probate actions not small claims but commenced  
17 hereunder shall be dismissed without prejudice except for  
18 defendants who have appeared, as to whom such actions shall  
19 be transferred to the combination or probate docket, as  
20 appropriate.

21 Sec. 59. Section six hundred thirty-one point three  
22 (631.3), Code 1973, is amended to read as follows:

23 631.3 COMMENCEMENT OF ACTIONS. All actions shall be com-  
24 menced by the filing of an original notice with the clerk.  
25 The clerk shall mail a copy of the original notice to each  
26 defendant at his last known address, as stated in the origi-  
27 nal notice, by [restricted] certified mail, *restricted delivery*,  
28 return receipt to the clerk requested. Instead of the mailing,  
29 the plaintiff may, after filing the original notice with the  
30 clerk, cause a copy of same to be served on all or some  
31 defendants in the manner provided in the rules of civil  
32 procedure pertaining to the commencement of actions. The  
33 clerk shall maintain a book known as the small claims docket,  
34 which shall contain as to small claims the matters contained  
35 in the combination docket as to the regular civil actions.

1 Sec. 60. Section six hundred thirty-one point four (631.4),  
2 Code 1973, is amended to read as follows:

3 631.4 ORIGINAL NOTICE—FORM. The original notice must  
4 be mailed or otherwise served not less than ten nor more than  
5 twenty days prior to the [hearing] *appearance* date. The original  
6 notice and copies shall be signed by the plaintiff, either  
7 in person or by attorney, and shall be in substantially the  
8 following form:

9 IN THE DISTRICT COURT OF IOWA  
10 IN AND FOR ..... COUNTY  
11 ..... )  
12 Plaintiffs(s) )  
13 )  
14 )  
15 ..... )  
16 Address of each plaintiff )  
17 )  
18 VS ) SMALL CLAIM NO. ....  
19 )  
20 ..... )  
21 Defendant(s) )  
22 )  
23 )  
24 ..... )  
25 Address of each defendant )

26 ORIGINAL NOTICE

27 To the above named defendant(s):  
28 YOU ARE HEREBY NOTIFIED that the above named plaintiff(s)  
29 demands of you .....  
30 (1. If demand is for money, state amount; 2. If  
31 .....  
32 demand is for [something else, state briefly what is demanded  
33 .....  
34 and its value in money; 3. If both money and something else  
35 .....

1 are demanded, state both 1 and 2] *forcible entry and detainer*,  
 2 ..... based on .....  
 3 *state address and grounds*) (state briefly the basis  
 4 ..... and that unless you appear [and defend] before  
 5 for the demand)  
 6 the *clerk of the above named court either by written appear-*  
 7 *ance or in person* at ..... in ....., Iowa, at  
 8 (Place) (City or Town)  
 9 .....o'clock .....M. on the ..... day of .....  
 10 19...., judgment will be rendered against you for the relief  
 11 demanded, together with interest and court costs.

12 .....  
 13 Plaintiff(s)

14 Sec. 61. Section six hundred thirty-one point five (631.5),  
 15 Code 1973, is amended by striking the section and inserting  
 16 in lieu thereof the following:

17 631.5 DUTIES OF CLERK. The clerk shall furnish forms  
 18 of original notice. Before filing an original notice, the  
 19 clerk shall receive a filing fee of two dollars plus the  
 20 amount of postage for mailing the original notice to each  
 21 defendant to which it is to be mailed. At the time of filing,  
 22 the clerk shall enter on the original notice and the copies  
 23 to be served, the file number, and the time and place of  
 24 appearance, which appearance may be in writing or in person,  
 25 and which shall be not less than ten nor more than twenty  
 26 days after the date on which the notice will be mailed or  
 27 otherwise served.

28 If the defendant appears before the clerk on or before  
 29 the time set in the original notice, the clerk shall assign  
 30 the claim to a judicial magistrate having jurisdiction, for  
 31 hearing at a place and time certain. The time of hearing  
 32 shall be not less than five days nor more than ten days from  
 33 the date of the defendant's appearance before the clerk.  
 34 The clerk shall immediately notify the plaintiff or his  
 35 attorney, the defendant or his attorney and the judicial

1 magistrate to which the claim is assigned of the time and  
2 place of hearing by ordinary mail. The clerk shall also  
3 transmit the original notice, and all other papers relating  
4 to the case, to the judicial magistrate to whom the case is  
5 assigned, and copies of all papers so transmitted shall be  
6 retained in the clerk's office.

7 If the defendant fails to appear, judgment shall be rendered  
8 against the defendant by the clerk if the relief is readily  
9 ascertainable. If the relief is not readily ascertainable  
10 the claim shall be assigned to a judicial magistrate for  
11 determination and the clerk shall immediately notify the  
12 plaintiff or his attorney and the judicial magistrate of such  
13 assignment by ordinary mail.

14 Sec. 62. Section six hundred thirty-one point eight  
15 (631.8), subsection four (4), Code 1973, is amended to read  
16 as follows:

17 4. In small claims actions, a counterclaim, cross claim,  
18 or intervention in a greater amount than that of a small claim  
19 shall be in the form of a regular pleading. A copy shall  
20 be filed for each existing party. New parties, when permitted  
21 by order, may be brought in under rule 34 of the rules of  
22 civil procedure and shall be given notice under the rules  
23 of civil procedure pertaining to [announcement] commencement  
24 of actions. The court shall either order such counterclaim,  
25 cross claim, or intervention to be tried by regular procedure  
26 and the other claim to be heard under this division, or order  
27 the entire action to be tried by regular procedure.

28 Sec. 63. Section six hundred thirty-one point nine (631.9),  
29 Code 1973, is amended to read as follows:

30 631.9 PROPER NOTICE DETERMINED. At the time for  
31 or hearing the [court or] clerk or court shall first determine  
32 that proper notice has been given a party before proceeding  
33 further as to him, unless he has appeared or is an existing  
34 party, and also that the action is properly brought as a small  
35 claim. *Proper notice shall consist of either signed return*

1 receipt, returned receipt indicating refusal to accept notice,  
2 or sheriff's return of service of an original notice, whichever  
3 is applicable. In the event the plaintiff appears and the  
4 defendant fails to appear, and the court or clerk determines  
5 that proper notice has not been given a party, he shall reset  
6 the hearing date, and direct the plaintiff to serve the party  
7 as in the manner prescribed for the service of original notice  
8 provides in the rules of civil procedure, which shall be not  
9 less than ten nor more than twenty days prior to the hearing  
10 date.

11 Sec. 64. Section six hundred thirty-one point ten (631.10),  
12 Code 1973, is amended to read as follows:

13 631.10 FAILURE TO APPEAR AT HEARING—EFFECT.  
14 Unless good

15 cause to the contrary is shown, if the parties fail to appear  
16 at the time of hearing the claim shall be dismissed without  
17 prejudice by the court [or clerk]; if the plaintiff fails to  
18 appear but the defendant appears, the claim shall be dismissed  
19 with prejudice by the court [or clerk]; and if the plaintiff  
20 appears but the defendant fails to appear, judgment [shall] *may*  
21 be rendered against the defendant by the court[, or by the  
22 clerk if the relief to be granted is readily ascertainable].  
23 The filing by the plaintiff of a verified account, or an  
24 instrument in writing for the payment of money with an  
25 affidavit the same is genuine, shall constitute an appearance  
26 by plaintiff for the purpose of this [rule] *section*. [At the request  
27 of either party, the court shall grant such party one  
28 continuance to a day certain.]

29 Sec. 65. Section six hundred thirty-one point eleven  
30 (631.11), Code 1973, is amended to read as follows:

31 631.11 HEARING. [The time for appearance shall be the  
32 time for hearing, unless a continuance has been granted under  
33 section 631.10.] The hearing shall be to the court, shall  
34 be simple and informal, and shall be conducted by the court  
35 itself, without regard to technicalities of procedure; but  
the decision must be based on substantial evidence. The court

1 shall swear the parties and their witnesses, and examine them  
2 in such way as to bring out the truth. The parties may  
3 participate, either personally or by attorney. The court  
4 may continue the hearing from time to time if justice requires.  
5 [The proceedings shall not be reported unless a party provides  
6 a reporter at his own expense or the parties by agreement  
7 cause the proceedings to be electronically reported, but there  
8 shall be no delay for such purpose.]

9 *Upon the trial, the judicial magistrate shall make minutes*  
10 *of the testimony of each witness and append the exhibits or*  
11 *copies thereof. The proceedings upon trial shall not be*  
12 *reported, unless the party provides a reporter at such party's*  
13 *expense. By agreement the parties may cause the proceedings*  
14 *upon trial to be reported electronically.*

15 Sec. 66. Section six hundred thirty-one point twelve  
16 (631.12), subsection one (1), Code 1973, is amended to read  
17 as follows:

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

1 Sec. 67. Section six hundred forty-eight point five  
2 (648.5), Code 1973, is amended to read as follows:

3 648.5 JURISDICTION. The [district] court within the county  
4 shall have jurisdiction of actions for the forcible entry  
5 or detention of real property. [Where an action is brought  
6 in the district court it] *It shall be tried as an equitable*  
7 *action[.]. [and upon presentation of the petition to the associate*  
8 *district judge or judicial magistrate after the same has been*  
9 *filed, the] Unless commenced as a small claim, a petition shall*  
10 *be presented to a district court judge. The court shall make*  
11 *an order fixing the time and place for hearing upon said*  
12 *petition and shall prescribe that notice of the hearing be*  
13 *personally served upon the defendant or defendants, which*  
14 *service shall be at least five days prior to the date set*  
15 *for hearing.*

16 Sec. 68. Section six hundred sixty-five point four (665.4),  
17 subsections two (2) and three (3), Code 1973, are amended  
18 to read as follows:

19 2. [By] *Before* district judges and district associate judges,  
20 by a fine not exceeding five hundred dollars or imprisonment  
21 in a county jail not exceeding six months or by both such  
22 fine and imprisonment.

23 3. [By] *Before* judicial magistrates, by a fine not exceeding  
24 one hundred dollars or imprisonment in a county jail not  
25 exceeding thirty days.

26 Sec. 69. Section seven hundred forty-eight point four  
27 (748.4), Code 1973, is amended to read as follows:

28 748.4 DUTIES. It shall be the duty of a peace officer  
29 and his deputy, if any, throughout the county, township,  
30 or municipality of which he is such officer, to preserve the  
31 peace, to ferret out crime, to apprehend and arrest all crimi-  
32 nals, and insofar as it is within his power, to secure evidence  
33 of all crimes committed, and present the same to the county  
34 attorney, grand jury, [mayor or police courts] *or magistrate,*  
35 and to file informations against all persons whom he knows,

1 or has reason to believe, to have violated the laws of the  
2 state, and to perform all other duties, civil or criminal,  
3 pertaining to his office or enjoined upon him by law. Nothing  
4 herein shall be deemed to curtail the powers and duties  
5 otherwise granted to or imposed upon peace officers.

6 Sec. 70. Section seven hundred fifty-one point twenty-  
7 six (751.26), Code 1973, is amended to read as follows:

8 751.26 EXECUTION—SALE—DESTRUCTION. Execution shall  
9 issue for the sale of all property, except money, which may  
10 have a legitimate use, and for the destruction of all prop-  
11 erty having no legitimate use. Sales shall be made as pro-  
12 vided by section [626.76\*] *six hundred twenty-six point seventy-*  
13 *five (626.75) of the Code.* Due return of the execution shall  
14 be made thereon by the officer executing it.

15 Sec. 71. Section seven hundred fifty-two point four  
16 (752.4), Code 1973, is amended to read as follows:

17 752.4 ONE-YEAR LIMITATION. A prosecution for a *nonin-*  
18 *dictable* misdemeanor [triable before a magistrate,] or violation  
19 of an ordinance of a city or town, must be commenced within  
20 one year after the commission thereof, and not after.

21 Sec. 72. Section seven hundred fifty-three point nine  
22 (753.9), Code 1973, is amended to read as follows:

23 753.9 FAILURE TO APPEAR. [Any] *Except for citations for*  
24 *traffic violations, any person who willfully fails to appear*  
25 *in court as specified by the citation shall be guilty of a*  
26 *misdemeanor and upon conviction shall be punished by a fine*  
27 *of not more than five hundred dollars or by imprisonment in*  
28 *the county jail not exceeding three months, or by both such*  
29 *fine and imprisonment. Failure to appear in response to a*  
30 *citation for a traffic violation shall be governed by section*  
31 *three hundred twenty-one point four hundred eighty-seven*  
32 *(321.487) of the Code.*

33 Sec. 73. Section seven hundred fifty-three point thirteen  
34 (753.13), Code 1973, is amended to read as follows:

35 753.13 UNIFORM CITATION AND COMPLAINT. The commis-  
sioner

1 of public safety shall adopt a uniform, combined traffic cita-  
2 tion and complaint, which shall be used for charging all  
3 traffic violations in Iowa under state law or municipal ordi-  
4 nance, unless the defendant is charged by information or  
5 section 321.236, subsection 1, is applicable. Each citation  
6 and complaint shall be serially numbered and shall be in qua-  
7 druplicate, and the officer shall deliver the original and  
8 a copy to the court where the defendant is to appear, a copy  
9 to the defendant, and a copy to the law enforcement agency  
10 of the officer. The court shall forward the copy of the cita-  
11 tion and complaint in accordance with section 321.207. The  
12 citation and complaint shall contain, among other things,  
13 spaces for the parties' names and for the information required  
14 by section 321.485, subsection 2; a place where the defendant  
15 may sign the promise to appear referred to in section [321.400]  
16 *three hundred twenty-one point four hundred eighty-six*  
17 *(321.486) of the Code*; a list of the minimum fines prescribed  
18 by section 753.15, either separately or by groups; a brief  
19 explanation of sections 753.16 and 753.17; and a space where  
20 the defendant may sign an admission of the violation when  
21 such section 753.16 is applicable. Every citation and  
22 complaint shall require the defendant to appear before a court  
23 at a specified time and place. Notwithstanding section  
24 321.485, subsection 2, the officer may arrest the defendant  
25 although a citation and complaint is used to charge the  
26 violation, if authorized by section 755.4.

27 Sec. 74. Section seven hundred fifty-three point fifteen  
28 (753.15), unnumbered paragraphs one (1) and two (2), Code  
29 1973, are amended to read as follows:

30 753.15 SCHEDULED VIOLATIONS. *The following shall be*  
31 *scheduled violations and the minimum fine for all convictions*  
32 *of the following violations, whether of state law or municipal*  
33 *ordinance, shall be:*

34 Violations of the schedule of axle and tandem axle and  
35 gross or group of axle weight violations in section 321.463

1 shall be scheduled violations subject to the provisions,  
2 procedures and exceptions contained in sections [753.16\* to  
3 753.20\*] *seven hundred fifty-three point thirteen (753.13)*  
4 *to seven hundred fifty-three point eighteen (753.18) of the*  
5 *Code*, irrespective of the amount of the fine under such  
6 schedule. Violations of the schedule of weight violations  
7 shall be chargeable, where the fine charged does not exceed  
8 one hundred dollars, only by uniform citation and complaint.  
9 Violations of the schedule of weight violations, where the  
10 fine charged exceeds one hundred dollars: (1) Shall, when  
11 the violation is admitted and section 753.16 applies, be  
12 chargeable upon uniform citation and complaint, indictment,  
13 or county attorney's information, (2) but otherwise, shall  
14 be chargeable only upon indictment or county attorney's  
15 information. In all cases of charges under the schedule of  
16 weight violations, the charge shall specify the amount of  
17 fine charged under the schedule. Where a defendant is  
18 convicted and the fine under the foregoing schedule of weight  
19 violations exceeds one hundred dollars, the conviction shall  
20 be of an indictable offense although section 753.16 is employed  
21 and whether the violation is charged upon uniform citation  
22 and complaint, indictment, or county attorney's information.

23 Sec. 75. Section seven hundred fifty-three point fifteen  
24 (753.15), subsection two (2), Code 1973, is amended to read  
25 as follows:

26 2. Registration card or plate violation *under sections*  
27 *three hundred twenty-one point thirty-seven (321.37), three*  
28 *hundred twenty-one point thirty-eight (321.38), three hundred*  
29 *twenty-one point thirty-nine (321.39), and three hundred*  
30 *twenty-one point three hundred eighty-eight (321.388) of the*  
31 *Code*, five dollars.

32 Sec. 76. Section seven hundred fifty-three point sixteen  
33 (753.16), subsection three (3), paragraph b, Code 1973, is  
34 amended to read as follows:

35 b. If the defendant does not comply with paragraph "a"

1 of this subsection, the officer may release the defendant  
2 upon observing him mail to a court in the county the citation  
3 and complaint and twice the minimum fine together with five  
4 dollars costs, or in lieu of twice the fine and the costs,  
5 a guaranteed arrest bond certificate as provided in section  
6 321.1, subsection 70, as bail together with the following  
7 statement signed by the defendant:

8 "I agree that either (1) I will appear pursuant to this  
9 citation or (2) if I do not so appear [that I hereby admit  
10 the violation charged in the citation and complaint and con-  
11 sent to entry of judgment of conviction for twice the minimum  
12 fine together with five dollars costs and to application of  
13 the enclosed funds or bail in satisfaction of such fine and  
14 costs] *the amount deposited as bail will be forfeited.*"

15 Sec. 77. Section seven hundred fifty-three point seventeen  
16 (753.17), Code 1973, is amended to read as follows:

17 753.17 REQUIRED COURT APPEARANCE. Section 753.16  
18 shall  
19 not apply to a scheduled violation:

20 1. When the violation charged [resulted in] *involved an*  
21 accident or injury.

22 2. When the officer [determines that] *believed* the defendant  
23 [does] *did* not have in force a valid operator's or chauffeur's  
24 license or permit.

25 3. When the officer [determines that] *believed* the violation  
26 was hazardous or aggravated because of highway conditions,  
27 visibility, traffic, repetition, or other circumstances.

28 In such cases, the defendant shall appear before the court  
29 and regular procedure shall apply. If an information is used  
30 the officer shall endorse thereon, "[Not for traffic viola-  
31 tions office] *Court appearance required.*" If a citation and  
32 complaint is used, the officer shall strike out the space  
33 in which the defendant may admit the violation before a traffic  
34 violations office *and shall endorse thereon "Court appear-*  
35 *ance required.*" [A citation and complaint or information  
containing a charge under subsections 1 and 2 of this section

1 shall not itself constitute substantive proof of the charge.]  
2 A defendant shall appear before the court for any nonscheduled  
3 violation *either in person or by attorney.*

4 Sec. 78. Section seven hundred fifty-three point eighteen  
5 (753.18), Code 1973, is amended to read as follows:

6 753.18 OTHER PENALTIES. [When section 753.16 does not  
7 apply to a scheduled violation or when the defendant denies  
8 a scheduled violation, if] *If the defendant is [found guilty]  
9 convicted of a scheduled violation, the penalty shall be the  
10 scheduled fine, without suspension of the fine prescribed  
11 in section 753.15 together with [five dollars court] costs  
12 assessed and distributed as prescribed by section six hundred  
13 two point sixty-three (602.63) of the Code, unless it appears  
14 from the evidence that the violation was [hazardous or  
15 aggravated] of the type set forth in section seven hundred  
16 fifty-three point seventeen (753.17), subsection three (3),  
17 of the Code, in which event the punishment shall be increased  
18 accordingly within the limits of law.*

19 Sec. 79. Section seven hundred fifty-three point twenty  
20 (753.20), subsection one (1), Code 1973, is amended by strik-  
21 ing the subsection and inserting in lieu thereof the following:

22 1. Traffic violations may be tried in the judicial dis-  
23 trict in which the offense is committed.

24 Sec. 80. Section seven hundred fifty-four point three  
25 (754.3), Code 1973, is amended to read as follows:

26 754.3 FILING—ISSUING WARRANT. When a preliminary in-  
for-

27 mation is made before a magistrate, or district court clerk  
28 or his deputy, charging the commission of some designated  
29 public offense triable on indictment in the county in which  
30 such magistrate, or district court clerk or his deputy, has  
31 local jurisdiction, by some person named therein, he may issue  
32 a warrant for the arrest of such person.

33 Whenever the preliminary information or complaint charges  
34 a misdemeanor the magistrate, or district court clerk or his  
35 deputy, may in his discretion issue a citation instead of

1 a warrant of arrest. The citation shall set forth  
2 substantially the nature of the offense and shall command  
3 the person against whom the complaint was made to appear  
4 before the magistrate issuing the citation at a time and place  
5 stated therein.

6 The citation may be served in the same manner as an original  
7 notice in a civil action.

8 If the person named in the citation is actually served  
9 as provided herein and fails without good cause to appear  
10 as commanded by the citation, he shall be [considered in con-  
11 tempt of court and may be punished by a fine of not more than  
12 twenty dollars] *guilty of a misdemeanor, and, upon convic-*  
13 *tion, shall be punished as provided in section seven hundred*  
14 *fifty-three point nine (753.9) of the Code.* Upon such failure  
15 to appear, the magistrate, or district court clerk or his  
16 deputy, shall issue a warrant of arrest for the offense origi-  
17 nally charged[, and institute proceedings in contempt as  
18 provided by chapter 665]. *Failure to appear in response to*  
19 *a citation for a traffic violation shall be governed by sec-*  
20 *tion three hundred twenty-one point four hundred eighty-seven*  
21 *(321.847) of the Code.*

22 [If] *Except for citations for traffic violations, if after*  
23 issuing a citation the magistrate, or district court clerk  
24 or his deputy, becomes satisfied that the person to whom such  
25 citation has been directed will not appear, he may at once  
26 issue a warrant of arrest without waiting for the date  
27 mentioned in the citation. A warrant or citation issued by  
28 a clerk or deputy shall be returnable before a magistrate  
29 for the county, or in his absence, before the nearest  
30 magistrate, whether the warrant is for a felony as under  
31 section 757.2 or for a misdemeanor. *If a citation or warrant*  
32 *is issued by the clerk, the preliminary information shall*  
33 *be transmitted to the magistrate before whom the defendant*  
34 *is to appear.*

35 Sec. 81. Section seven hundred sixty-two point two (762.2),

1 Code 1973, is amended to read as follows:

2 762.2 INFORMATION—COMPLAINT. Criminal actions for the  
3 commission of a public offense must be commenced before a  
4 magistrate *or district court clerk or his deputy* by an  
5 information or complaint, subscribed and sworn to, and filed  
6 with the magistrate *or district court clerk or his deputy*.

7 Sec. 82. Section seven hundred sixty-two point five  
8 (762.5), Code 1973, is amended to read as follows:

9 762.5 FILING OF INFORMATION. The magistrate *or district*  
10 *court clerk or his deputy* must file such information and mark  
11 thereon the time of filing the same.

12 Sec. 83. Section seven hundred sixty-two point six (762.6),  
13 Code 1973, is amended to read as follows:

14 762.6 WARRANT OF ARREST. Immediately upon the filing  
15 of such information, the magistrate, or [in his absence,] the  
16 district court clerk or deputy may, in his discretion, issue  
17 a warrant for the arrest of the defendant, directed in the  
18 same manner as a warrant of arrest upon a preliminary informa-  
19 tion, which may be served in like manner.

20 Sec. 84. Section seven hundred sixty-two point twelve  
21 (762.12), Code 1973, is amended by striking the section and  
22 inserting in lieu thereof the following:

23 762.12 TRIAL. Upon a plea other than guilty, the magis-  
24 trate shall set a trial date which shall be at least fifteen  
25 days after the plea is entered. He shall notify the prose-  
26 cuting attorney of the trial date and shall advise the defen-  
27 dant that the trial will be without jury unless demand for  
28 jury trial is made at least ten days prior to the date set  
29 for trial. Upon the request of the defendant, the  
30 magistrate may set the date of trial at a time less  
31 than fifteen days after a plea other than guilty is  
32 entered. The magistrate shall notify the defendant  
33 that a request for earlier trial date shall constitute  
34 a waiver of jury.

35 Upon the trial, the judicial magistrate shall make minutes

36 of the testimony of each witness and append the exhibits or  
37 copies thereof. The proceedings upon trial shall not be  
38 reported, unless the party provides a reporter at such party's  
39 expense. By agreement the parties may cause the proceedings  
40 upon trial to be reported electronically. If the defendant

1 is indigent and requests that the proceedings upon trial be  
2 reported, the judicial magistrate shall cause them to be  
3 reported by a reporter, or electronically, at public expense.

4 Sec. 85. Section seven hundred sixty-two point fifteen  
5 (762.15), Code 1973, is amended to read as follows:

6 762.15 JURY TRIAL. [Either party] *A defendant*  
7 in a criminal action

8 shall be entitled to jury trial by filing with the magistrate  
9 a written jury demand [within] *at least ten days* [after the  
10 information or complaint is filed, or at least two days] before  
11 the *time set for trial* [trial if the action is tried before  
12 ten days elapses]. Failure to make a jury demand in the manner  
13 prescribed herein constitutes a waiver of jury. If demand  
14 is made, the action shall be tried by a jury of six members.

15 Sec. 86. Section seven hundred sixty-two point thirty-  
16 five (762.35), Code 1973, is amended to read as follows:

17 762.35 APPEAL. In either case the prosecuting witness  
18 may appeal from such judgment to a district judge, by giving  
19 notice thereof as provided with reference to appeals by  
20 defendant, and the fact of the giving of such notice shall  
21 be entered [( ) *by the* (\*)] magistrate on his record. The same pro-  
22 cedure shall obtain as upon an appeal by the defendant.

23 Sec. 87. Section seven hundred sixty-two point forty-three  
24 (762.43), Code 1973, is amended to read as follows:

25 762.43 APPEAL. *An appeal may be taken by the plaintiff*  
26 *only upon a finding of invalidity of an ordinance or statute.*  
27 *In all other cases, an appeal may only be taken by the defen-*  
28 *dant and only upon a judgment of conviction. Execution of*  
29 *the judgment shall be stayed upon the filing with the clerk*  
30 *of the district court an appeal bond with surety approved*  
31 *by the clerk, in the sum specified in the judgment. The*  
32 *defendant may take an appeal, by giving notice orally to the*  
33 *magistrate that he appeals, or by delivering to the magistrate*  
34 *not later than ten days thereafter, a written notice of his*  
35 *appeal, and in either case the magistrate must make an entry*

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—41B—

36 on its docket of the giving of such notice. Payment of fine

1 or service of a sentence of imprisonment does not waive the  
2 right to appeal, nor render the appeal moot. When an appeal  
3 is taken, the magistrate shall forward to the appropriate  
4 district court clerk a copy of the docket entries in his  
5 court, together with copies of the complaint, warrant, motions,  
6 pleadings [or] , *his minutes of the witness' testimony and the*  
7 *exhibits or copies thereof, and all other papers in the case.*  
8 *Within ten days after an appeal is taken, unless extended*  
9 *by order of a district judge or by stipulation of the parties,*  
10 *any party may file with the clerk, as a part of the record,*  
11 *a transcript of the official report, if any, and, in the event*  
12 *the report was made electronically, the tape or other medium*  
13 *on which the proceedings were preserved. A district judge*  
14 *shall promptly hear the appeal upon the record thus filed*  
15 *without further evidence. If the original action was tried*  
16 *before a district judge acting as a judicial magistrate, the*  
17 *appeal shall be to a different district judge. The judge*  
18 *shall decide the appeal without regard to technicalities or*  
19 *defects. Judgment shall be rendered as though the case were*  
20 *being originally tried.*

21 Sec. 88. Section seven hundred sixty-nine point two  
22 (769.2), Code 1973, is amended to read as follows:

23 769.2 FILING BY COUNTY ATTORNEY. The county attorney  
24 may file with [a magistrate or] *the clerk of the district court*  
25 *an information charging a person with an indictable offense.*

26 Sec. 89. Section seven hundred sixty-nine point eight  
27 (769.8), Code 1973, is amended to read as follows:

28 769.8 APPROVAL BY JUDGE. The information, before being  
29 filed, shall be presented to [some judge of the district court]  
30 *a district judge or district associate judge of the county*  
31 *having jurisdiction of the offense, which judge shall endorse*  
32 *his approval or disapproval thereon. If the information*  
33 *receive the approval of the judge, the same shall be filed.*  
34 *If not approved, the charge shall be presented to the next*  
35 *grand jury for consideration.*



1 pending in mayor's courts, justice of the peace courts, police  
2 courts, superior courts and municipal courts as of June 30,  
3 1973. It provides that the municipal court judges, the clerks  
4 of the municipal court, and their deputies, bailiffs of the  
5 municipal court and their deputies, police court judges, jus-  
6 tices of the peace and constables which hold office on July  
7 1, 1972 and are continued in office by the unified trial court  
8 Act, shall also include those who are elected or appointed  
9 to those offices after July 1, 1972.

10 *Section 8.* This section provides that the office of  
11 district associate judge shall be a permanent position. The  
12 number of district associate judges is determined by a formula  
13 according to population. Under present population statistics  
14 the number of district associate judgeships created will be  
15 the same as under the original Act plus the number of full-  
16 time magistrate positions which would have been created but  
17 for this amendment. The present municipal court judges fill  
18 the initial vacancies, and any additional vacancies and all  
19 future vacancies are to be filled by nomination and appointment  
20 as provided for district judges.

21 *Section 9.* This section provides that the district court  
22 judge appointed to the judicial magistrate appointive commis-  
23 sion shall serve until a successor is designated.

24 *Sections 10 and 11.* These sections provide that the  
25 district court clerk shall keep a record of the name and  
26 address and expiration of term of all appointees of the com-  
27 mission.

28 *Section 12.* This section eliminates the sample name on  
29 the ballot for conduct of elections of the judicial magistrate  
30 appointive commissioners.

31 *Section 13.* This section clarifies the appointment pro-  
32 cedures for judicial magistrate appointive commissions and  
33 eliminates and corrects references to full-time magistrates  
34 and district magistrates.

35 *Sections 14, 17, and 18.* These sections redefine the

1 circumstances under which judicial magistrates shall not be  
2 allowed to hear particular cases.

3 *Sections 15 and 16.* These sections clarify the allotment  
4 of judicial magistrate and eliminate the full-time magistrates  
5 and district associate judgeships from the total allotment  
6 and apportionment. Section 16 removes one magistrate from  
7 the number allotted to Cedar county and increases those  
8 allotted to Dickinson county by one.

9 The bill provides that all of the above amendments shall  
10 take effect immediately.

11 The remaining sections of the bill will take effect in  
12 the normal manner.

13 *Section 19.* This section provides clarification that  
14 judicial magistrates shall be required to post a bond.

15 *Section 20.* This section eliminates the requirement that  
16 judges in traffic offenses need to make a notation on the  
17 back of the operator's license.

18 *Section 21.* This section reduces the amount allowed for  
19 parking violations from ten dollars to five dollars. It makes  
20 clear that parking meter violations may be proceeded upon  
21 as in scheduled traffic violations.

22 *Section 22.* This section eliminates scheduled violations  
23 from the regular procedure to be employed by peace officers  
24 in enforcing the motor vehicle code.

25 *Sections 23 and 24.* These sections provide that the written  
26 traffic citations shall be in a number of copies as prescribed  
27 by the commissioner of public safety rather than in triplicate  
28 as is presently required.

29 *Sections 24 and 25.* These sections correct references  
30 to the word "summons" and replace them with the word "cita-  
31 tion" wherever the correction is necessary.

32 *Section 26.* This section eliminates the phrase "court  
33 of record" and replaces it with the names of the particular  
34 judges of the district court.

35 *Section 27.* This section amends the provision of the Code

1 relating to compensation of substitute county attorneys to  
2 comport with the structure of the new court Act.

3 *Section 28.* This section provides that judicial magis-  
4 trates shall deposit the funds which they hold as approved  
5 by the board of supervisors.

6 *Section 29.* This section clarifies the fact that Iowa  
7 district court has exclusive jurisdiction except in those  
8 cases where exclusive or concurrent jurisdiction is conferred  
9 upon another court or administrative body, and it clarifies  
10 the fact that Iowa district court is a court of record.

11 *Section 30.* This section clarifies the fact that the  
12 officers of the district court shall be exercising jurisdic-  
13 tion of the court rather than judicial power.

14 *Section 31.* This section provides that the removal pro-  
15 cedure for judicial magistrates shall be limited in area to  
16 judicial election districts.

17 *Section 32.* This section clarifies the fact that district  
18 associate judges are to stand for retention in office every  
19 four years after the judicial election in 1974.

20 *Section 33.* Section 33 provides that district associate  
21 judges shall be under the jurisdiction of the chief judge  
22 of the district for administration purposes. It increases  
23 their jurisdiction over civil matters to five thousand dollars  
24 and places them under the chief judge of their judicial  
25 district for administration purposes.

26 *Section 34.* This section provides for the appointment  
27 of shorthand reporters by each district associate judge.

28 *Section 35.* Section 35 clarifies the transfer of municipal  
29 court records to the district court and that court's assumption  
30 of power over them.

31 *Section 36.* This section eliminates full-time magistrates  
32 from the salary section relating to district associate judges.  
33 It also provides that district associate judges who did not  
34 serve as municipal court judges shall be members of the Iowa  
35 public employees retirement system.

1     *Section 37.* This section eliminates a reference to full-  
2 time magistrate.

3     *Section 38.* This section provides that a district judge  
4 or two percent of the electorate voting for governor in the  
5 last general election of the county of a judicial magistrate  
6 may petition for his removal, in which case, the chief judge  
7 of that judicial election district shall appoint a three-judge  
8 tribunal to hear the case.

9     *Section 39.* This section eliminates from the jurisdiction  
10 of judicial magistrates forcible entry and detainer actions  
11 which involve determinations of title, and adds to the juris-  
12 diction of judicial magistrate the power to determine contro-  
13 versies over lost property.

14     *Section 40.* This section provides a direction to the chief  
15 judge of the district regarding his determinations as to the  
16 times and places of holding court. The scheduling is to be  
17 accomplished to insure accessibility of magistrates and the  
18 chief judge is also given the power to allocate work load  
19 as necessary.

20     *Section 41.* This section clarifies the costs applicable  
21 in cases of nonindictable misdemeanors.

22     *Section 42.* This section allows the supreme court  
23 administrator to prescribe the data required and times of  
24 filing reports of the work load of the district associate  
25 judges and judicial magistrates.

26     *Section 43.* This section changes the word "district" to  
27 "judicial".

28     *Section 44.* This section provides clarification that the  
29 procedure for discretionary review in criminal actions applies  
30 only to nonindictable misdemeanors.

31     *Section 45.* This section corrects a reference to "county"  
32 attorney which must also apply to city attorneys.

33     *Section 46.* This section clarifies which judges must be  
34 attorneys and makes other corrective word changes.

35     *Section 47.* See the explanation for sections 14, 17 and

1 48.

2 *Section 48.* This section corrects the word "judges" by  
3 replacing it with the singular and defines district associ-  
4 ate judge for purposes of the judicial retirement chapter.

5 *Section 49.* This section clarifies procedures used in  
6 implementing the changes necessary in the judicial retirement  
7 system to comport with the state's assumption of the salaries  
8 of district associate judges.

9 *Section 50.* This section strikes a paragraph of the  
10 judicial retirement system chapter which will not be necessary  
11 after July 1.

12 *Sections 51 and 52.* These sections add district associ-  
13 ate judges to a section of the judicial retirement system  
14 chapter omitted from the original bill.

15 *Section 53.* This section changes a verb form and elimi-  
16 nates a reference to a judgment in a justice's court.

17 *Section 54.* This section redefines small claims to include  
18 forcible entry and detainer actions defined in section 648.1,  
19 subsections one, two, three and five of the Code. These are  
20 actions which do not involve title disputes.

21 *Section 55.* This section clarifies the fact that small  
22 claims are to be heard by the court without jury.

23 *Sections 56 through 63.* These sections amend the pro-  
24 cedure to be followed in small claims cases. They provide  
25 that the hearing shall be only after an appearance has been  
26 made by the defendant. They amend the original notice to  
27 be used in small claims cases to comport with the redefinition  
28 of the jurisdiction of small claims, and more clearly deline-  
29 ate the requirements for proper notice in small claims cases.

30 *Section 64.* This section provides that the requirement  
31 for a petition in forcible entry and detainer actions applies  
32 only to those which are not defined as small claims.

33 *Section 65.* This section corrects the language contained  
34 in the provisions for punishment for contempt of court.

35 *Section 66.* This section eliminates the reference to

1 mayor and police courts in the description of the duties of  
2 police officers and their deputies.

3 *Section 67.* This section corrects a reference to another  
4 section of the Code.

5 *Section 68.* This section more correctly delineates which  
6 offenses have a one-year time limitation.

7 *Section 69.* This section eliminates duplicative penal-  
8 ties for failure to appear in response to a traffic citation.

9 *Section 70.* This section corrects a reference to another  
10 section of the Code.

11 *Section 71.* This section amends the section describing  
12 scheduled traffic violations so that a definition is provided,  
13 and corrects a reference to another section of the Code.

14 *Section 72.* This section clarifies which plate violations  
15 are scheduled violations.

16 *Section 73.* This section eliminates the admission of a  
17 traffic violation if an individual does not appear in response  
18 to a citation and provides instead simply that the amount  
19 deposited will be forfeited in twice the amount of the fine  
20 plus five dollars costs.

21 *Section 74.* This section clarifies the fact that in those  
22 cases in which an individual is required to appear in response  
23 to a traffic citation because he did not have an operator's  
24 permit, or that the violation was hazardous or aggravated  
25 because of highway conditions, that it be in the belief of  
26 the officers.

27 *Section 75.* This section clarifies the procedures involved  
28 in penalties for scheduled violations.

29 *Section 76.* This section clarifies that venue for traffic  
30 violations shall be in the judicial district where the offense  
31 occurred.

32 *Section 77.* This section sets out more fully the pro-  
33 cedure for a clerk to follow in issuing a citation.

34 *Section 78.* This section makes clear that a criminal  
35 action for commission of a public offense must be commenced

1 before a magistrate or district court clerk or his deputy.

2 *Sections 79 and 80.* These sections clarify that the  
3 district court clerk may file informations and issue warrants.

4 *Sections 81 and 82.* These sections provide that trial  
5 in nonindictable misdemeanor cases shall be without jury  
6 unless jury is requested by the defendant, and clarifies  
7 procedures to be followed in such cases.

8 *Section 83.* This section corrects an omission of two words  
9 in the first sentence of section 762.35 of the Code.

10 *Section 84.* This section allows an appeal from a deci-  
11 sion in nonindictable misdemeanor cases by the plaintiff only  
12 upon a finding of invalidity of an ordinance or statute, and  
13 provides for clarification of the procedure for the trial  
14 of nonindictable misdemeanors and requires that a record be  
15 kept of the trial by either reporter or electronic means.

16 *Section 85.* This section clarifies that county attorneys  
17 may file informations with the clerk and not the magistrate  
18 as previously allowed.

19 *Section 86.* This section provides that approval of infor-  
20 mations may be obtained from district associate judges in  
21 addition to district judges.

22 *Section 87.* This section clarifies to whom indictable  
23 misdemeanors may be transferred by district judges.

24 *Section 88.* This section provides that when appeal is  
25 taken the magistrate shall also forward to the appropriate  
26 district court clerk his minutes of the witness' testimony  
27 and exhibits or copies thereof.

28 *Section 89.* This section repeals two sections of the  
29 Code relating to full-time judicial magistrates.

S-538

1 Amend House File 585, as amended, passed, and reprinted by  
2 the House as follows:

3 1. Page 7, line 19, by striking the words "(state  
4 number) for", and inserting in lieu thereof the following:  
5 "~~state-number~~-for".

6 2. Page 7, line 20, by striking the word "commis-  
7 sioner(s)", and inserting in lieu thereof the words "~~commis-  
8 sioner(s)~~ commissioner".

9 3. Page 17, by adding after line 17, the following new  
10 sections:

11 Sec. \_\_\_\_\_. Section six hundred two point forty-two  
12 (602.42), subsection three (3), Code 1973, is amended to read  
13 as follows:

14 3. ~~Two-attorneys~~ One attorney elected by the county bar.

15 Sec. \_\_\_\_\_. Section six hundred two point forty-four  
16 (602.44), Code 1973, is amended to read as follows:

17 602.44 ELECTION COMMISSIONERS. The resident members of  
18 the bar of each county shall elect a resident members member  
19 of the bar of such county to the county judicial magistrate  
20 appointing commission for a six-year terms term beginning on  
21 January 1. During December 1972, and in each December there-  
22 after, immediately preceding the expiration of the terms of  
23 the members of the commission, the members of the bar shall  
24 elect ~~commissioners-to-six-year-terms~~ a commissioner to a

Page 2

1 six-year term.

2 Sec. \_\_\_\_\_. Section six hundred two point forty-eight  
3 (602.48), Code 1973, is amended to read as follows:

4 602.48 EXCEPTION. ~~In-the-event-there-is-only-one-resident~~  
5 ~~member-of-the-bar-in-a-county,-the-number-appointed-by-the~~  
6 ~~county-board-of-supervisors-shall-be-two.~~ In the event there  
7 are no attorneys within the county, the county board of super-  
8 visors shall appoint ~~one-commissioner~~ two commissioners.

9 4. Renumber sections and correct internal references as  
10 necessary in accordance with this amendment.

S-538 Filed  
May 8, 1973

*Law 5/9*

By DODERER

S-533

1 Amend House File 585 as amended, passed and reprinted by  
2 the House as follows:

3 1. Page 41A, by striking lines 15 through 35.

4 2. Page 41B, by striking line 36.

5 3. Page 42, by striking lines 1 through 20.

6 4. By renumbering the remaining sections to conform to  
7 this amendment.

S-533 Filed  
May 8, 1973

*Withdrawn  
5/9*

By HILL

S—546

1 Amend the Willits-DeKoster amendment S-545 to House File 585,  
2 line 7, by inserting after the word "basis" the following:  
3 ", except those licensed to practice law in Iowa".

S—546 Filed and lost  
May 9, 1973

By DE KOSTER

S—543

1 Amend House File 585, as amended, passed and reprinted by  
2 the House, page 16B, line 56, by inserting after the word  
3 "residence" the words "out of the court expense fund not-  
4 withstanding any other provision of law".

S—543 Filed and adopted  
May 9, 1973

By RAMSEY, McCARTNEY and  
RODGERS

S—530

1 Amend House File 585, page 19, by adding the following new  
2 section after line 33:

3 "Sec. \_\_\_\_ . NEW SECTION. DISTRICT COURT ADMINISTRATORS.  
4 There may be a district court administrator for each judicial  
5 district, and the duties shall include:

- 6 1. General management.
- 7 2. Personnel management.
- 8 3. Data processing management.
- 9 4. Financial management.
- 10 5. Calendar management.
- 11 6. Jury and witness management.
- 12 7. Space and equipment management.
- 13 8. Public information and report management.

14 The district court administrator shall be selected by the  
15 chief judge of the district with the approval of the state court  
16 administrator and shall serve at the pleasure of the chief judge  
17 of the district. The district court administrator, with the  
18 approval of the state court administrator, shall appoint such  
19 assistants as are necessary to enable the district court admin-  
20 istrator to perform the powers and duties as prescribed in this  
21 section.

S—530 Filed and lost  
May 9, 1973

By DODERER and SCHWIEGER

S—534

1 Amend the Committee on Judiciary amendment, S-506, to  
2 House File 585, as amended, passed, and reprinted by the  
3 House as follows:  
4 1. Page 2, line 23, by striking the word "twenty" and  
5 inserting in lieu thereof the words "twenty twenty-one".

S—534 Filed and adopted  
May 8, 1973

By KELLY

S-537

1 Amend the Committee on Judiciary amendment, S-506, to  
2 House File 585, as amended, passed, and reprinted by the House  
3 as follows:

4 1. Page 2, by striking lines 12 through 16, and inserting  
5 in lieu thereof the following:

6 "\_\_\_\_\_ Page 8, by striking lines 14 through 18, and insert-  
7 ing in lieu thereof the following: 'take office on July 1,  
8 1974, and every two years thereafter, provided however, full-  
9 time judicial magistrates appointed for the term commencing  
10 July 1, 1974, shall hold office for a term of four years and  
11 shall be subject to appointment every four years thereafter.  
12 The commission in selecting persons for the position of part-  
13 time judicial magistrate shall first consider applicants who  
14 are licensed to practice law in Iowa, shall secondly consider  
15 persons who have attended a school of law for any period of  
16 time or who have other legal training, and if no acceptable  
17 person is selected from the preceding categories, shall then  
18 consider other qualified persons. The commission shall  
19 promptly certify'".

S-537 Filed  
May 8, 1973

*reintroduced  
order 5/9 (1978)* By ORR

S-535

1 Amend the Judiciary Committee amendment S-506 filed to  
2 House File 585, page 7, by striking lines 22 through 25,  
3 inclusive and page 8, by striking lines 1 through 3 and  
4 inserting in lieu thereof the following:

5 "Code 1973, is amended by striking the section and  
6 inserting in lieu thereof the following:

7 602.52 QUALIFICATIONS. A full-time judicial magistrate  
8 shall be licensed to practice law in this state, a part-  
9 time judicial magistrate may be licensed to practice law in  
10 this state and the  
11 commission in selecting persons for the position of part-  
12 time judicial magistrate shall first consider for appointment  
13 applicants who are licensed to practice law in this state.  
14 A judicial magistrate shall be an elector of the county of  
15 appointment during his term of office, shall be less than  
16 seventy-two years of age, and shall cease to hold office  
upon attaining that age."

S-535 Filed  
May 8, 1973

*drafted 5/9* By LAMBORN and PRIEBE

S-529

1 Amend the Judiciary Committee amendment S-506 to House File  
2 585, page 8, by striking from lines 1, 2 and 3 the words  
3 " , shall be less than seventy-two years of age, and shall  
4 cease to hold office upon attaining that age" and inserting  
5 in lieu thereof the words "~~7--shall-be-less-than-seventy-two~~  
6 ~~years-of-age;--and-shall-cess-to-hold-office-upon-attaining~~  
7 ~~that-age~~".

S-529 Filed and lost  
May 8, 1973

By TAYLOR

S-539

1 Amend House File 585, as amended, passed and reprinted by  
2 the House as follows:

3 1. Page 17, by inserting after line 17 the following new  
4 section:

5 Sec. \_\_\_\_\_. Section six hundred two point forty-two  
6 (602.42), Code 1973, is amended by adding the following new  
7 unnumbered paragraph:

8 NEW UNNUMBERED PARAGRAPH. Not more than three members of the  
9 commission shall be of the same political affiliation. The  
10 two members of the bar shall be first elected, and the chief  
11 judge shall then make his appointment. The board of super-  
12 visors shall then make their appointments so as to insure  
13 that no more than one half of the members of the commission  
14 are of the same affiliation.

15 2. Page 43, by adding after line 16 the following new  
16 section:

17 Sec. \_\_\_\_\_. NEW SECTION. The terms of all members of  
18 judicial magistrate appointing commissions in the state shall  
19 terminate on December 31, 1973. In December of 1973, members  
20 of the bar shall elect two members of the county bar to the  
21 judicial magistrate appointing commission for five year terms  
22 commencing January 1, 1974. The chief judge of the judicial  
23 district in which the county is located shall appoint a  
24 district judge of the district to each county judicial magis-  
25 trate appointing commission for a five year term commencing

Page 2

1 January 1, 1974. The board of supervisors of each county  
2 shall appoint three electors to the county judicial magist-  
3 trate appointing commission for five year terms commencing  
4 January 1, 1974. When the terms of the members of the judicial  
5 magistrate appointing commissions appointed or elected  
6 pursuant to this section expire, members shall be elected and  
7 appointed to the commissions as provided in chapter six  
8 hundred two (602) of the Code.

9 3. By renumbering sections and correcting internal  
10 references as necessary in accordance with this amendment.

S-539 Filed  
May 8, 1973

*Laur*  
5/9

By ORR

S-527

1 Amend the Committee on Judiciary amendment, S-506, to  
2 House File 585, as amended, passed, and reprinted by the  
3 House as follows:

4 1. Page 2, by striking lines 12 through 16, and insert-  
5 ing in lieu thereof the following:

6 "\_\_\_\_\_. Page 8, by striking lines 14 through 18, and in-  
7 sserting in lieu thereof the following: 'take office on July  
8 1, 1974, and every two years thereafter, provided however,  
9 full-time judicial magistrates appointed for the term com-  
10 mencing July 1, 1974, shall hold office for a term of four  
11 years and shall be subject to appointment every four years  
12 thereafter. The commission in selecting judicial magistrates  
13 shall first consider for appointment applicants who are  
14 licensed to practice law in Iowa. The commission shall  
15 promptly certify".

S-527 Filed - *w. x 5/9*  
May 7, 1973

By LAMBORN

S-519

1 Amend House File 585, as amended, passed, and reprinted by  
2 the Senate as follows:

3 1. Page 16B, line 41, by inserting after the word  
4 "residence.", the words "The elective clerks and elective  
5 bailiffs shall be known as associate district court clerks and  
6 associate deputy sheriffs, respectively, and the duties per-  
7 formed by them as municipal court clerks and sheriffs shall be  
8 retained by them to the maximum extent feasible in their new  
9 positions, and the positions thereby created shall terminate  
10 when the associate district court clerks or associate deputy  
11 sheriffs cease holding office in their particular counties."

12 2. Page 16B, line 53, by inserting after the word "become"  
13 the words "associates and".

14 3. Page 16B, line 57, by inserting after the word "any"  
15 the words "associate or".

16 4. Page 16B, line 59, by inserting after the word "is"  
17 the words "associate or".

18 5. Page 16B, line 61, by inserting after the words "of  
19 the" the words "associate or".

20 6. Page 16C, line 71, by inserting after the word "as"  
21 the words "associates and".

S-519 Filed *adopted as* By DE KOSTER and KINLEY  
May 7, 1973 *amended by S-519*

S-517

1 Amend House File 585 as amended, passed, and reprinted by  
2 the House as follows:

3 1. Page 16A, line 26, by inserting after the word "judge"  
4 the words "and full-time magistrate".

5 2. Page 27, line 4, by inserting after the word "clerk"  
6 the words ", with costs assessed to the plaintiff, but".

7 3. Page 31, line 18, by inserting after the word "clerk"  
8 the words "with costs assessed to the plaintiff".

9 4. Page 42, line 24, by inserting after the word "court",  
10 the words ", upon approval by a district judge or district  
11 associate judge,".

S-517 Filed By KELLY  
May 7, 1973

S-513

1 Amend the Judiciary Committee Amendment S-506 filed  
2 May 3, 1973 to House File 585, page 6 by striking lines  
3 9 through 12, inclusive.

S-513 Filed By DE KOSTER  
May 7, 1973

S-512

1 Amend the Judiciary Committee Amendment S-506 filed  
2 May 3, 1973 to House File 585, page 2 by striking lines 17,  
3 18 and 19 and inserting in lieu thereof the following:  
4 "10, Page 9, by striking lines 8 through 17.  
5 11. Page 9, by inserting after line 17 the following  
6 new sections:"

S-512 Filed and withdrawn By DE KOSTER  
May 7, 1973

S-526

1 Amend the Judiciary Committee amendment S-506 to House File  
 2 585, page 3, by inserting after line 10 the following  
 3 section, and renumbering the remaining sections:  
 4 Sec. \_\_\_\_\_. Section six hundred two point fifty-nine  
 5 (602.59), subsections two (2) and three (3), Code 1973, are  
 6 amended to read as follows:  
 7 2. Two magistrates for each of the following counties:  
 8 Adair, Appanoose, Boone, Buchanan, Buena Vista, Butler,  
 9 Carroll, Cass, Chickasaw, Clarke, Clay, Clayton, Crawford,  
 10 Dallas, Delaware, ~~Dickinson~~, Fayette, Grundy, Hamilton,  
 11 Hardin, Henry, Iowa, Jackson, Jasper, Jones, Kossuth,  
 12 Mahaska, Marion, Marshall, Mills, Monona, Page, Poweshiek,  
 13 Sac, Sioux, Tama, Washington, Winneshiek, and Wright.  
 14 3. Three magistrates for each of the following counties:  
 15 Benton, Bremer, Des Moines, Dickinson, Floyd, Harrison,  
 16 Muscatine, Plymouth, Wapello, Warren, and Webster.

S-526 Filed - *Adopted 5/8*  
 May 7, 1973

By KELLY, BERGMAN and  
 DeKOSTER

S-524

1 Amend the Judiciary Committee amendment S-506, filed  
 2 May 3, 1973, to House File 585, page 5, by striking line  
 3 24 and inserting in lieu thereof the following:  
 4 "17. Page 15A, lines 20 and 21 by striking the words  
 5 "set by the legislature" and inserting in lieu thereof  
 6 the words "of nineteen thousand five hundred dollars".

S-524 Filed - *Adopted 5/8*  
 May 7, 1973

By RILEY, GLUBA and SHAW

S-521

1 Amend the Judiciary amendment S506 to House File 585 as  
 2 passed and reprinted by the House, as follows:  
 3 1. Page 9, line 12, by striking the words "indictable and".  
 4 2. Page 10, line 3, by adding the following "A Judicial  
 5 magistrate licensed to practice law in this state shall also hav  
 6 jurisdiction over indictable misdemeanors."

S-521 Filed  
 May 7, 1973

By McCARTNEY

S-516

1 Amend the Judiciary Committee Amendment S-506 to House  
 2 File 585, page 7, line 24, by striking the first word  
 3 "shall" and inserting in lieu thereof the following:  
 4 "shall may".

S-516 Filed - *w. 5/8*  
 May 7, 1973

By PRIEBE

S-514

1 Amend the Judiciary Committee Amendment S-506 filed  
 2 May 3, 1973 to House File 585, page 11, by striking lines  
 3 8 through 12, inclusive.

S-514 Filed  
 May 7, 1973

By DE KOSTER

*Adopted 5/9*

S-520

1 Amend the Committee on Judiciary amendment, S-506, to House  
2 File 585, as amended, passed and reprinted by the House as  
3 follows:

4 1. Page 1, line 25, by adding after the word "and" the  
5 words "full-time".

6 2. Page 4, line 2, by adding after the word "both" the  
7 words "full-time".

8 3. Page 7, by striking lines 23 through 25.

9 4. Page 8, by striking lines 1 through 19 and inserting  
10 in lieu thereof the following:

11 602.52 QUALIFICATIONS, AGE. A judicial magistrate shall  
12 be an elector of the county of appointment, shall be less  
13 than seventy-two years of age, and shall cease to hold office  
14 upon attaining that age. In addition, judicial magistrates  
15 serving on a full-time basis shall be licensed to practice  
16 law in this state.

17 5. Page 8, by striking lines 21 through 25.

18 6. Page 9, by striking lines 1 through 25.

19 7. Page 10, by striking lines 1 through 8 and inserting  
20 in lieu thereof the following:

21 "      . Page 19, by striking lines 25 through 28, and in-  
22 serting in lieu thereof the following: "Judicial magistrates  
23 serving on a full-time basis ~~and-district-associate-judges~~  
24 shall have jurisdiction of indictable misdemeanors. While  
25 exercising that jurisdiction they shall employ district

Page 2

1 judges' practice and procedure."

2 8. Page 11, by striking line 25 and inserting in lieu  
3 thereof the following:

4 "      . Page 43, line 5, by striking the words '~~full-time~~  
5 ~~magistrate-or~~', and inserting in lieu thereof the words  
6 'full-time magistrate or'.

7 "      . Page 43, by striking lines 14 through 16, and  
8 inserting in lieu thereof the following new section:

9 Sec.       . Section three hundred forty point seventeen  
0 (340.17), Code 1973, is repealed."

1 9. Page 12, by striking lines 1 through 25.

2 10. Page 13, by striking lines 1 through 9.

3 11. By renumbering the amendment in accordance with this  
4 amendment.

S-520 Filed - *Loss 5/8 motion to*  
May 7, 1973 *reconsidered filed 5/8*  
*motion withdrawn*

By BLOUIN, SCHABEN, DODERER,  
TIEDEN, HULTMAN and  
MILLER of Marshall

S-518

Division S-518B

1 Amend the Committee on Judiciary amendment, S-506, to House  
2 File 585 as amended, passed, and reprinted by the House as  
3 follows:

4 1. Page 4, line 6, by striking the word "sections" and in-  
5 serting in lieu thereof the word "section".

6 2. Page 4, by striking lines 13 through 25.

7 3. Page 5, by striking lines 1 through 9.

Division S-518C

8 4. Page 6, by adding after line 11 the following:

9 "\_\_\_\_\_. Page 16B, line 56, by inserting after the word  
10 'residence' the words 'out of the court expense fund notwith-  
11 standing any other provision of law'".

Division S-518A

12 5. Page 6, by adding after line 15 the following:

13 "\_\_\_\_\_. Page 16C, by adding after line 83 the following new  
14 section:

15 Sec.\_\_\_\_\_. Section six hundred two point thirty-four  
16 (602.34), unnumbered paragraph four (4), Code 1973, is  
17 amended to read as follows:

18 A municipal court bailiff or deputy bailiff who on June 30,  
19 1973, is a member of the retirement system provided by chapter  
20 411 shall continue to be such a member thereafter; and that  
21 chapter shall continue to apply to them notwithstanding this  
22 chapter, with the appropriate county deducting from his com-  
23 pensation his contributions to the retirement fund and the  
24 county contributing the public's portion to such fund out of  
25 the court expense fund notwithstanding any other provision of

Page 2

1 law."

2 6. Page 13, lines 6 and 7, by striking the words and  
3 figures "three hundred forty point seventeen (340.17),".

4 7. Page 13, line 7, by striking the comma after the  
5 figure "(602.60)".

Division S-518D

6 8. By renumbering the amendment in accord with this  
7 amendment.

S-518 Filed  
Division S-518B adopted  
Division S-518A, S-518C and  
S-518D deferred  
May 7, 1973

By RAMSEY, McCARTNEY and  
RODGERS

S-518C  
with the division  
5/8

S-518D  
with the division  
5/8

1 Amend House File 585, as amended, passed, and reprinted by  
2 the House as follows:

3 1. Page 22, by striking lines 5 through 10, and inserting  
4 in lieu thereof the following new sections:

5 Sec. \_\_\_\_\_. Section six hundred two point seventy-one  
6 (602.71), subsections one (1), six (6), and nine (9), Code  
7 1973, are amended to read as follows:

8 1. No judgment of conviction of a ~~nonindictable-misde-~~  
9 ~~meanor-or civil actions~~ action tried as small claims shall  
10 be appealed to the supreme court except by discretionary  
11 review as provided herein. ~~No-judgment-of-acquittal-of-a~~  
12 ~~nonindictable-misdemeanor-may-be-reviewed-~~

13 6. When an application is made for discretionary review,  
14 it is the duty of the applicant to serve on the attorney for  
15 the adverse party, ~~and-if-the-state-is-the-adverse-party,~~  
16 ~~upon-the-attorney-general,~~ a copy of the application within  
17 ten days after judgment.

18 9. An application shall not be dismissed for an infor-  
19 mality or defect in taking it if corrected as directed by the  
20 supreme court. The supreme court, after an examination of  
21 the entire record, may dispose of the case by affirmation,  
22 reversal or modification of the lower court judgment. It may  
23 also dismiss the application if it (a) determines that there  
24 has been no substantial miscarriage of justice, and (b) no  
25 ~~violation-of-the-rights-of-an-accused,-and-that-(c)~~ the

Page 2

1 arguments do not present definite grounds for a hearing. The  
2 supreme court may also order a new trial, or modify the  
3 judgment, ~~provided,-however,-in-criminal-cases-the-punishment~~  
4 ~~may-not-be-increased.~~

5 Sec. \_\_\_\_\_. Section six hundred two point seventy-one  
6 (602.71), Code 1973, is amended by striking subsections four  
7 (4) and ten (10).

8 2. Page 42, by striking lines 13 through 20 and inserting  
9 in lieu thereof the following:

10 on which the proceedings were preserved. A-district-judge  
11 shall-promptly-hear-the-appeal-upon-the-record-thus-filed  
12 without-further-evidence.--If-the-original-action-was-tried  
13 before-a-district-judge-acting-as-a-judicial-magistrate,-the  
14 appeal-shall-be-to-a-different-district-judge.--The-judge  
15 shall-decide-the-appeal-without-regard-to-technicalities-or  
16 defects.--Judgment-shall-be-rendered-as-though-the-case-were  
17 being-originally-tried. The case shall stand for trial anew  
18 in the district court in the same manner as it should have  
19 been tried before the judicial magistrate, without regard to  
20 technical errors or defects which have not prejudiced the  
21 rights of the defendant. The court shall have full power  
22 over the case, the judicial magistrate and his record, and  
23 shall give judgment as though the case were being originally  
24 tried.

25 3. Page 42, by adding after line 20, the following new

1 section:

2 Sec. \_\_\_\_\_. Section seven hundred sixty-two point forty-  
3 four (762.44), Code 1973, is amended by striking the section  
4 and inserting in lieu thereof the following:

5 762.44 APPEAL TO SUPREME COURT. After appeal to a dis-  
6 trict judge in a nonindictable case, either party may appeal  
7 from the judgment of the district judge to the supreme court  
8 in the same manner as from a judgment in a prosecution by  
9 indictment, and the defendant may be admitted to bail in like  
10 manner, and similar proceedings shall be had on the appeal in  
11 all respects, as far as applicable. The same proceedings  
12 shall be had to carry into effect the judgment of the supreme  
13 court upon the appeal as if it had been taken from a judgment  
14 prosecuted by indictment.

S-548 Filed and adopted  
May 9, 1973

By HILL

*adopted as  
amended by S-548  
5/9*

HOUSE FILE 585

S-506

1 Amend House File 585 as amended, passed, and reprinted  
2 by the House, as follows:  
3 1. Page 2, by striking lines 11 through 35.  
4 2. Page 3, by striking lines 1 through 18.  
5 3. Page 3, by striking lines 22 through 35.  
6 4. Page 4, by striking lines 1 through 8, and  
7 inserting in lieu thereof the following:  
8 2. The number of judgeships to which each of the  
9 judicial districts shall be entitled shall be determined  
10 from time to time according to the following formula,  
11 giving equal weight to cases filed and population:  
12 In districts containing a city of fifty thousand or  
13 more population, there shall be one judgeship per five  
14 hundred fifty combined civil and criminal filings  
15 excluding small claims and misdemeanors and forty  
16 thousand population, or major fraction of either; in  
17 all other districts there shall be one judgeship per  
18 four hundred fifty combined civil and criminal filings  
19 and forty thousand population, or major fraction of  
20 either; provided, the seat of government shall be  
21 entitled to one additional judgeship. The filings  
22 included in the determinations to be made under this  
23 subsection shall not include small claims, nonindictable  
24 misdemeanors filed After June 30, 1973, and indictable  
25 misdemeanors assigned to district associate judges and

506A  
adopted  
and  
amended  
by S-521  
5/19

Page 2

1 judicial magistrates after June 30, 1973 as shown on  
2 their administrative reports, but they shall include  
3 appeals from decisions of judicial magistrates, district  
4 associate judges, and district judges sitting as judicial  
5 magistrates. The figures on filings shall be the average  
6 for the latest available previous three-year period  
7 and when current census figures on population are not  
8 available, figures shall be taken from the state  
9 department of health computations.  
10 5. Page 5, by striking lines 12 through 35.  
11 6. Page 6, by striking lines 1 through 22.  
12 7. Page 7, line 30, by inserting after the figure  
13 "(602.50)," the words and figure "unnumbered paragraph  
14 two (2),".  
15 8. Page 7, by striking lines 32 through 35.  
16 9. Page 8, by striking lines 1 through 26.  
17 10. Page 9, by striking lines 8 through 35.  
18 11. Page 10, by striking lines 1 through 10, and  
19 inserting in lieu thereof the following new sections:  
20 Sec. \_\_\_\_\_. Section six hundred two point fifty-seven  
21 (602.57), unnumbered paragraph one (1), Code 1973, is  
22 amended to read as follows:  
23 There shall be a combined total of two hundred twenty  
24 Iowa judicial magistrates and district court associate  
25 judges combined except as provided in section 602.58.

1 During January of 1974 and every two years thereafter,  
2 the supreme court administrator shall apportion the  
3 number of district judicial magistrates, excluding  
4 district associate judges, among the counties in  
5 accordance with the following criteria:

6 Sec. \_\_\_\_\_. Section six hundred two point fifty-nine  
7 (602.59), unnumbered paragraph one (1), Code 1973, is  
8 amended to read as follows:

9 The allotment of the judicial magistrates to be  
10 appointed in 1973 shall be as follows:

11 Sec. \_\_\_\_\_. Section six hundred two point fifty-nine  
12 (602.59), Code 1973, is amended by adding the following  
13 new unnumbered paragraph:

14 NEW UNNUMBERED PARAGRAPH. In those counties in which  
15 a district court associate judge or judges reside, the  
16 district court associate judge or judges shall be  
17 considered judicial magistrates for the purposes of  
18 this section.

19 12. Page 10, by adding after line 31 the following  
20 new section.

21 Sec. \_\_\_\_\_. This section shall take effect July 1,  
22 1974. Section two hundred thirty-one point three  
23 (231.3), unnumbered paragraph one (1), Code 1973, is  
24 amended to read as follows:

25 The chief judge of the district shall designate one

1 or more of the district judges or, district associate  
2 judges, or both judicial magistrates, or any thereof,  
3 to act as judge or judges of the juvenile court in any  
4 county or counties.

5 13. Page 13, by inserting after line 14 the following  
6 new sections:

7 Sec. \_\_\_\_\_. Section three hundred forty point sixteen  
8 (340.16), Code 1973, is amended to read as follows:

9 340.16 SALARIES--GENERAL FUND. The salaries fixed  
10 by the foregoing sections of this chapter shall be paid  
11 out of the general fund of the county except as otherwise  
12 provided by law.

13 Sec. \_\_\_\_\_. Section four hundred forty-four point  
14 ten (444.10), Code 1973, is amended by striking the  
15 section and inserting in lieu thereof the following:

16 444.10 COURT EXPENSE. All expenses incidental to  
17 the maintenance and operation of courts in the county  
18 shall be paid from a fund to be known as the court  
19 expense fund notwithstanding any other provision of  
20 law, and the board of supervisors may levy for the fund  
21 a rate of tax as may be necessary to pay all court  
22 expenses chargeable to the county. These expenses shall  
23 include the salaries of the employees and miscellaneous  
24 expenses of the office of sheriff in an amount not to  
25 exceed fifty percent of the budget of his office and

*advised  
to  
submit to  
5-5-73*

8

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1 the salaries of the employees and miscellaneous expenses  
2 of the following institutions, personnel, and offices:  
3 County attorney, clerk of the district court, grand  
4 jury, referee in probate, office of friend of the court,  
5 sheriff, juvenile court, court reporter, pretrial  
6 release, court appointed attorney, public defender,  
7 and any and all other expenses relating to the operation  
8 of the courts of the county required by law not otherwise  
9 paid for by the state.

10 14. Page 13A, by striking lines 15 through 32.

11 15. Page 15A, by striking lines 11 and 12 and insert-  
12 ing in lieu thereof the following: "election. District  
13 court associate judges shall be subject to the same  
14 removal procedures as that of judicial magistrates."

15 16. Page 15A, by adding after line 14, the following  
16 new section:

17 Sec. \_\_\_\_\_. Section six hundred two point thirty  
18 (602.30), Code 1973, is amended to read as follows:  
19 602.30 VACANCIES. A vacancy in the office of  
20 district associate judge after June 30, 1973, shall  
21 not be filled and all funds, dockets, and records  
22 relating to the office so vacated shall be promptly  
23 deposited with the clerk of court who issued the docket.

24 17. Page 15A, by striking lines 15 through 31.

25 18. Page 15B, line 36, by inserting after the word

Page 6

1 "shall" the words "serve as full-time magistrates and".

2 19. Page 15B, line 43, by striking the word "five"  
3 and inserting in lieu thereof the word "two".

4 20. Page 16B, line 37, by striking the word "are"  
5 and inserting in lieu thereof the words "are were".

6 21. Page 16B, line 37, by striking the words and  
7 figures "June 30, 1973" and inserting in lieu thereof  
8 the words and figures "~~June 30, 1973~~ March 1, 1972".

9 22. Page 16B, by striking lines 41 through 45 and  
10 inserting in lieu thereof the following: "in the coun-  
11 ties of their residence."

12 23. Page 16B, by striking lines 63 through 67.

13 24. Page 16B, line 69, by striking the words and  
14 figures "June 30, 1973" and inserting in lieu thereof  
15 the words and figures "~~June 30, 1973~~ March 1, 1972".

16 25. Page 17, by striking lines 18 through 35 and  
17 inserting in lieu thereof the following new sections:

18 Sec. \_\_\_\_\_. Section six hundred two point fifty-one  
19 (602.51), Code 1973, is amended to read as follows:

20 602.51 FULL-TIME MAGISTRATES. Of the number of  
21 magistrates allotted, there shall be one magistrate  
22 who shall devote his entire time to the duties of his  
23 position including the holding of court on each weekday  
24 except for a reasonable vacation period in those counties  
25 having a population, according to the last federal

Adopted  
and  
amended  
by S-512

B

A

506 C

Adopted  
as amended  
by S-513  
5/9

A

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1 decennial census, of more than thirty-five thousand  
2 and less than eighty thousand. There shall be two such  
3 magistrates in those counties having a population of  
4 more than eighty thousand and less than one hundred  
5 twenty-five thousand. There shall be three such  
6 magistrates in any county having a population of more  
7 than one hundred twenty-five thousand and less than  
8 two hundred thousand people. There shall be four such  
9 magistrates in counties having a population of two  
10 hundred thousand people or above. In those counties  
11 in which a district court associate judge ~~or-judges~~  
12 resides, the district court associate judge ~~or-judges~~  
13 shall be considered full-time judicial magistrates for  
14 the purposes of this section. In those counties  
15 authorized more full-time magistrates than have district  
16 court associate judges residing therein, the county  
17 judicial magistrate appointing commission shall determine  
18 which magistrate or magistrates shall serve on a full-  
19 time basis.

20 Sec. \_\_\_\_\_. This section shall take effect July 1,  
21 1974. Section six hundred two point fifty-two (602.52),  
22 Code 1973, is amended to read as follows:

23 602.52 QUALIFICATIONS, AGE. A judicial magistrate  
24 shall be licensed to practice law in this state, shall  
25 be an elector of the county of appointment during his

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1 term of office, shall be less than seventy-two years  
2 of age, and shall cease to hold office upon attaining  
3 that age.

4 Sec. \_\_\_\_\_. This section shall take effect July 1,  
5 1974. Section six hundred two point fifty-four (602.54),  
6 Code 1973, is amended to read as follows:

7 602.54 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  
12 605.2. The salary of judicial magistrates, except as  
13 otherwise provided herein, shall be the sum of ~~four~~  
14 six thousand eight-hundred dollars annually. The  
15 judicial magistrates serving as full-time magistrates  
16 shall receive an annual salary of seventeen thousand  
17 two hundred dollars. Judicial magistrates except  
18 district associate judges shall be members of the Iowa  
19 public employees' retirement system.

20 26. Page 18, by striking lines 1 through 15.

21 27. Page 19, by striking lines 13 through 33 and  
22 inserting in lieu thereof the following new sections:

23 Sec. \_\_\_\_\_. This section shall take effect July 1,  
24 1974. Section six hundred two point fifty-eight  
25 (602.58), Code 1973, is amended to read as follows:

1           602.58 ADDITIONAL JUDICIAL MAGISTRATE ALLOWED.  
2 In those counties which are allotted one judicial  
3 magistrate under section 602.57 or 602.59, the county  
4 judicial magistrate appointing commission may, by  
5 majority vote, decide to appoint one additional judicial  
6 magistrate. In those counties appointing an additional  
7 magistrate under this section, each magistrate shall  
8 receive a salary of two three thousand four-hundred  
9 dollars per year.

10           Sec. \_\_\_\_\_. This section shall take effect July 1,  
11 1974. NEW SECTION. JURISDICTION, VENUE. Judicial  
12 magistrates shall have jurisdiction of indictable and  
13 nonindictable misdemeanors, including traffic and  
14 ordinance violations, preliminary hearings, search  
15 warrant proceedings, and small claims and the  
16 jurisdiction provided for in section two hundred thirty-  
17 one point three (231.3) of the Code when designated  
18 a judge of the juvenile court. They shall also have  
19 jurisdiction to exercise the powers specified in sections  
20 seven hundred forty-eight point two (748.2), six hundred  
21 forty-four point two (644.2), and six hundred forty-  
22 four point twelve (644.12) of the Code. They shall  
23 have power to act any place within the district as  
24 directed, and venue shall be the same as in other  
25 district court proceedings. While exercising

1 jurisdiction of indictable misdemeanors, judicial magis-  
2 trates shall employ district judges' practice and  
3 procedure.

4           For purposes of administration judicial magistrates  
5 shall be under the jurisdiction of the chief judge of  
6 the judicial district. Judicial magistrates shall be  
7 subject to the same rules and laws that apply to district  
8 judges except as otherwise provided in this chapter.

9           28. Page 23, by striking lines 11 through 14.

10           29. Page 26, line 23, by striking the words "one  
11 thousand five hundred" and inserting in lieu thereof  
12 the words "one thousand".

13           30. Page 31, line 8, by striking the word "provides"  
14 and inserting in lieu thereof the word "provided".

15           31. Page 31, line 19, by striking the words "shall  
16 may" and inserting in lieu thereof the word "shall".

17           32. Page 36, by striking line 24 and inserting in  
18 lieu thereof the following: "(753.15), subsections  
19 two (2) and six (6), Code 1973, are amended to read".

20           33. Page 36, by inserting after line 31 the  
21 following:

22           "6. Excess speed up to ten fifteen miles per hour  
23 over the legal limit, twenty-dollars one dollar for  
24 each mile per hour over the limit but with a minimum  
25 fine of ten dollars."

S 506 D  
D adopted 5/9  
S-506 E  
E adopted 5/9  
S-506 F  
F adopted 5/9  
S-506 G  
G adopted 5/9

Page 11

- 1 34. Page 37, line 3, by striking the word "twice",
- 2 and inserting in lieu thereof the word "twice".
- 3 35. Page 37, line 4, by striking the word "twice"
- 4 and inserting in lieu thereof the word "twice".
- 5 36. Page 38, line 22, by inserting after
- 6 the word "tried" the words "before the nearest available
- 7 magistrate".
- 8 37. Page 40A, by striking lines 29 through 34 and
- 9 inserting in lieu thereof the following: "for trial.
- 10 However, the magistrate may set a trial date within
- 11 fifteen days after plea is entered upon written appli-
- 12 cation by the defendant."
- 13 38. Page 41A, line 6, by striking the words "Either
- 14 party A defendant" and inserting in lieu thereof the
- 15 words "Either party".
- 16 39. Page 42, by adding after line 20 the following
- 17 new section:
- 18 Sec. \_\_\_\_\_. Section seven hundred sixty-six point
- 19 seven (766.7), Code 1973, is amended to read as follows:
- 20 766.7 TRAFFIC VIOLATIONS. The provisions of sections
- 21 766.2 through 766.6 shall not apply to traffic violations
- 22 to which sections seven hundred fifty-three point fifteen
- 23 (753.15) and seven hundred fifty-three point sixteen
- 24 (753.16) of the Code are applicable.
- 25 40. Page 43, by striking lines 1 through 6 and

S-506H  
2. Amended  
5/9

S-506  
amended  
5/9

S-506  
amended  
5/9

S-506  
amended  
5/9

Page 12

- 1 inserting in lieu thereof the following new section:
- 2 Sec. \_\_\_\_\_. This section shall take effect July 1,
- 3 1974. NEW SECTION. TRANSFER OF MISDEMEANORS. District
- 4 judges may transfer any indictable misdemeanors pending
- 5 before them to the nearest district associate judge
- 6 or judicial magistrate within the judicial district.
- 7 41. Page 43, by striking lines 14 through 16 and
- 8 inserting in lieu thereof the following new sections:
- 9 Sec. \_\_\_\_\_. For the fiscal year beginning July 1,
- 10 1973 and ending June 30, 1974, judicial magistrates
- 11 shall have jurisdiction of nonindictable misdemeanors,
- 12 including traffic and ordinance violations, preliminary
- 13 hearings, search warrant proceedings, and small claims.
- 14 They shall also have jurisdiction to exercise the powers
- 15 specified in sections seven hundred forty-eight point
- 16 two (748.2), six hundred forty-four point two (644.2),
- 17 and six hundred forty-four point twelve (644.12) of
- 18 the Code. They shall have power to act any place within
- 19 the district as directed, and venue shall be the same
- 20 as in other district court proceedings.
- 21 For purposes of administration judicial magistrates
- 22 shall be under the jurisdiction of the chief judge of
- 23 the judicial district. Judicial magistrates shall be
- 24 subject to the same rules and laws that apply to district
- 25 judges except as otherwise provided by law.

A

Senate 11  
May 4, 1973

Page 13

- 1           Sec. \_\_\_\_\_. For the fiscal year beginning July 1,  
2 1973 and ending June 30, 1974 district judges may  
3 transfer any indictable misdemeanors pending before  
4 them to the nearest district associate judge within  
5 the judicial district.  
6           Sec. \_\_\_\_\_. Sections three hundred forty point  
7 seventeen (340.17), six hundred two point sixty (602.60),  
8 and seven hundred seventy-four point twelve (774.12),  
9 Code 1973, are repealed.  
10          42. By renumbering sections and correcting internal  
11 references as necessary in accordance with this amend-  
12 ment.

} A  
} A

S. Sec. M  
2/17/73  
5/7

S-506 Filed *A amendment by 524, 526* By COMMITTEE ON JUDICIARY  
May 3, 1973

S-485

- 1 Amend House File 585, as amended, passed and reprinted  
2 by the House, page 13A, line 29, by striking the word  
3 "fifteen" and inserting in lieu thereof the word  
4 "thirty".

S-485 Filed  
May 1, 1973

*filed out  
of order 5/7*

By ROBINSON

S-482

- 1 Amend House File 585, as amended, passed, and reprinted  
2 by the House, page 9, by striking lines 5, 6, and 7 and  
3 renumbering the remaining sections.

S-482 Filed - *w.o. 5/7*  
May 1, 1973

By BLOUIN

1 Amend House File 585, as amended, passed, and reprinted by  
2 the House as follows:

3 1. Page 19, by adding after line 12, the following new *525 A*  
4 section: *introduction*

5 Sec. \_\_\_\_\_. Section six hundred two point fifty-eight  
6 (602.58), Code 1973, is amended to read as follows: *519*

7 602.58 ADDITIONAL JUDICIAL MAGISTRATE ALLOWED. In those  
8 counties which are allotted one judicial magistrate under sec-  
9 tion 602.57 or 602.59, the ~~county-judicial-magistrate-appoint-~~  
10 ~~ing-commission district judges sitting en banc~~ may, by major-  
11 ity vote, decide to appoint one additional judicial magistrate.  
12 In those counties appointing an additional magistrate under  
13 this section, each magistrate shall receive a salary of two  
14 thousand four hundred dollars per year.

15 2. Page 43, by adding after line 16 the following new *525 B*  
16 division: *OK*

17 DIVISION III

18 Sec. \_\_\_\_\_. Section six hundred two point fifty (602.50), *amended*  
19 unnumbered paragraph one (1), Code 1973, is amended by striking *5/7*  
20 the paragraph and inserting in lieu thereof the following:

21 During April of 1974 and during April of the year in which  
22 magistrates' terms expire, the district judges of each dis-  
23 trict, sitting en banc, shall, by majority vote, appoint Iowa  
24 judicial magistrates in that number and at those locations  
25 indicated by the supreme court administrator pursuant to sec-

Page 2

1 tion six hundred two point fifty-seven (602.57) of the Code.  
2 The judges shall appoint no more magistrates than allotted to  
3 the counties by the supreme court administrator except as pro-  
4 vided in section six hundred two point fifty-seven (602.57)  
5 of the Code. The appointment of each judicial magistrate  
6 shall be subject to confirmation by majority vote of the  
7 district judicial nominating commission of the judicial dis-  
8 trict within thirty days, failing which, the appointment shall  
9 be of no effect. The judicial magistrates appointed under this  
10 section shall take office July 1, 1974 and every two years  
11 thereafter, however full-time judicial magistrates shall serve  
12 a term of four years and shall be subject to appointment every  
13 four years thereafter. The judges shall certify the names and  
14 addresses of the magistrates appointed to the clerk of the  
15 district court. The clerk shall certify to the supreme court  
16 administrator and to the state comptroller the names and  
17 addresses of magistrates so appointed. Judicial magistrates  
18 shall be officers of the state.

19 Sec. \_\_\_\_\_. Section six hundred two point fifty-one (602.51),  
20 Code 1973, is amended by striking the section and inserting in  
21 lieu thereof the following:

22 602.51 FULL-TIME MAGISTRATES. Of the number of magistrates  
23 allotted, there shall be one magistrate who shall devote his  
24 entire time to the duties of his position in those counties  
25 having a population, according to the last federal decennial

1 census, of more than thirty-five thousand and less than  
2 eighty thousand. There shall be two such magistrates in those  
3 counties having a population of more than eighty thousand and  
4 less than one hundred twenty-five thousand. There shall be  
5 three such magistrates in any county having a population of  
6 more than one hundred twenty-five thousand and less than two  
7 hundred thousand people. There shall be four such magistrates  
8 in counties having a population of two hundred thousand people  
9 or above. In those counties in which a district court  
10 associate judge or judges resides, the district court associate  
11 judge or judges shall be considered full-time judicial magis-  
12 trates for the purposes of this section. In those counties  
13 authorized more full-time magistrates than have district court  
14 associate judges residing therein, the district judges, at the  
15 time of appointment, shall determine which magistrate or  
16 magistrates shall serve on a full-time basis.

17 Sec. \_\_\_\_\_. Section six hundred two point fifty-eight  
18 (602.58), Code 1973, is amended by striking the section and  
19 inserting in lieu thereof the following:

20 602.58 ADDITIONAL JUDICIAL MAGISTRATE ALLOWED. In those  
21 counties which are allotted one judicial magistrate under  
22 section six hundred two point fifty-seven (602.57) or six  
23 hundred two point fifty-nine (602.59) of the Code, the district  
24 judges sitting en banc may, by majority vote, decide to appoint  
25 one additional judicial magistrate. In those counties appoint-

1 ing an additional magistrate under this section, each magis-  
2 trate shall receive a salary of two thousand four hundred  
3 dollars per year.

4 Sec. \_\_\_\_\_. All county judicial magistrate appointing com-  
5 missions are abolished as of January 1, 1974.

6 Sec. \_\_\_\_\_. Sections six hundred two point forty-two  
7 (602.42), six hundred two point forty-three (602.43), six  
8 hundred two point forty-four (602.44), six hundred two point  
9 forty-five (602.45), six hundred two point forty-six (602.46),  
10 six hundred two point forty-seven (602.47), six hundred two  
11 point forty-eight (602.48), and six hundred two point forty-  
12 nine (602.49), Code 1973, are repealed.

13 Sec. \_\_\_\_\_. Division III of this Act shall take effect  
14 January 1, 1974.

SENATE AMENDMENT TO HOUSE FILE 585

*House refused to concur 5/17*

*Senate initiated 5/17*

- 1 Amend House File 585 as amended, passed and reprinted by
- 2 the House as follows:
- 3 1. Page 2, by striking lines 11 through 35.
- 4 2. Page 3, by striking lines 1 through 18.
- 5 3. Page 3, by striking lines 22 through 35.
- 6 4. Page 4, by striking lines 1 through 8, and inserting in
- 7 lieu thereof the following:
  - 8 2. The number of judgeships to which each of the
  - 9 judicial districts shall be entitled shall be determined from
  - 10 time to time according to the following formula, giving equal
  - 11 weight to cases filed and population: In districts contain-
  - 12 ing a city of fifty thousand or more population, there shall
  - 13 be one judgeship per five hundred fifty combined civil and
  - 14 criminal filings excluding small claims and misdemeanors
  - 15 and forty thousand population, or major fraction of either;
  - 16 in all other districts there shall be one judgeship per
  - 17 four hundred fifty combined civil and criminal filings and
  - 18 forty thousand population, or major fraction of either;
  - 19 provided, the seat of government shall be entitled to
  - 20 one additional judgeship. The filings included in the
  - 21 determinations to be made under this subsection shall
  - 22 not include small claims, nonindictable misdemeanors
  - 23 filed after June 30, 1973, and indictable misdemeanors
  - 24 assigned to district associate judges and judicial
  - 25 magistrates after June 30, 1973 as shown on their
  - 26 administrative reports, but they shall include appeals
  - 27 from decisions of judicial magistrates, district associate
  - 28 judges, and district judges sitting as judicial magistrates.
  - 29 The figures on filings shall be the average for the latest
  - 30 available previous three-year period and when current census
  - 31 figures on population are not available, figures shall be
  - 32 taken from the state department of health computations.
- 33 5. Page 5, by striking lines 12 through 35.
- 34 6. Page 6, by striking lines 1 through 22.
- 35 7. Page 7, line 30, by inserting after the figure "(602.50),"
- 36 the words and figure "unnumbered paragraph two (2),".
- 37 8. Page 7, by striking lines 32 through 35.
- 38 9. Page 8, by striking lines 1 through 26.
- 39 10. Page 9, by striking lines 8 through 35.
- 40 11. Page 10, by striking lines 1 through 10, and inserting in
- 41 lieu thereof the following new sections:

42 Sec. \_\_\_\_\_. Section six hundred two point fifty-seven  
43 (602.57), unnumbered paragraph one (1), Code 1973, is amended  
44 to read as follows:

45 There shall be a combined total of two hundred ~~twenty~~  
46 twenty-one Iowa judicial magistrates and district court  
47 associate judges ~~combined~~ except as provided in section 602.58.  
48 During January of 1974 and every two years thereafter, the  
49 supreme court administrator shall apportion the number of  
50 district judicial magistrates, excluding district associate  
51 judges, among the counties in accordance with the follow-  
52 ing criteria:

53 Sec. \_\_\_\_\_. Section six hundred two point fifty-nine  
54 (602.59), unnumbered paragraph one (1), Code 1973, is  
55 amended to read as follows:

56 The allotment of the judicial magistrates ~~to be~~  
57 appointed in 1973 shall be as follows:

58 Sec. \_\_\_\_\_. Section six hundred two point fifty-nine  
59 (602.59), subsections two (2) and three (3), Code 1973, are  
60 amended to read as follows:

61 2. Two magistrates for each of the following counties:  
62 Adair, Appanoose, Boone, Buchanan, Buena Vista, Butler,  
63 Carroll, Cass, Chickasaw, Clarke, Clay, Clayton, Crawford,  
64 Dallas, Delaware, ~~Dickinson~~, Fayette, Grundy, Hamilton,  
65 Hardin, Henry, Iowa, Jackson, Jasper, Jones, Kossuth,  
66 Mahaska, Marion, Marshall, Mills, Monona, Page, Poweshiek,  
67 Sac, Sioux, Tama, Washington, Winneshiek, and Wright.

68 3. Three magistrates for each of the following counties:  
69 Benton, Bremer, Des Moines, Dickinson, Floyd, Harrison,  
70 Muscatine, Plymouth, Wapello, Warren, and Webster.

71 Sec. \_\_\_\_\_. Section six hundred two point fifty-nine (602.59),  
72 Code 1973, is amended by adding the following new unnumbered  
73 paragraph:

74 NEW UNNUMBERED PARAGRAPH. In those counties in which a  
75 district court associate judge or judges reside, the district  
76 court associate judge or judges shall be considered  
77 judicial magistrates for the purposes of this section.

78 12. Page 10, by adding after line 31 the following new  
79 section:

80 Sec. \_\_\_\_\_. This section shall take effect July 1,  
81 1974. Section two hundred thirty-one point three (231.3),  
82 unnumbered paragraph one (1), Code 1973, is amended to  
83 read as follows:

84 The chief judge of the district shall designate one  
85 or more of the district judges ~~or~~, district associate judges,  
86 or both judicial magistrates, or any thereof, to act as  
87 judge or judges of the juvenile court in any county or  
88 counties.

89 13. Page 13, by inserting after line 14 the following new  
90 section:

91 Sec. \_\_\_\_\_. Section three hundred forty point sixteen  
92 (340.16), Code 1973, is amended to read as follows:

93 340.16 SALARIES--GENERAL FUND. The salaries fixed by  
94 the foregoing sections of this chapter shall be paid out of  
95 the general fund of the county except as otherwise provided  
96 by law.

- 97 14. Page 13A, by striking lines 15 through 32.
- 98 15. Page 15A, by striking lines 11 and 12 and inserting in  
99 lieu thereof the following: "election. District court  
100 associate judges shall be subject to the same removal pro-  
101 cedures as that of judicial magistrates."
- 102 16. Page 15A, by adding after line 14, the following new  
103 section:
- 104 Sec. \_\_\_\_\_. Section six hundred two point thirty  
105 (602.30), Code 1973, is amended to read as follows:
- 106 602.30 VACANCIES. A vacancy in the office of  
107 district associate judge after June 30, 1973, shall not  
108 be filled and all funds, dockets, and records relating  
109 to the office so vacated shall be promptly deposited with  
110 the clerk of court who issued the docket.
- 111 17. Page 15A, lines 20 and 21 by striking the words "set  
112 by the legislature" and inserting in lieu thereof the  
113 words "of nineteen thousand five hundred dollars".
- 114 18. Page 15B, line 36, by inserting after the word "shall"  
115 the words "serve as full-time magistrates and".
- 116 19. Page 15B, line 43, by striking the word "five" and  
117 inserting in lieu thereof the word "two".
- 118 20. Page 16A, line 26, by inserting after the word "judge"  
119 the words "and full-time magistrate".
- 120 21. Page 16B, line 37, by striking the word "are" and  
121 inserting in lieu thereof the words "are were".
- 122 22. Page 16B, line 37, by striking the words and figures  
123 "June 30, 1973" and inserting in lieu thereof the words  
124 and figures "June-30,-1973 March 1, 1972".
- 125 23. Page 16B, line 41, by inserting after the word "residence,"  
126 the words "The elective clerks and elective bailiffs shall  
127 be known as associate district court clerks and associate  
128 deputy sheriffs, respectively, and the duties performed by  
129 them as municipal court clerks and sheriffs shall be retain-  
130 ed by them to the maximum extent feasible in their new  
131 positions, and the positions thereby created shall terminate  
132 when the terms for which they were elected expire."
- 133 24. Page 16B, line 53, by inserting after the word "become"  
134 the words "associates and".
- 135 25. Page 16B, line 56, by inserting after the word "residence"  
136 the words "out of the court expense fund notwithstanding any  
137 other provision of law".
- 138 26. Page 16B, line 57, by inserting after the word "any" the  
139 words "associate or".
- 140 27. Page 16B, line 59, by inserting after the word "is" the  
141 words "associate or".
- 142 28. Page 16B, line 61, by inserting after the words "of the"  
143 the words "associate or".
- 144 29. Page 16B, line 69, by striking the words and figures  
145 "June 30, 1973" and inserting in lieu thereof the words  
146 and figures "June-30,-1973 March 1, 1972".
- 147 30. Page 16C, line 71, by inserting after the word "as"  
148 the words "associates and".

149 31. Page 16C, by adding after line 83 the following new  
150 section:

151 Sec. \_\_\_\_\_. Section six hundred two point thirty-four  
152 (602.34), unnumbered paragraph four (4), Code 1973, is  
153 amended to read as follows:

154 A municipal court bailiff or deputy bailiff who on June 30,  
155 1973, is a member of the retirement system provided by chapter  
156 411 shall continue to be such a member thereafter; and that  
157 chapter shall continue to apply to them notwithstanding this  
158 chapter, with the appropriate county deducting from his com-  
159 pensation his contributions to the retirement fund and the  
160 county contributing the public's portion to such fund out of  
161 the court expense fund notwithstanding any other provision of  
162 law."

163 32. Page 17, by adding after line 17 the following new  
164 section:

165 Sec. \_\_\_\_\_. NEW SECTION. QUALIFICATIONS--JUDICIAL  
166 MAGISTRATES. Judicial magistrates appointed to serve, as  
167 a condition to their taking office, shall pass an examination  
168 as prescribed by the supreme court. The examination pre-  
169 scribed shall not be that required for admission to practice  
170 as an attorney in this state, but shall adequately examine  
171 the proposed magistrate's knowledge of the law and procedure  
172 necessary for the proper performance of his duties as  
173 magistrate.

174 33. Page 17, by striking lines 18 through 35 and inserting  
175 in lieu thereof the following new sections:

176 Sec. \_\_\_\_\_. Section six hundred two point fifty-one  
177 (602.51), Code 1973, is amended to read as follows:

178 602.51 FULL-TIME MAGISTRATES. Of the number of  
179 magistrates allotted, there shall be one magistrate who  
180 shall devote his entire time to the duties of his position  
181 ~~including the holding of court on each weekday except for~~  
182 ~~a reasonable vacation period~~ in those counties having a  
183 population, according to the last federal decennial census,  
184 of more than thirty-five thousand and less than eighty  
185 thousand. There shall be two such magistrates in those  
186 counties having a population of more than eighty thousand  
187 and less than one hundred twenty-five thousand. There  
188 shall be three such magistrates in any county having a  
189 population of more than one hundred twenty-five thousand  
190 and less than two hundred thousand people. There shall be  
191 four such magistrates in counties having a population of  
192 two hundred thousand people or above. In those counties  
193 in which a district court associate judge ~~or judges~~ resides,  
194 the district court associate judge ~~or judges~~ shall be  
195 considered full-time judicial magistrates for the purposes  
196 of this section. In those counties authorized more full-  
197 time magistrates than have district court associate judges  
198 residing therein, the county judicial magistrate appointing  
199 commission shall determine which magistrate or magistrates  
200 shall serve on a full-time basis.

201 Sec. \_\_\_\_\_. This section shall take effect July 1,  
202 1974. Section six hundred two point fifty-two (602.52),  
203 Code 1973, is amended by striking the section and insert-  
204 ing in lieu thereof the following:

205 602.52 QUALIFICATIONS. A full-time judicial magistrate  
206 shall be licensed to practice law in this state, a part-  
207 time judicial magistrate may be licensed to practice law in  
208 this state and the commission in selecting persons for the  
209 position of part-time judicial magistrate shall first consider  
210 for appointment applicants who are licensed to practice law  
211 in this state. A judicial magistrate shall be an elector of  
212 the county of appointment during his term of office, shall be  
213 less than seventy-two years of age, and shall cease to hold  
214 office upon attaining that age.

215 Sec. \_\_\_\_\_. This section shall take effect July 1, 1974.  
216 Section six hundred two point fifty-four (602.54), Code 1973,  
217 is amended to read as follows:

218 602.54 SALARY, EXPENSES. Each judicial magistrate  
219 shall receive a salary payable from the general fund of the  
220 state and also his actual and necessary expenses in the  
221 performance of his duties while away from the city or town  
222 of his residence, in accordance with section 605.2. The  
223 salary of judicial magistrates, except as otherwise provided  
224 herein, shall be the sum of four six thousand eight-hundred  
225 dollars annually. The judicial magistrates serving as  
226 full-time magistrates shall receive an annual salary  
227 of seventeen thousand two hundred dollars. Judicial  
228 magistrates except district associate judges shall be  
229 members of the Iowa public employees' retirement system.

230 34. Page 18, by striking lines 1 through 15.

231 35. Page 19, by striking lines 13 through 33 and insert-  
232 ing in lieu thereof the following new sections:

233 Sec. \_\_\_\_\_. This section shall take effect July 1, 1974.  
234 Section six hundred two point fifty-eight (602.58), Code 1973,  
235 is amended to read as follows:

236 602.58 ADDITIONAL JUDICIAL MAGISTRATE ALLOWED. In  
237 those counties which are allotted one judicial magistrate  
238 under section 602.57 or 602.59, the county judicial magistrate  
239 appointing commission may, by majority vote, decide to appoint  
240 one additional judicial magistrate. In those counties appoint-  
241 ing an additional magistrate under this section, each  
242 magistrate shall receive a salary of two three thousand  
243 four-hundred dollars per year.

244 Sec. \_\_\_\_\_. This section shall take effect July 1, 1974.

245 NEW SECTION. JURISDICTION, VENUE. Judicial magistrates  
246 shall have jurisdiction of nonindictable misdemeanors,  
247 including traffic and ordinance violations, preliminary  
248 hearings, search warrant proceedings, and small claims and  
249 the jurisdiction provided for in section two hundred thirty-  
250 one point three (231.3) of the Code when designated a  
251 judge of the juvenile court. They shall also have juris-  
252 diction to exercise the powers specified in sections  
253 seven hundred forty-eight point two (748.2), six hundred  
254 forty-four point two (644.2), and six hundred forty-four  
255 point twelve (644.12) of the Code. They shall have power

256 to act any place within the district as directed, and  
257 venue shall be the same as in other district court pro-  
258 ceedings. While exercising jurisdiction of indictable  
259 misdemeanors, judicial magistrates shall employ district  
260 judges' practice and procedure. A judicial magistrate  
261 licensed to practice law in this state shall also have  
262 jurisdiction over indictable misdemeanors.

263 For purposes of administration judicial magistrates  
264 shall be under the jurisdiction of the chief judge of  
265 the judicial district. Judicial magistrates shall be  
266 subject to the same rules and laws that apply to district  
267 judges except as otherwise provided in this chapter.

268 36. Page 22, by striking lines 5 through 10, and insert-  
269 ing in lieu thereof the following new sections:

270 Sec. \_\_\_\_\_. Section six hundred two point seventy-one  
271 (602.71), subsections one (1), six (6), and nine (9), Code  
272 1973, are amended to read as follows:

273 1. ~~No judgment-of-conviction-of-a-nonindictable-misde-~~  
274 ~~meanor-or civil actions action~~ tried as small claims shall  
275 be appealed to the supreme court except by discretionary  
276 review as provided herein. ~~No judgment-of-acquittal-of-a~~  
277 ~~nonindictable-misdemeanor-may-be-reviewed.~~

278 6. When an application is made for discretionary review,  
279 it is the duty of the applicant to serve on the attorney for  
280 the adverse party; ~~and-if-the-state-is-the-adverse-party;~~  
281 ~~upon-the-attorney-general;~~ a copy of the application within  
282 ten days after judgment.

283 9. An application shall not be dismissed for an infor-  
284 mality or defect in taking it if corrected as directed by the  
285 supreme court. The supreme court, after an examination of  
286 the entire record, may dispose of the case by affirmation,  
287 reversal or modification of the lower court judgment. It may  
288 also dismiss the application if it (a) determines that there  
289 has been no substantial miscarriage of justice, and (b) no  
290 ~~violation-of-the-rights-of-an-accused;~~ ~~and-that-(c)~~ the  
291 arguments do not present definite grounds for a hearing. The  
292 supreme court may also order a new trial, or modify the  
293 judgment; ~~provided;~~ ~~however;~~ ~~in-criminal-cases-the-punishment~~  
294 ~~may-not-be-increased.~~

295 Sec. \_\_\_\_\_. Section six hundred two point seventy-one  
296 (602.71), Code 1973, is amended by striking subsections four  
297 (4) and ten (10).

298 37. Page 23, by striking lines 11 through 14.

299 38. Page 26, line 23, by striking the words "one-thousand  
300 five hundred" and inserting in lieu thereof the words "one  
301 thousand".

302 39. Page 27, line 4, by inserting after the word "clerk"  
303 the words "with costs assessed to the plaintiff, but".

304 40. Page 31, line 8, by striking the word "provides"  
305 and inserting in lieu thereof the word "provided".

306 41. Page 31, line 18, by inserting after the word "clerk"  
307 the words "with costs assessed to the plaintiff".

308 42. Page 31, line 19, by striking the words "~~shall may~~"  
309 and inserting in lieu thereof the word "shall".

310 43. Page 36, by striking line 24 and inserting in lieu  
311 thereof the following: "(753.15), subsections two (2)  
312 and six (6), Code 1973, are amended to read".

313 44. Page 36, by inserting after line 31 the following:  
314 "6. Excess speed up to ~~ten~~ fifteen miles per hour  
315 over the legal limit, ~~twenty-dollars~~ one dollar for  
316 each mile per hour over the limit but with a minimum  
317 fine of ten dollars."

318 45. Page 36, by adding after line 31 the following new  
319 section:

320 Sec.           . Section seven hundred fifty-three point  
321 fifteen (753.15), Code 1973, is amended by adding the  
322 following new subsections:

323 NEW SUBSECTION. Violation of display of identification  
324 required by section three hundred twenty-six point twenty-  
325 two (326.22) of the Code and violation of trip permits as  
326 prescribed by sections three hundred twenty-six point  
327 twenty-two (326.22), three hundred twenty-six point twenty-  
328 four (326.24), ten dollars.

329 NEW SUBSECTION. Violation of intrastate hauling on  
330 foreign registration under sections three hundred twenty-one  
331 point fifty-four (321.54) and three hundred twenty-one point  
332 fifty-five (321.55) of the Code; use of registration under  
333 section three hundred twenty-one point ninety-nine (321.99)  
334 of the Code; and display of registration or plates under  
335 section three hundred twenty-one point ninety-eight (321.98)  
336 of the Code, twenty dollars.

337 NEW SUBSECTION. Violation of sections three hundred  
338 twenty-four point fifty-two (324.52), three hundred twenty-  
339 four point fourteen (324.14), or three hundred twenty-four  
340 point seventy-four (324.74), subsections two (2) and six (6),  
341 of the Code, ten dollars.

342 46. Page 37, line 3, by striking the word "twice" and insert-  
343 ing in lieu thereof the word "~~twice~~".

344 47. Page 37, line 4, by striking the word "twice" and insert-  
345 ing in lieu thereof the word "~~twice~~".

346 48. Page 38, line 22, by inserting after the word "tried"  
347 the words "before the nearest available magistrate".

348 49. Page 41A, line 6, by striking the words "Either  
349 party A defendant" and inserting in lieu thereof the  
350 words "Either party".

351 50. Page 42, line 24, by inserting after the word "court",  
352 the words ", upon approval by a district judge or district  
353 associate judge,".

354 51. Page 42, by striking lines 13 through 20 and inserting  
355 in lieu thereof the following:

356 on which the proceedings were preserved. A-district-judge  
357 shall-promptly-hear-the-appeal-upon-the-record-thus-filed  
358 without-further-evidence---If-the-original-action-was-tried  
359 before-a-district-judge-acting-as-a-judicial-magistrate,-the  
360 appeal-shall-be-to-a-different-district-judge---The-judge  
361 shall-decide-the-appeal-without-regard-to-technicalities-or  
362 defects---Judgment-shall-be-rendered-as-though-the-case-were

363 ~~being-originally-tried.~~ The case shall stand for trial anew  
364 in the district court in the same manner as it should have  
365 been tried before the judicial magistrate, without regard to  
366 technical errors or defects which have not prejudiced the  
367 rights of the defendant. The court shall have full power  
368 over the case, the judicial magistrate and his record, and  
369 shall give judgment as though the case were being originally  
370 tried.

371 52. Page 42, by adding after line 20, the following new  
372 section:

373 Sec. \_\_\_\_\_. Section seven hundred sixty-two point forty-  
374 four (762.44), Code 1973, is amended by striking the section  
375 and inserting in lieu thereof the following:

376 762.44 APPEAL TO SUPREME COURT. After appeal to a dis-  
377 trict judge in a nonindictable case, either party may appeal  
378 from the judgment of the district judge to the supreme court  
379 in the same manner as from a judgment in a prosecution by  
380 indictment, and the defendant may be admitted to bail in like  
381 manner, and similar proceedings shall be had on the appeal in  
382 all respects, as far as applicable. The same proceedings  
383 shall be had to carry into effect the judgment of the supreme  
384 court upon the appeal as if it had been taken from a judgment  
385 prosecuted by indictment.

386 53. Page 42, by adding after line 20 the following new  
387 section:

388 Sec. \_\_\_\_\_. Section seven hundred sixty-six point seven  
389 (766.7), Code 1973, is amended to read as follows:

390 766.7 TRAFFIC VIOLATIONS. The provisions of sections  
391 766.2 through 766.6 shall not apply to traffic violations  
392 to which sections seven hundred fifty-three point fifteen  
393 (753.15) and seven hundred fifty-three point sixteen  
394 (753.16) of the Code are applicable.

395 54. Page 43, by striking lines 1 through 6 and inserting  
396 in lieu thereof the following new section:

397 Sec. \_\_\_\_\_. This section shall take effect July 1, 1974.  
398 NEW SECTION. TRANSFER OF MISDEMEANORS. District judges  
399 may transfer any indictable misdemeanors pending before them  
400 to the nearest district associate judge or judicial magistrate  
401 within the judicial district.

402 55. Page 43, by striking lines 14 through 16 and inserting  
403 in lieu thereof the following new sections:

404 Sec. \_\_\_\_\_. For the fiscal year beginning July 1, 1973  
405 and ending June 30, 1974, judicial magistrates shall have  
406 jurisdiction of nonindictable misdemeanors, including traffic  
407 and ordinance violations, preliminary hearings, search warrant  
408 proceedings, and small claims. They shall also have juris-  
409 diction to exercise the powers specified in sections seven  
410 hundred forty-eight point two (748.2), six hundred forty-four  
411 point two (644.2), and six hundred forty-four point twelve  
412 (644.12) of the Code. They shall have power to act any place  
413 within the district as directed, and venue shall be the same  
414 as in other district court proceedings.

416 For purposes of administration judicial magistrates shall  
417 be under the jurisdiction of the chief judge of the judicial  
418 district. Judicial magistrates shall be subject to the same  
419 rules and laws that apply to district judges except as other-  
420 wise provided by law.

420 Sec. \_\_\_\_\_. For the fiscal year beginning July 1, 1973 and  
421 ending June 30, 1974 district judges may transfer any indictable  
422 misdemeanors pending before them to the nearest district  
423 associate judge within the judicial district.

424 Sec. \_\_\_\_\_. Sections six hundred two point sixty (602.60)  
425 and seven hundred seventy-four point twelve (774.12), Code 1973,  
426 are repealed.

427 56. By renumbering sections and correcting internal references  
428 as necessary in accordance with this amendment.

Received from the Senate  
May 11, 1973

S-553

1 Amend House File 585, as amended, passed, and reprinted by  
2 the House as follows:

3 1. Page 36, by adding after line 31 the following new  
4 section:

5 Sec. \_\_\_\_\_. Section seven hundred fifty-three point fifteen  
6 (753.15), Code 1973, is amended by adding the following new  
7 subsections:

8 NEW SUBSECTION. Violation of display of identification  
9 required by section three hundred twenty-six point twenty-  
10 two (326.22) of the Code and violation of trip permits as  
11 prescribed by sections three hundred twenty-six point twenty-  
12 two (326.22), three hundred twenty-six point twenty-four  
13 (326.24), ten dollars.

14 NEW SUBSECTION. Violation of intrastate hauling on  
15 foreign registration under sections three hundred twenty-one  
16 point fifty-four (321.54) and three hundred twenty-one point  
17 fifty-five (321.55) of the Code; use of registration under  
18 section three hundred twenty-one point ninety-nine (321.99)  
19 of the Code; and display of registration or plates under  
20 section three hundred twenty-one point ninety-eight (321.98)  
21 of the Code, twenty dollars.

22 NEW SUBSECTION. Violation of sections three hundred  
23 twenty-four point fifty-two (324.52), three hundred twenty-  
24 four point fourteen (324.14), or three hundred twenty-four  
25 point seventy-four (324.74), subsections two (2) and six (6),  
26 of the Code, ten dollars.

S-553 Filed and adopted  
May 9, 1973

By DE KOSTER

S-551

- 1 Amend the Riley-Willits amendment, S-525,
- 2 to House File 585, as amended, passed, and reprinted by the
- 3 House as follows:
- 4 1. Page 4, line 2, by striking the words "two
- 5 thousand four hundred" and inserting in lieu thereof the words
- 6 "three thousand".

S-551 Filed and adopted By RILEY and WILLITS  
May 9, 1973

S-550

- 1 Amend the Hill amendment S-548 to House File 585, page 1, line
- 2 8, by striking the words " judgment of conviction of a" and
- 3 inserting in lieu thereof the words " ~~judgment-of-conviction~~
- 4 ~~of-a~~".

S-550 Filed and adopted By RAMSEY  
May 9, 1973

S-549

- 1 Amend the DeKoster-Kinley amendment S-519 filed to
- 2 House File 585, by striking lines 10 and 11 and inserting
- 3 in lieu thereof the following: "when the terms for which
- 4 they were elected expire."

S-549 Filed and adopted By RILEY  
May 9, 1973

S-547

- 1 Amend the Willits-DeKoster amendment S-545 filed May 9 to
- 2 House File 585, as follows:
- 3 1. Line 5, by striking the words "PART-TIME".
- 4 2. Line 7, by striking the words "on a part-time basis".
- 5 3. Line 13, by striking the words "part-time".

S-547 Filed and adopted By PRIEBE  
May 9, 1973

S-545

- 1 Amend House File 585, as amended, passed and reprinted by
- 2 the House as follows:
- 3 1. Page 17, by adding after line 17 the following new
- 4 section:
- 5 Sec. \_\_\_\_ . NEW SECTION. QUALIFICATIONS--PART TIME
- 6 JUDICIAL MAGISTRATES. Judicial magistrates appointed to
- 7 serve on a part-time basis, as a condition to their taking
- 8 office, shall pass an examination as prescribed by the
- 9 supreme court. The examination prescribed shall not be
- 10 that required for admission to practice as an attorney in
- 11 this state, but shall adequately examine the proposed
- 12 magistrate's knowledge of the law and procedure necessary
- 13 for the proper performance of his duties as part-time
- 14 magistrate.

S-545 Filed and adopted By WILLITS and DE KOSTER  
May 9, 1973

HOUSE CLIP SHEET

Thursday, June 7, 1973

REPORT ON THE CONFERENCE COMMITTEE  
ON HOUSE FILE 585

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 differences between the Senate and House of Representatives on House File 585, a bill for an Act to amend the unified trial court Act by making certain corrections and changes in the procedure to be followed in cases involving small claims, nonindictable misdemeanors, and traffic violations; relating to the jurisdiction and office of judicial magistrate and district associate judge; abolishing the office of full-time magistrate; and making necessary corrective amendments to various provisions of law to accord with the structure and intent of the unified trial court Act, respectfully recommend that the Senate amendment to House File 585, as amended, passed and reprinted by the House, be amended as follows:

1. Line 14, by striking the words "excluding small claims and misdemeanors" and inserting in lieu thereof the words "~~excluding-small-claims-and misdemeanors~~".

2. By striking lines 35 through 77, and inserting in lieu thereof the following:

"Page 8, line 11, by adding after the figure '602.58.' the words 'Within thirty days following receipt of notification of a vacancy in the office of judicial magistrate appointed under this section, the commission shall appoint a person to the office vacated to serve the remainder of the unexpired term. For purposes of this section, vacancy means death, resignation, retirement, removal, or increase in the number of positions authorized.'

Page 8, by striking lines 14 through 18 and inserting in lieu thereof the following:

'take office on July 1, 1974, and every two years thereafter, provided however, full-time judicial magistrates appointed pursuant to section six hundred two point fifty-one (602.51) of the Code for the term commencing July 1, 1974, shall hold office

for a term of four years and shall be subject to appointment every four years thereafter. The commission shall promptly certify'.

\_\_\_\_\_. Page 9, line 1, by inserting after the word 'magistrates,' the words 'which shall include a comprehensive examination over the material presented, and'.

\_\_\_\_\_. Page 9, line 4, by adding after the word 'cause.' the words 'A judicial magistrate appointed under this section to fill a vacancy shall attend the first school of instruction held following his appointment unless excused by the chief justice for good cause.'

\_\_\_\_\_. Page 9, by striking lines 10 through 17, and inserting in lieu thereof the following:

'by striking the unnumbered paragraph and inserting in lieu thereof the following:

Except as provided in section six hundred two point fifty-eight (602.58) of the Code, there shall be a total of one hundred ninety-one Iowa judicial magistrates to be appointed pursuant to section six hundred two point fifty (602.50) of the Code. During January of 1974 and every two years thereafter, the supreme court administrator shall apportion the number of judicial magistrates to be so appointed among the counties in accordance with the following criteria:'

\_\_\_\_\_. Page 9, line 22, by inserting after the word 'magistrates' the words 'appointed pursuant to section six hundred two point fifty (602.50) of the Code'.

\_\_\_\_\_. Page 10, line 4, by striking the word 'Cedar,'.

\_\_\_\_\_. Page 10, line 7, by inserting after the word 'for' the words 'Cedar county and'.

\_\_\_\_\_. Page 10, line 13, by striking the word 'he' and inserting in lieu thereof the words 'he a supreme court justice, district judge, district associate judge, or judicial magistrate appointed pursuant to section six hundred two point fifty-one (602.51) of the Code'.

\_\_\_\_\_. Page 10, by striking lines 22 through 26."

3. By striking line 79 and inserting in lieu thereof the following:

"sections:

Sec. \_\_\_\_\_. Section sixty-four point twenty-three (64.23), subsection one (1), Code 1973, is amended to read as follows:

1. For all state officers, elective or appointive, except those of the secretary of state and judicial magistrate, with the secretary of state. Bonds and official oaths of judicial magistrates shall be filed in the office of the district court clerk.

Sec. \_\_\_\_\_. Section sixty-four point twenty-four (64.24), unnumbered paragraph one (1), Code 1973, is amended to read as follows:

The secretary of state, each county auditor, district court clerk, and each auditor or clerk of a city or town, shall keep a book, to be known as the "Record of Official Bonds", and all official bonds shall be recorded therein in full as follows:

Sec. \_\_\_\_\_. Section sixty-four point twenty-four (64.24), Code 1973, is amended by adding the following new subsection:

NEW SUBSECTION. In the record kept by the district court clerk, the official bonds of judicial magistrates."

4. Line 86, by inserting after the word "magistrates" the words "serving pursuant to section six hundred two point fifty-one (602.51) of the Code".

5. Line 89, by striking the numeral "13" and inserting in lieu thereof the numeral "13A".

6. By striking lines 97 through 101, and inserting in lieu thereof the following:

"\_\_\_\_\_. Page 13A, line 29, by striking the word 'fifteen' and inserting in lieu thereof the word 'ten'."

7. By striking lines 114 and 115.

8. By striking lines 116 and 117 and inserting in lieu thereof the following:

"\_\_\_\_\_. Page 15B, line 43, by striking the word 'five' and inserting in lieu thereof the word 'three'.

\_\_\_\_\_. Page 15B, line 47, by inserting after the word 'court' the words 'and while exercising the additional jurisdiction granted herein, shall employ district judges' practice and procedure'.

\_\_\_\_\_. Page 16A, by striking everything after the period in line 1, and lines 2 and 3.

\_\_\_\_\_. Page 16A, line 4, by striking the word 'procedure'."

9. By striking lines 118 through 173, and inserting in lieu thereof the following:

"\_\_\_\_\_. Page 16A, line 26, by inserting after the word 'judge' the words 'and judicial magistrate appointed pursuant to section six hundred two point fifty-one (602.51) of the Code'.

\_\_\_\_\_. By striking lines 32 through 35 on page 16A, all of 16B, and lines 71 through 83 on page 16C, and inserting in lieu thereof the following:

Sec. \_\_\_\_\_. Section six hundred two point thirty-four (602.34), Code 1973, is amended by striking the section and inserting in lieu thereof the following:

602.34 CLERKS AND BAILIFFS. Clerks and bailiffs of municipal courts who are in office on June 30, 1973, and municipal court deputy clerks and deputy

bailiffs who are in office on that date, shall on July 1, 1973, become deputies of the district court clerks and sheriffs respectively, in the counties of their residence. During the two years after June 30, 1973, said persons shall be assigned, to the maximum extent possible, to duties comparable to their former duties as municipal court clerks, bailiffs, deputy clerks, or deputy bailiffs. The board of supervisors may enlarge the district court clerks' and sheriffs' facilities accordingly, and shall have authority to build, remodel, purchase, and lease real and personal property and equipment for such purpose, subject to chapter seventy-five (75) of the Code and sections three hundred thirty-two point seven (332.7) and three hundred thirty-two point eight (332.8) of the Code, where applicable. The compensation and other benefits received on January 1, 1972, by the individuals who so become deputies shall not be reduced after June 30, 1973, from the amount on that date, unless all the deputies of the office are similarly reduced, but shall be paid by the counties of their residence; provided, that if the salary of any deputy equals or exceeds the salary of the district court clerk or sheriff of whom he is deputy, then the salary of the particular district court clerk or sheriff shall be increased so as to exceed the salary of the deputy by the sum of two hundred dollars per year.

Nothing in this section shall be construed to prohibit any increase in compensation and other benefits received by the individuals who so become deputies over the amounts received by them on January 1, 1972.

The individuals who were municipal court clerks and bailiffs on June 30, 1973, and who were municipal court deputy clerks and deputy bailiffs on that date, may as deputies of the district court clerks and sheriffs be suspended, demoted, or discharged by the district court clerks and sheriffs only for neglect of duty, disobedience of orders, misconduct, or failure to properly perform duties, by pursuing the procedure provided by sections three hundred sixty-five point nineteen (365.19) through three hundred sixty-five point twenty-six (365.26) of the Code; and in these cases the district court clerk or sheriff shall be deemed to be the person having the appointing power, the county auditor shall perform the functions of the mayor or city manager, the board of supervisors shall perform the functions of the civil service commission, and the county attorney shall perform the functions of the city attorney or solicitor. A municipal court bailiff or deputy bailiff who on June 30, 1973, is a member of the retirement system provided by chapter four hundred

eleven (411) of the Code shall continue to be such a member thereafter; and that chapter shall continue to apply to them notwithstanding this chapter, with the appropriate county deducting from his compensation his contributions to the retirement fund and the county contributing the public's portion to such fund out of the court expense fund notwithstanding any other provision of law.

Those provisions of this section which provide civil service status for individuals transferred hereunder shall cease to have effect and shall be inoperative as to any of such individuals who become subject to civil service provisions under any other law of this state."

10. By striking lines 177 through 200 and inserting in lieu thereof the following:

"(602.51), Code 1973, is amended by striking the section and inserting in lieu thereof the following:

602.51 ADDITIONAL JUDICIAL MAGISTRATES; APPORTIONMENT AND APPOINTMENT. There shall be one judicial magistrate who shall devote his entire time to the duties of his position in those counties having a population, according to the last federal decennial census, of more than thirty-five thousand and less than eighty thousand. There shall be two such magistrates in those counties having a population of more than eighty thousand and less than one hundred twenty-five thousand. There shall be three such magistrates in any county having a population of more than one hundred twenty-five thousand and less than two hundred thousand people. There shall be four such magistrates in counties having a population of two hundred thousand people or above. In those counties in which a district court associate judge resides, the district court associate judge shall be considered a judicial magistrate for the purposes of this section.

The judicial magistrates authorized by this section shall be appointed by the district judges of the election district from persons nominated by the county judicial magistrate appointing commission.

In March of the year in which the terms of magistrates appointed pursuant to this section expire, and, within thirty days after notification is received of a vacancy in an office authorized by this section, the county judicial magistrate appointing commission for the county affected shall carefully consider individuals for the available position, and shall, by majority vote, certify to the chief judge of the judicial district the names of three individuals for each office vacated. The nominees shall be chosen solely on the basis of their qualifications and not on the basis of their political affiliation.

Within thirty days after the chief judge has received the list of nominees, the district judges in the election district shall, by majority vote, appoint one of the nominees to each vacancy. For purposes of this section, vacancy means death, resignation, retirement, removal, or increase in the number of positions authorized."

11. By striking lines 205 through 214 and inserting in lieu thereof the following:

"602.52 QUALIFICATIONS. A judicial magistrate shall be an elector of the county of appointment during his term of office, shall be less than seventy-two years of age, and shall cease to hold office upon attaining that age. A judicial magistrate appointed pursuant to section six hundred two point fifty (602.50) of the Code may be licensed to practice law in Iowa, and the commission in selecting persons for those positions shall first consider for appointment applicants so licensed. After July 1, 1973, a judicial magistrate nominated and appointed pursuant to section six hundred two point fifty-one (602.51) of the Code, as amended by this Act, shall be licensed to practice law in Iowa."

12. By striking lines 217 through 267 and inserting in lieu thereof the following:

"is amended by striking the section and inserting in lieu thereof the following:

602.54 SALARY, EXPENSES. Each judicial magistrate shall receive a salary payable from the general fund of the state and also his actual and necessary expenses in the performance of his duties while away from the city or town of his residence, in accordance with section six hundred five point two (605.2) of the Code. The salary of judicial magistrates, except as otherwise provided herein, shall be the sum of four thousand eight hundred dollars annually. The judicial magistrates serving pursuant to section six hundred two point fifty-one (602.51) of the Code shall receive an annual salary of nineteen thousand five hundred dollars. Judicial magistrates except district associate judges shall be members of the Iowa public employees' retirement system.

Page 18, by striking lines 1 through 15 and inserting in lieu thereof the following:

Sec. \_\_\_\_\_. Section six hundred two point fifty-five (602.55), unnumbered paragraph one (1), Code 1973, is amended by striking the paragraph and inserting in lieu thereof the following:

Each month each judicial magistrate and district associate judge shall file with the clerk of the district court of the proper county a sworn, itemized statement, by case, of all funds received and disbursed, and at least monthly shall remit to the

clerk all funds received by him. The clerk shall provide adequate clerical assistance to judicial magistrates serving pursuant to section six hundred two point fifty-one (602.51) of the Code and district associate judges to carry out this section. The clerk shall remit ninety percent of all fines and forfeited bail received from a magistrate or district associate judge to the city or town that was the plaintiff in any action. The clerk shall remit the remaining ten percent to the county treasurer for deposit in the county general fund. The clerk shall remit to the treasurer of the county, for the benefit of the school fund, all other fines and forfeited bail received from a magistrate. All fees and costs for the filing of a complaint or information or upon forfeiture of bail received from a magistrate shall be remitted monthly by the clerk as follows:

\_\_\_\_\_. Page 19, by adding after line 33 the following new section:

Sec. \_\_\_\_\_. This section shall take effect July 1, 1974. Section six hundred two point sixty (602.60), Code 1973, is amended by striking the section and inserting in lieu thereof the following:

602.60 JURISDICTION, VENUE. Judicial magistrates shall have jurisdiction of nonindictable misdemeanors, including traffic and ordinance violations, preliminary hearings, search warrant proceedings, and small claims. They shall also have jurisdiction to exercise the powers specified in sections seven hundred forty-eight point two (748.2), six hundred forty-four point two (644.2), and six hundred forty-four point twelve (644.12) of the Code. They shall have power to act any place within the district as directed, and venue shall be the same as in other district court proceedings. In addition, judicial magistrates appointed pursuant to section six hundred two point fifty-one (602.51) of the Code shall have jurisdiction of indictable misdemeanors, the jurisdiction provided for in section two hundred thirty-one point three (231.3) of the Code when designated a judge of the juvenile court, and jurisdiction in civil actions for money judgments where the amount in controversy does not exceed three thousand dollars and while exercising that jurisdiction, judicial magistrates shall employ district judges' practice and procedure.

For purposes of administration judicial magistrates shall be under the jurisdiction of the chief judge of the judicial district. Judicial magistrates shall be subject to the same rules and laws that apply to district judges except as otherwise provided in this chapter.

Within thirty days after the chief judge has received the list of nominees, the district judges in the election district shall, by majority vote, appoint one of the nominees to each vacancy. For purposes of this section, vacancy means death, resignation, retirement, removal, or increase in the number of positions authorized."

11. By striking lines 205 through 214 and inserting in lieu thereof the following:

"602.52 QUALIFICATIONS. A judicial magistrate shall be an elector of the county of appointment during his term of office, shall be less than seventy-two years of age, and shall cease to hold office upon attaining that age. A judicial magistrate appointed pursuant to section six hundred two point fifty (602.50) of the Code may be licensed to practice law in Iowa, and the commission in selecting persons for those positions shall first consider for appointment applicants so licensed. After July 1, 1973, a judicial magistrate nominated and appointed pursuant to section six hundred two point fifty-one (602.51) of the Code, as amended by this Act, shall be licensed to practice law in Iowa."

12. By striking lines 217 through 267 and inserting in lieu thereof the following:

"is amended by striking the section and inserting in lieu thereof the following:

602.54 SALARY, EXPENSES. Each judicial magistrate shall receive a salary payable from the general fund of the state and also his actual and necessary expenses in the performance of his duties while away from the city or town of his residence, in accordance with section six hundred five point two (605.2) of the Code. The salary of judicial magistrates, except as otherwise provided herein, shall be the sum of four thousand eight hundred dollars annually. The judicial magistrates serving pursuant to section six hundred two point fifty-one (602.51) of the Code shall receive an annual salary of nineteen thousand five hundred dollars. Judicial magistrates except district associate judges shall be members of the Iowa public employees' retirement system.

\_\_\_\_\_. Page 18, by striking lines 1 through 15 and inserting in lieu thereof the following:

Sec. \_\_\_\_\_. Section six hundred two point fifty-five (602.55), unnumbered paragraph one (1), Code 1973, is amended by striking the paragraph and inserting in lieu thereof the following:

Each month each judicial magistrate and district associate judge shall file with the clerk of the district court of the proper county a sworn, itemized statement, by case, of all funds received and disbursed, and at least monthly shall remit to the

Page 21A, line 26, by striking the words 'his county' and inserting in lieu thereof the words 'the appropriate county in which he held court'."

13. Line 274, by striking the words "as small claims" and inserting in lieu thereof the words "as a small ~~claims~~ claim".

14. By adding after line 297 the following:

" Page 22, line 14, by inserting after the word 'court' the word 'judge'.

Page 22, line 15, by striking the first word 'court' and inserting in lieu thereof the word 'judge'.

Page 22, line 15, by striking the second word 'court'."

15. By striking lines 308 through 317, and inserting in lieu thereof the following:

" Page 35, line 26, by adding after the figure '755.4.' the words 'Supplies of the uniform traffic citation and complaint for municipal corporations and county agencies shall be paid for out of the court expense fund of the county. Supplies of the uniform traffic citation and complaint for all other agencies shall be paid for out of the budget of the agency concerned.'"

16. Line 343, by inserting after the word "twice" the words "one and one-half times".

17. Line 345, by inserting after the word "twice" the words "one and one-half times".

18. Line 347, by striking the word "available".

19. By striking lines 348 through 350.

20. By striking lines 363 through 370 and inserting in lieu thereof the following:

"being-originally-tried: The case shall stand for trial anew in the district court in the same manner as it should have been tried before the judicial magistrate, without regard to technical errors or defects which have not substantially prejudiced the rights of either party. The court shall have full power over the case, the judicial magistrate and his record, and shall give judgment as though the case were being originally tried."

21. By striking lines 386 through 426, and inserting in lieu thereof the following:

" Page 43, by striking lines 14 through 16 and inserting in lieu thereof the following new sections:

Sec. \_\_\_\_\_. This section shall take effect July 1, 1974. Section seven hundred seventy-four point twelve (774.12), Code 1973, is amended by striking the section and inserting in lieu thereof the following:

774.12 TRANSFER OF MISDEMEANORS. District judges may, within the judicial district, transfer any indictable misdemeanors pending before them to the

House 9  
June 7, 1973

nearest district associate judge or judicial  
magistrate having jurisdiction.

Sec. \_\_\_\_\_. The provisions of section six hundred  
two point fifty-one (602.51) of the Code relating  
to the nomination and appointment of judicial magis-  
trates shall apply to vacancies occurring after July  
1, 1973.

\_\_\_\_\_. By amending the title, page 1, line 6, by  
striking the words 'abolishing the office of full-  
time magistrate;'. "

On the part of the Senate

TOM RILEY, CHAIRMAN  
IRVIN L. BERGMAN  
LUCAS J. DEKOSTER  
EUGENE M. HILL  
EARL M. WILLITS

Filed  
June 6, 1973

On the part of the House

PHILIP B. HILL, CHAIRMAN  
DONALD V. DOYLE  
MAURICE HENNESSEY  
BRICE C. OAKLEY  
JAMES C. WEST

*Senate adopted 6/8 (1627)*  
*House " " (1534)*