

House File 1462  
Judiciary 3/22  
Willits, Chairperson  
Redmond  
Hill of Polk 1976

HOUSE FILE 1462

Place On Calendar

By COMMITTEE ON JUDICIARY  
AND LAW ENFORCEMENT

Passed House, Date 3-17-76 (1227) Passed Senate, Date 4-30-76 (1652)  
Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_ Vote: Ayes 36 Nays 13  
Approved 5-13-76

## A BILL FOR

1 An Act relating to the permissible age for qualifying for  
2 appointment as judicial magistrate.  
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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S-5631

- 1 Amend House File 1462 as follows:  
2 1. Page 1, line 15, by striking the word  
3 "After".  
4 2. Page 1, by striking lines 16 through 18.

S-5631 FILED & WITHDRAWN (1652)  
APRIL 30, 1976

BY RAY TAYLOR

1 Section 1. Section six hundred two point fifty-two  
 2 (602.52), Code 1975, is amended to read as follows:  
 3 602.52 QUALIFICATIONS, AGE. A judicial magistrate shall  
 4 be an elector of the county of appointment during his or her  
 5 term of office, ~~shall be less than seventy-two years of age,~~  
 6 ~~and shall cease to hold office upon attaining that age.~~ A  
 7 person shall not be qualified for appointment and shall not  
 8 be appointed as a judicial magistrate unless that person can  
 9 complete prior to his or her reaching the age of seventy-two  
 10 years the entire two-year or four-year term of office of  
 11 judicial magistrate for which nomination and appointment is  
 12 being made. A judicial magistrate appointed pursuant to section  
 13 602.50 may be licensed to practice law in Iowa, and the  
 14 commission in selecting persons for those positions shall  
 15 first consider for appointment applicants so licensed. After  
 16 July 1, 1973, a judicial magistrate nominated and appointed  
 17 pursuant to section 602.51 shall be licensed to practice law  
 18 in Iowa.

19 Sec. 2. This Act shall not apply to any person serving  
 20 a two-year or four-year term of office as judicial magistrate  
 21 on the effective date of this Act, and any such person may  
 22 continue to serve until the expiration of the full term for  
 23 which appointed.

24 EXPLANATION

25 This bill would prohibit the nomination and appointment  
 26 of any person to the office of part-time magistrate or full-  
 27 time magistrate, unless that person can serve the full two-  
 28 year term or four-year term, respectively, prior to his or  
 29 her reaching the age of seventy-two years. The bill also  
 30 would permit present magistrates to serve their full term  
 31 of appointment, thus making the retirement rule ineffective  
 32 as to them until the end of their current terms of office.

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HOUSE FILE 1462

AN ACT

RELATING TO THE PERMISSIBLE AGE FOR QUALIFYING FOR APPOINTMENT  
AS JUDICIAL MAGISTRATE.

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

Section 1. Section six hundred two point fifty-two (602.52), Code 1975, is amended to read as follows:

602.52 QUALIFICATIONS, AGE. A judicial magistrate shall be an elector of the county of appointment during his or her term of office, ~~shall be less than seventy-two years of age, and shall cease to hold office upon attaining that age.~~ A person shall not be qualified for appointment and shall not be appointed as a judicial magistrate unless that person can complete prior to his or her reaching the age of seventy-two years the entire two-year or four-year term of office of judicial magistrate for which nomination and appointment is being made. A judicial magistrate appointed pursuant to section 602.50 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 602.51 shall be licensed to practice law in Iowa.

Sec. 2. This Act shall not apply to any person serving a two-year or four-year term of office as judicial magistrate

on the effective date of this Act, and any such person may continue to serve until the expiration of the full term for which appointed.

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DALE M. COCHRAN  
Speaker of the House

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ARTHUR A. NEU  
President of the Senate

I hereby certify that this bill originated in the House and is known as House File 1462, Sixty-sixth General Assembly.

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DAVID L. WRAY  
Chief Clerk of the House

Approved May 13, 1976

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ROBERT D. RAY  
Governor