

APR 22 1975  
Place On Calendar

Sen. Judiciary 4/30, Pass 6/6

HOUSE FILE 766

House File 766  
Judiciary  
Doderer, Chairman  
Ramsey  
Hill of Polk

By COMMITTEE ON JUDICIARY AND  
LAW ENFORCEMENT

Passed House, Date 4-25-75 (1368) Passed Senate, Date 6-13-75 (2060)  
Vote: Ayes 78 Nays 13 Vote: Ayes 42 Nays 4  
Approved 6-29

## A BILL FOR

1 An Act to establish an office of prosecuting attorneys  
2 training coordinator and to prescribe the functions  
3 and duties.

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

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1 Section 1. NEW SECTION. DEFINITIONS. As used in this  
2 Act unless the context otherwise requires:

3 1. "Council" means the prosecuting attorneys training  
4 coordinator council.

5 2. "Executive director" means the executive director of  
6 the council.

7 3. "Office" means the office of prosecuting attorneys  
8 training coordinator established in this Act.

9 4. "Prosecuting attorneys" means county attorney, district  
10 attorney, or any attorney charged with responsibility of  
11 prosecution of violation of state laws.

12 Sec. 2. NEW SECTION. ESTABLISHMENT.

13 1. The office of prosecuting attorneys training coordinator  
14 is established as an autonomous entity in the department of  
15 justice.

16 2. The head of the office is the prosecuting attorneys  
17 training coordinator council.

18 3. The chief administrative officer of the office is the  
19 executive director who shall be a regular employee of the  
20 department of justice and appointed by the council. He shall  
21 hold office at the pleasure of the council. He shall perform  
22 the functions and duties assigned to him by the council.  
23 The council may employ other persons as it deems necessary  
24 to implement this Act.

25 Sec. 3. NEW SECTION. MEMBERSHIP AND TERMS. The council  
26 shall consist of five members as follows:

27 1. The attorney general or his designated representative.

28 2. The president of the Iowa county attorneys association  
29 or its successor.

30 3. Three members elected by the Iowa county attorneys  
31 association or its successor.

32 A member shall vacate his appointment upon termination  
33 of his official position as a prosecuting attorney or an  
34 attorney general. A vacancy shall be filled in the same  
35 manner as the original appointment. A member appointed to

1 fill a vacancy created other than by expiration of a term  
2 on the council shall be appointed for the unexpired term of  
3 the member whom he is to succeed in the same manner as the  
4 original appointment. Any member may be reappointed for an  
5 additional term.

6 The terms of the elected members shall be three years and  
7 shall begin January 1, following the effective date of this  
8 Act, but initial terms shall be staggered so that the elected  
9 members shall serve terms of one, two, and three years  
10 respectively.

11 Sec. 4. NEW SECTION. ORGANIZATION. The council shall  
12 designate from among its members a chairman and vice chairman  
13 who shall serve for one-year terms and who may be reelected.  
14 Membership on the council shall not constitute holding a  
15 public office, and members of the council shall not be required  
16 to take and file oaths of office before serving on the council.  
17 A member of the council shall not be disqualified from holding  
18 any public office or employment by reason of membership on  
19 the council, nor shall one member forfeit the office or  
20 employment, by reason of appointment under this Act,  
21 notwithstanding the provisions of any law, ordinance or city  
22 charter.

23 Sec. 5. NEW SECTION. MEETINGS. The council shall meet  
24 at least four times each year and shall hold meetings when  
25 called by the chairman, or in the absence of the chairman,  
26 by the vice chairman or when called by the chairman upon the  
27 written request of three members of the council. The council  
28 shall establish its own procedures and requirements with  
29 respect to quorum, place and conduct of its meetings and other  
30 matters.

31 Sec. 6. NEW SECTION. REPORT REQUIRED. The council shall  
32 make an annual report to the governor and to the Iowa county  
33 attorneys association or its successor regarding its efforts  
34 to implement the purposes of this Act.

35 Sec. 7. NEW SECTION. EXPENSES PAID. The members of the

1 council shall serve without compensation but shall be entitled  
2 to their actual expenses in attending meetings and in the  
3 performance of their duties.

4 Sec. 8. NEW SECTION. DUTIES. The council shall keep  
5 the prosecuting attorneys and assistant prosecuting attorneys  
6 of the state informed of all changes in law and matters  
7 pertaining to their office to the end that a uniform system  
8 of conduct, duty and procedure is established in each county  
9 of the state.

10 Sec. 9. NEW SECTION. AUTHORITY. The council may:

11 1. Enter into agreements with other public or private  
12 agencies or organizations to implement this Act.

13 2. Cooperate with and assist other public or private  
14 agencies or organizations to implement this Act.

15 3. Make recommendations to the general assembly on matters  
16 pertaining to its responsibilities under this Act.

17 Sec. 10. NEW SECTION. RECEIPT OF FUNDS. The council  
18 may accept funds, grants and gifts from any public or private  
19 source which shall be used to defray the expenses incident  
20 to implementing its responsibilities under this Act.

21 Sec. 11. This Act shall be known and may be cited as the  
22 "Prosecuting Attorneys Training Coordinator Act of 1975".

23 EXPLANATION

24 This bill establishes a prosecuting attorneys training  
25 coordinator who will be diverted from within the department  
26 of justice and provides for the creation of a council which  
27 will appoint the training coordinator whose duties shall be  
28 to develop a program of continuing education, to disseminate  
29 information, to achieve a uniform system of conduct, duty  
30 and procedure in the administration of justice in this state.

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HOUSE FILE 766

AN ACT

TO ESTABLISH AN OFFICE OF PROSECUTING ATTORNEYS TRAINING  
COORDINATOR AND TO PRESCRIBE THE FUNCTIONS AND DUTIES.

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

Section 1. NEW SECTION. DEFINITIONS. As used in this Act unless the context otherwise requires:

1. "Council" means the prosecuting attorneys training coordinator council.
2. "Executive director" means the executive director of the council.
3. "Office" means the office of prosecuting attorneys training coordinator established in this Act.
4. "Prosecuting attorneys" means county attorney, district attorney, or any attorney charged with responsibility of prosecution of violation of state laws.

Sec. 2. NEW SECTION. ESTABLISHMENT.

1. The office of prosecuting attorneys training coordinator is established as an autonomous entity in the department of justice.
2. The head of the office is the prosecuting attorneys training coordinator council.
3. The chief administrative officer of the office is the executive director who shall be a regular employee of the department of justice and appointed by the council. He shall hold office at the pleasure of the council. He shall perform the functions and duties assigned to him by the council. The council may employ other persons as it deems necessary to implement this Act.

Sec. 3. NEW SECTION. MEMBERSHIP AND TERMS. The council shall consist of five members as follows:

1. The attorney general or his designated representative.

2. The president of the Iowa county attorneys association or its successor.

3. Three members elected by the Iowa county attorneys association or its successor.

A member shall vacate his appointment upon termination of his official position as a prosecuting attorney or an attorney general. A vacancy shall be filled in the same manner as the original appointment. A member appointed to fill a vacancy created other than by expiration of a term on the council shall be appointed for the unexpired term of the member whom he is to succeed in the same manner as the original appointment. Any member may be reappointed for an additional term.

The terms of the elected members shall be three years and shall begin January 1, following the effective date of this Act, but initial terms shall be staggered so that the elected members shall serve terms of one, two, and three years respectively.

Sec. 4. NEW SECTION. ORGANIZATION. The council shall designate from among its members a chairman and vice chairman who shall serve for one-year terms and who may be reelected. Membership on the council shall not constitute holding a public office, and members of the council shall not be required to take and file oaths of office before serving on the council. A member of the council shall not be disqualified from holding any public office or employment by reason of membership on the council, nor shall one member forfeit the office or employment, by reason of appointment under this Act, notwithstanding the provisions of any law, ordinance or city charter.

Sec. 5. NEW SECTION. MEETINGS. The council shall meet at least four times each year and shall hold meetings when called by the chairman, or in the absence of the chairman, by the vice chairman or when called by the chairman upon the written request of three members of the council. The council shall establish its own procedures and requirements with respect to quorum, place and conduct of its meetings and other

matters.

Sec. 6. NEW SECTION. REPORT REQUIRED. The council shall make an annual report to the governor and to the Iowa county attorneys association or its successor regarding its efforts to implement the purposes of this Act.

Sec. 7. NEW SECTION. EXPENSES PAID. The members of the council shall serve without compensation but shall be entitled to their actual expenses in attending meetings and in the performance of their duties.

Sec. 8. NEW SECTION. DUTIES. The council shall keep the prosecuting attorneys and assistant prosecuting attorneys of the state informed of all changes in law and matters pertaining to their office to the end that a uniform system of conduct, duty and procedure is established in each county of the state.

Sec. 9. NEW SECTION. AUTHORITY. The council may:

1. Enter into agreements with other public or private agencies or organizations to implement this Act.
2. Cooperate with and assist other public or private agencies or organizations to implement this Act.
3. Make recommendations to the general assembly on matters pertaining to its responsibilities under this Act.

Sec. 10. NEW SECTION. RECEIPT OF FUNDS. The council may accept funds, grants and gifts from any public or private source which shall be used to defray the expenses incident to implementing its responsibilities under this Act.

Sec. 11. This Act shall be known and may be cited as the "Prosecuting Attorneys Training Coordinator Act of 1975".

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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 766, Sixty-sixth General Assembly.

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DAVID L. WRAY  
Chief Clerk of the House

Approved 6/29, 1975

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ROBERT D. RAY  
Governor