

FEB 1992

HOUSE FILE 2195
BY SPEAR

LOCAL GOVERNMENT
Amend (5190) to Be Passed

Passed House, Date 3/10/92 (p.55) Passed Senate, Date 4/1/92 (p.159)
Vote: Ayes 98 Nays 0 Vote: Ayes 48 Nays 0

Approved April 28, 1992 (p.159)

Repassed 4/7/92 (p.1163)

Ayes 95 - Nays 0

A BILL FOR

1 An Act providing that certain counties need not maintain a county
2 jail or space for the district court.

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

HOUSE FILE 2195

H-5190

1 Amend House File 2195 as follows:

2 1. Page 2, by striking lines 4 through 10.

By COMMITTEE ON LOCAL GOVERNMENT
DVORSKY of Johnson, Chairperson

H-5190 FILED MARCH 4, 1992

adopted 3/10 (p 515)

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2195

1 Section 1. Section 331.381, subsection 17, Code 1991, is
2 amended to read as follows:

3 17. a. Furnish a place for the confinement of prisoners
4 as required in section 903.4, and in accordance with chapter
5 356 or 356A.

6 b. Notwithstanding paragraph "a", the board of a county
7 with a population of less than fifteen thousand according to
8 the 1990 census may enter into an agreement with a contiguous
9 county to share costs and to provide space for the county's
10 prisoners and space for the district court.

11 Sec. 2. Section 602.1303, Code 1991, is amended by adding
12 the following new unnumbered paragraph:

13 NLW UNNUMBERED PARAGRAPH. If a county board of supervisors
14 elects not to maintain space for the district court, the
15 county may enter into an agreement with a contiguous county to
16 share the costs under subsections 1 through 8. For the
17 purposes of this subsection, two counties are contiguous if
18 they share a common boundary, including a corner.

19 Sec. 3. Section 602.6103, Code 1991, is amended to read as
20 follows:

21 602.6103 COURT IN CONTINUOUS SESSION.

22 The district court of each judicial district shall be in
23 continuous session ~~in~~ for all of the several counties
24 comprising the district.

25 Sec. 4. Section 602.6105, subsection 1, Code 1991, is
26 amended to read as follows:

27 1. Courts shall be held at the places in each county
28 maintaining space for the district court as designated by the
29 chief judge of the judicial district, except that the
30 determination of actions, special proceedings, and other
31 matters not requiring a jury may be done at some other place
32 in the district with the consent of the parties. For the
33 purposes of this subsection, contiguous counties which have
34 entered into an agreement to share costs pursuant to section
35 331.381, subsection 17, paragraph "b", shall be considered as

1 one unit for the purpose of conducting all matters except as
2 otherwise provided in this subsection. Juries may be
3 impaneled from the residents of both counties.

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4 Sec. 5. Section 602.8102, subsection 1, Code Supplement
5 1991, is amended to read as follows:

6 1. Keep the office of the clerk at the county seat unless
7 the county board of supervisors has entered into an agreement
8 with a contiguous county to share costs and to maintain space
9 for the district court, in accordance with section 331.381,
10 subsection 17, paragraph "b".

11 EXPLANATION

12 This bill provides that county boards of supervisors in
13 counties with less than 15,000 population according to the
14 1990 census may enter into an agreement with a contiguous
15 county to share the costs of and space for prisoners and space
16 for the district court to meet in that county. The county
17 electing to eliminate county jail space or district court
18 space remains liable for its share of the costs associated
19 with its prisoners and the district court matters associated
20 with the county. Additional conforming amendments to the Code
21 may be necessary to fully implement the bill.

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HOUSE FILE 2195
FISCAL NOTE

A fiscal note for House File 2195 is hereby submitted pursuant to Joint Rule 17. Data used in developing this fiscal note is available from the Legislative Fiscal Bureau to members of the Legislature upon request.

House File 2195 provides that county boards of supervisors in counties with less than 15,000 population according to the 1990 census may enter into an agreement with a contiguous county to share the costs of and space for prisoners and space for the district court to meet in that county. The county electing to eliminate county jail space or district court space remains liable for its share of the costs associated with its prisoners and the district court matters associated with the county.

FISCAL EFFECT

There is no way to determine which or how many counties would take advantage of this option for consolidation. However some areas of costs and savings have been identified by the Judicial Department and are presented below.

There will be a significant one time fiscal impact in each consolidation of District Court offices. While no specific estimates are available, costs would be impacted in the following areas:

1. Space - currently there is insufficient space in most counties to absorb the additional staff and records of a transferred Clerk of Court Office and insufficient courtroom space in many counties to absorb additional hearings and trials scheduling.
2. Moving costs - cost of relocating District Court staff and records.
3. Transportation of prisoners - If a county consolidated the District Court but not the jails, additional costs of transporting prisoners to and from the Court for hearings, trial, and sentencing would be experienced by the counties.

Savings may also be experienced in the following areas:

1. Reduced travel of District Court Judges and court reporters.
2. Reduced costs of utilities and office space (if rented) for District Court offices and courtrooms in counties no longer maintaining the offices.
3. Reduced costs of providing jailers and jail space in the counties no longer maintaining jails.

(SOURCE: Judicial Department)

(LSB 523.hh, DPW)

HOUSE FILE 2195

S-5460

1 Amend House File 2195, as amended and passed by the
2 House, as follows:

3 1. Page 1, line 6, by inserting after the word
4 "a," the following: "after consulting with and
5 obtaining the approval of the chief judge of the
6 judicial district,".

7 2. Page 1, line 15, by inserting after the words
8 "contiguous county" the following: "in the same
9 judicial district".

10 3. Page 2, line 3, by inserting after the word
11 "counties." the following: "However, in the case of
12 criminal actions, juries shall consist only of
13 residents from the county in which the alleged public
14 offense occurred."

By DONALD V. DOYLE

S-5460 FILED MARCH 31, 1992

w/d 4/1 (p. 1159)

HOUSE FILE 2195

S-5462

1 Amend House File 2195, as amended and passed by the
2 House, as follows:

3 1. Page 1, line 6, by inserting after the word
4 "a," the following: "after consulting with and
5 obtaining the approval of the chief judge of the
6 judicial district,".

7 2. Page 1, line 13, by inserting after the word
8 "supervisors" the following: ", with the approval of
9 the supreme court,".

10 3. Page 1, line 15, by inserting after the words
11 "contiguous county" the following: "in the same
12 judicial district".

13 4. Page 2, lines 2 and 3, by striking the words
14 "Juries may be impaneled from the residents of both
15 counties."

By DONALD V. DOYLE
SHELDON RITTMER

S-5462 FILED MARCH 31, 1992

Adopted 4/1 (p. 1159)

SENATE AMENDMENT TO HOUSE FILE 2195

H-5710

1 Amend House File 2195, as amended and passed by the
2 House, as follows:

3 1. Page 1, line 6, by inserting after the word
4 ""a"," the following: "after consulting with and
5 obtaining the approval of the chief judge of the
6 judicial district,".

7 2. Page 1, line 13, by inserting after the word
8 "supervisors" the following: ", with the approval of
9 the supreme court,".

10 3. Page 1, line 15, by inserting after the words
11 "contiguous county" the following: "in the same
12 judicial district".

13 4. Page 2, lines 2 and 3, by striking the words
14 "Juries may be impaneled from the residents of both
15 counties."

RECEIVED FROM THE SENATE

H-5710 FILED APRIL 3, 1992

Concurred 4/7 (p. 1163)

HOUSE FILE 2195

AN ACT

PROVIDING THAT CERTAIN COUNTIES NEED NOT MAINTAIN A COUNTY JAIL OR SPACE FOR THE DISTRICT COURT.

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

Section 1. Section 331.381, subsection 17, Code 1991, is amended to read as follows:

17. a. Furnish a place for the confinement of prisoners as required in section 901.4, and in accordance with chapter 256 or 356A.

b. Notwithstanding paragraph "a", after consulting with and obtaining the approval of the chief judge of the judicial district, the board of a county with a population of less than fifteen thousand according to the 1990 census may enter into an agreement with a contiguous county to share costs and to provide space for the county's prisoners and space for the district court.

Sec. 2. Section 602.1303, Code 1991, is amended by adding the following new unnumbered paragraph:

NEW UNNUMBERED PARAGRAPH. If a county board of supervisors, with the approval of the supreme court, elects not to maintain space for the district court, the county may enter into an agreement with a contiguous county in the same judicial district to share the costs under subsections 1 through 8. For the purposes of this subsection, two counties are contiguous if they share a common boundary, including a corner.

Sec. 3. Section 602.6103, Code 1991, is amended to read as follows:

602.6103 COURT IN CONTINUOUS SESSION.

The district court of each judicial district shall be in continuous session in for all of the several counties comprising the district.

Sec. 4. Section 602.6105, subsection 1, Code 1991, is amended to read as follows:

1. Courts shall be held at the places in each county maintaining space for the district court as designated by the chief judge of the judicial district, except that the determination of actions, special proceedings, and other matters not requiring a jury may be done at some other place in the district with the consent of the parties. For the purposes of this subsection, contiguous counties which have entered into an agreement to share costs pursuant to section 331.381, subsection 17, paragraph "b", shall be considered as one unit for the purpose of conducting all matters except as otherwise provided in this subsection.

ROBERT C. ARNOULD
Speaker of the House

MICHAEL E. GRONSTAL
President of the Senate

I hereby certify that this bill originated in the House and is known as House File 2195, Seventy-fourth General Assembly.

JOSEPH O'HERN
Chief Clerk of the House

Approved *April 28*, 1992

TERRY E. BRANETAN
Governor