

FEB 28 1996
JUDICIARY

HOUSE FILE 2392
BY KREIMAN

Passed House, Date _____ Passed Senate, Date _____
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____
Approved _____

A BILL FOR

1 An Act relating to magistrates' authority to accept guilty pleas
2 in certain cases.

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

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HF 2392

1 Section 1. Section 602.6405, subsection 1, Code 1995, is
2 amended to read as follows:

3 1. Magistrates have jurisdiction of simple misdemeanors,
4 including traffic and ordinance violations, and preliminary
5 hearings, search warrant proceedings, county and municipal
6 infractions, and small claims. Magistrates have jurisdiction
7 to determine the disposition of livestock or another animal,
8 as provided in sections 717.5 and 717B.4, if the magistrate
9 determines the value of the livestock or animal is less than
10 ten thousand dollars. Magistrates have jurisdiction to
11 exercise the powers specified in sections 556F.2 and 556F.12,
12 and to hear complaints or preliminary informations, issue
13 warrants, order arrests, make commitments, and take bail.
14 Magistrates have jurisdiction over violations of section
15 123.49, subsection 2, paragraph "h". Magistrates who are
16 admitted to the practice of law in this state have
17 jurisdiction to accept guilty pleas and pronounce judgment and
18 sentence in cases of violations of section 321.218, first
19 offense operating while intoxicated punishable under section
20 321J.2, subsection 2, paragraph "a", and interference with
21 official acts in violation of section 719.1 which is not a
22 felony, and jurisdiction over all proceedings for the
23 involuntary commitment, treatment, or hospitalization of
24 individuals under chapters 125 and 229, except as otherwise
25 provided under section 229.6A; nonlawyer magistrates have
26 jurisdiction over emergency detention and hospitalization
27 proceedings under sections 125.91 and 229.22. Magistrates
28 have jurisdiction to conduct hearings authorized under section
29 809.4 and section 809.10, subsection 2.

30 A magistrate shall refer all cases involving violations of
31 section 321.218, first offense operating while intoxicated,
32 and misdemeanor interference with official acts in which the
33 plea accepted is not guilty to the district court for trial.

34 Sec. 2. Section 907.3, unnumbered paragraph 1, Code
35 Supplement 1995, is amended to read as follows:

1 Pursuant to section 901.5, the ~~trial~~ court may, upon a plea
2 of guilty, a verdict of guilty, or a special verdict upon
3 which a judgment of conviction may be rendered, exercise any
4 of the options contained in this section. However, this
5 section does not apply to a forcible felony.

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EXPLANATION

7 This bill provides that lawyer magistrates may accept pleas
8 in cases involving driving while revoked or disqualified
9 (section 321.218), first offense operating while intoxicated
10 (section 321J.2), and interference with official acts (section
11 719.1) which are not punishable as felonies. In the case of a
12 guilty plea, the magistrate could pronounce judgment and
13 sentence. In the case of a plea of not guilty, the magistrate
14 would refer the case to the district court for trial.

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