

SENATE FILE 2413
BY COMMITTEE ON JUDICIARY

(SUCCESSOR TO SSB 2246)

Passed Senate, Date ^(P.712) 3-11-96 Passed House, Date ^(P.1551) 4/11/96
Vote: Ayes 49 Nays 0 Vote: Ayes 94 Nays 0
Approved 4/23/96

A BILL FOR

1 An Act relating to judicial administration, including the
2 definition of a judicial officer, the administrative authority
3 of certain judges within a district, and the retirement age of
4 an associate juvenile judge and associate probate judge.

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

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S.F. 2413

1 Section 1. Section 4.1, subsection 12, Code Supplement
2 1995, is amended to read as follows:

3 12. "Judicial officer" means a supreme court justice, a
4 judge of the court of appeals, a district judge, a district
5 associate judge, an associate juvenile judge, an associate
6 probate judge, or a magistrate. The term also includes a
7 person who is temporarily serving as a justice, judge, or
8 magistrate as permitted by section 602.1612 or 602.9206.

9 Sec. 2. Section 602.1101, subsection 8, Code 1995, is
10 amended to read as follows:

11 8. "Judicial officer" means a supreme court justice, a
12 judge of the court of appeals, a district judge, a district
13 associate judge, an associate juvenile judge, an associate
14 probate judge, or a magistrate. The term also includes a
15 person who is temporarily serving as a justice, judge, or
16 magistrate as permitted by section 602.1612 or 602.9206.

17 Sec. 3. Section 602.1211, subsection 3, Code 1995, is
18 amended to read as follows:

19 3. A chief judge may appoint from among the other ~~district~~
20 judges judicial officers of the district, excluding the
21 magistrates, one or more assistants to serve throughout the
22 judicial district. A chief judge may remove a person from the
23 position of assistant. An assistant shall have administrative
24 duties as specified in court rules or in the order of
25 appointment. An appointment or removal shall be made by
26 judicial order and shall be filed with the clerk of the
27 district court in each county in the judicial district.

28 Sec. 4. Section 602.1213, subsection 1, Code 1995, is
29 amended to read as follows:

30 1. The ~~district-judges~~ judicial officers within a judicial
31 district, excluding the magistrates, may convene as an
32 administrative body as necessary to:

33 a. Prescribe local court procedures, subject to the
34 approval of the supreme court.

35 b. Advise the chief judge respecting supervision and

1 administration of the judicial district.

2 c. Exercise other duties, as established by law or by the
3 supreme court.

4 Sec. 5. Section 602.1610, subsection 1, paragraph c, Code
5 1995, is amended to read as follows:

6 c. The mandatory retirement age is seventy-two years for
7 all district associate judges, associate juvenile judges,
8 associate probate judges, and judicial magistrates. However,
9 the mandatory retirement age does not apply to an associate
10 juvenile judge or associate probate judge who is seventy-two
11 years of age or older on July 1, 1996.

12 Sec. 6. Section 602.6404, subsection 1, Code 1995, is
13 amended to read as follows:

14 1. A magistrate shall be a resident of the county of
15 appointment during the magistrate's term of office. A
16 magistrate shall serve within the judicial district in which
17 appointed, as directed by the chief judge, provided that the
18 chief judge may assign a magistrate to hold court outside of
19 the county of the magistrate's residence ~~only-if-it-is~~
20 ~~necessary~~ for the orderly administration of justice. A
21 magistrate is subject to reassignment under section 602.6108.

22 Sec. 7. Section 633.18, subsection 2, Code 1995, is
23 amended to read as follows:

24 2. ~~The district-judges~~ judicial officers of a judicial
25 district, excluding the magistrates, acting under section
26 602.1213 may prescribe rules for probate actions and
27 proceedings within the district, but these rules must be
28 consistent with this chapter, and are subject to the approval
29 of the supreme court.

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EXPLANATION

31 Sections 1 and 2 of the bill expand the definition of a
32 judicial officer to include an associate juvenile judge and an
33 associate probate judge.

34 Section 3 of the bill authorizes the chief judge of a
35 judicial district to appoint from among the other judicial

1 officers of the judicial district, excluding the magistrates,
2 one or more assistants to serve throughout the judicial
3 district. Existing law requires an assistant of the chief
4 judge to be a district judge. The change in section 3
5 authorizes a district associate judge, an associate juvenile
6 judge, or an associate probate judge of the district to serve
7 as such an assistant.

8 Section 4 of the bill authorizes the judicial officers
9 within a judicial district, excluding the magistrates, to
10 convene as an administrative body to address various judicial
11 matters and duties. Existing law authorizes only district
12 judges to convene as such an administrative body. The change
13 in section 4 authorizes a district associate judge, an
14 associate juvenile judge, or an associate probate judge of the
15 district to convene as a part of such an administrative body.

16 Section 5 of the bill provides that the mandatory
17 retirement age is 72 years of age for all associate juvenile
18 judges and associate probate judges, but does not apply to an
19 associate juvenile judge or associate probate judge who is 72
20 years of age or older on July 1, 1996.

21 Section 6 specifies that a chief judge may assign a
22 magistrate to hold court outside of the county of the
23 magistrate's residence for the orderly administration of
24 justice.

25 Section 7 of the bill authorizes the judicial officers of a
26 judicial district, excluding the magistrates, to prescribe
27 rules for probate actions and proceedings within the district.
28 Existing law authorizes only district judges to prescribe
29 rules for such probate actions and proceedings. The change in
30 section 6 authorizes a district associate judge, an associate
31 juvenile judge, or an associate probate judge of the district
32 to participate in prescribing rules for such probate actions
33 and proceedings.

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Maddox
Giannetto
Vilsack
Neubauer
Redfern

SSB-2246

Judiciary
Succeeded By
SF/HF 2413

SENATE FILE
BY (PROPOSED COMMITTEE ON
JUDICIARY BILL BY
CHAIRPERSON GIANNETTO)

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

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32 administrative body as necessary to:

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35 b. Advise the chief judge respecting supervision and

1 administration of the judicial district.

2 c. Exercise other duties, as established by law or by the
3 supreme court.

4 Sec. 5. Section 602.1610, subsection 1, paragraph c, Code
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8 associate probate judges, and judicial magistrates.

9 Sec. 6. Section 633.18, subsection 2, Code 1995, is
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11 2. The ~~district-judges~~ judicial officers of a judicial
12 district, excluding the magistrates, acting under section
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15 consistent with this chapter, and are subject to the approval
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17 EXPLANATION

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34 judges to convene as such an administrative body. The change
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3 Section 5 of the bill provides that the mandatory
4 retirement age is 72 years of age for all associate juvenile
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6 Section 6 of the bill authorizes the judicial officers of a
7 judicial district, excluding the magistrates, to prescribe
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SENATE FILE 2413

AN ACT

RELATING TO JUDICIAL ADMINISTRATION, INCLUDING THE DEFINITION OF A JUDICIAL OFFICER, THE ADMINISTRATIVE AUTHORITY OF CERTAIN JUDGES WITHIN A DISTRICT, AND THE RETIREMENT AGE OF AN ASSOCIATE JUVENILE JUDGE AND ASSOCIATE PROBATE JUDGE.

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

Section 1. Section 4.1, subsection 12, Code Supplement 1995, is amended to read as follows:

12. "Judicial officer" means a supreme court justice, a judge of the court of appeals, a district judge, a district associate judge, an associate juvenile judge, an associate probate judge, or a magistrate. The term also includes a person who is temporarily serving as a justice, judge, or magistrate as permitted by section 602.1612 or 602.9206.

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Sec. 7. Section 633.18, subsection 2, Code 1995, is amended to read as follows:

2. The district-judges judicial officers of a judicial district, excluding the magistrates, acting under section

602.1213 may prescribe rules for probate actions and proceedings within the district, but these rules must be consistent with this chapter, and are subject to the approval of the supreme court.

LEONARD L. BOSWELL
President of the Senate

RON J. CORBETT
Speaker of the House

I hereby certify that this bill originated in the Senate and is known as Senate File 2413, Seventy-sixth General Assembly.

JOHN F. DWYER
Secretary of the Senate

Approved 4/23, 1996

TERRY E. BRANSTAD
Governor