

Senate Study Bill 68

Conference Committee Text

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1 1 Section 1. Section [236.6](#), subsection 1, Code 1995, is
1 2 amended to read as follows:
1 3 1. When the court is unavailable from the close of
1 4 business at the end of the day or week to the resumption of
1 5 business at the beginning of the day or week, a petition may
1 6 be filed before a district judge

—
— or district associate judge

1 7

~~— designated by the chief judge of the judicial district~~

—, who

1 8 may grant emergency relief in accordance with section 236.5,
1 9 subsection 2 if the district judge or district associate judge
1 10 deems it necessary to protect the plaintiff from domestic
1 11 abuse, upon good cause shown in an ex parte proceeding.
1 12 Present danger of domestic abuse to the plaintiff constitutes
1 13 good cause for purposes of this subsection.

1 14 Sec. 2. Section [602.6306](#), subsection 2, Code 1995, is
1 15 amended to read as follows:

1 16 2. District associate judges also have jurisdiction in
1 17 civil actions for money judgment where the amount in
1 18 controversy does not exceed ten thousand dollars, jurisdiction
1 19 over involuntary commitment, treatment, or hospitalization
1 20 proceedings under chapters 125 and 229, jurisdiction of
1 21 indictable misdemeanors, and felony violations of section
1 22 321J.2, jurisdiction to enter a temporary or emergency order
1 23 of protection under chapter 236, and to make court
1 24 appointments and set hearings in criminal matters,
1 25 jurisdiction to enter orders in probate which do not require
1 26 notice and hearing and to set hearings in actions under
1 27 chapter 633, and the jurisdiction provided in section 602.7101
1 28 when designated as a judge of the juvenile court. While
1 29 presiding in these subject matters a district associate judge
1 30 shall employ district judges' practice and procedure.

1 31 Sec. 3. Section [602.9204](#), subsection 1, Code 1995, is
1 32 amended to read as follows:

1 33 1. A senior judge or a retired senior judge shall not be
1 34 paid a salary. A senior judge or retired senior judge shall
1 35 be paid an annuity under the judicial retirement system in the
2 1 manner provided in section 602.9109, but computed under this
2 2 section in lieu of section 602.9107, as follows: The annuity
2 3 paid to a senior judge or retired senior judge shall be an
2 4 amount equal to three percent of the basic senior judge
2 5 salary, multiplied by the judge's years of service prior to
2 6 retirement as a judge of one or more of the courts included
2 7 under this article, for which contributions were made to the
2 8 system, except the annuity of the senior judge or retired
2 9 senior judge shall not exceed fifty percent of the basic
2 10 senior judge salary used in calculating the annuity or fifty
2 11 percent of the basic annual salary which the judge is
2 12 receiving at the time the judge becomes separated from
2 13 service, whichever is greater. However, following the twelve-
2 14 month period during which the senior judge or retired senior
2 15 judge attains seventy-eight years of age, the annuity paid to

2 16 the person shall be an amount equal to three percent of the
2 17 basic senior judge salary cap, multiplied by the judge's years
2 18 of service prior to retirement as a judge of one or more of
2 19 the courts included under this article, for which
2 20 contributions were made to the system, except that the annuity
2 21 shall not exceed fifty percent of the basic senior judge
2 22 salary cap. A senior judge or retired senior judge shall not
2 23 receive benefits calculated using a basic senior judge salary
2 24 established after the twelve-month period in which the senior
2 25 judge or retired senior judge attains seventy-eight years of
2 26 age. In addition, if a senior judge is under sixty-five years
2 27 of age at the time the judge becomes a senior judge, the state
2 28 shall pay the state's share of the senior judge's medical
2 29 insurance premium until the judge attains age sixty-five.

2 30 Sec. 4. Section [910.2](#), Code 1995, is amended to read as
2 31 follows:

2 32 910.2 RESTITUTION OR COMMUNITY SERVICE TO BE ORDERED BY
2 33 SENTENCING COURT.

2 34 In all criminal cases

~~including but not limited to~~

- except

2 35 restitution to victims for simple misdemeanors under chapter
3 1 321, in which there is a plea of guilty, verdict of guilty, or
3 2 special verdict upon which a judgment of conviction is
3 3 rendered, the sentencing court shall order that restitution be
3 4 made by each offender to the victims of the offender's
3 5 criminal activities, to the clerk of court for fines,
3 6 penalties, surcharges, and, to the extent that the offender is
3 7 reasonably able to pay, for crime victim assistance
3 8 reimbursement, court costs, court-appointed attorney's fees,
3 9 or the expense of a public defender when applicable. However,
3 10 victims shall be paid in full before fines, penalties, and
3 11 surcharges, crime victim compensation program reimbursement,
3 12 court costs, court-appointed attorney's fees, or the expenses
3 13 of a public defender are paid. In structuring a plan of
3 14 restitution, the court shall provide for payments in the
3 15 following order of priority: victim, fines, penalties, and
3 16 surcharges, crime victim compensation program reimbursement,
3 17 court costs, and court-appointed attorney's fees, or the
3 18 expense of a public defender. When the offender is not
3 19 reasonably able to pay all or a part of the crime victim
3 20 compensation program reimbursement, court costs, court-
3 21 appointed attorney's fees, or the expense of a public
3 22 defender, the court may require the offender in lieu of that
3 23 portion of the crime victim compensation program
3 24 reimbursement, court costs, court-appointed attorney's fees,
3 25 or expense of a public defender for which the offender is not
3 26 reasonably able to pay, to perform a needed public service for
3 27 a governmental agency or for a private, nonprofit agency which
3 28 provides a service to the youth, elderly, or poor of the
3 29 community. When community service is ordered, the court shall
3 30 set a specific number of hours of service to be performed by
3 31 the offender. The judicial district department of
3 32 correctional services shall provide for the assignment of the
3 33 offender to a public agency or private nonprofit agency to
3 34 perform the required service.

3 35 Sec. 5. EFFECTIVE AND RETROACTIVE APPLICABILITY DATES.

4 1 Section 3 of this Act, being deemed of immediate importance,
4 2 takes effect upon enactment and applies retroactively to July
4 3 1, 1994.

4 4 EXPLANATION

4 5 This bill provides that district associate judges may enter
4 6 temporary protection orders in domestic abuse cases and
4 7 eliminates the requirement that district associate judges be
4 8 designated as authorized to enter emergency protection orders
4 9 by the chief judge of the judicial district. The bill also

