

FEB 20 1998

JUDICIARY

HOUSE FILE

**2393**

BY MORELAND

Passed House, Date \_\_\_\_\_ Passed Senate, Date \_\_\_\_\_  
 Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_ Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_  
 Approved \_\_\_\_\_

**A BILL FOR**

1 An Act relating to the expansion of the jurisdiction of  
 2 magistrates to include taking guilty pleas from persons  
 3 charged with driving without a valid driver's license.

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

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**HF 2393**

1 Section 1. Section 602.6405, subsection 1, Code 1997, 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 of serious misdemeanor violations of sections 321.218 and  
8 321A.32 where the defendant pleads guilty. Magistrates have  
9 jurisdiction to determine the disposition of livestock or  
10 another animal, as provided in sections 717.5 and 717B.4, if  
11 the magistrate determines the value of the livestock or animal  
12 is less than ten thousand dollars. Magistrates have  
13 jurisdiction to exercise the powers specified in sections  
14 556F.2 and 556F.12, and to hear complaints or preliminary  
15 informations, issue warrants, order arrests, make commitments,  
16 and take bail. Magistrates have jurisdiction over violations  
17 of section 123.49, subsection 2, paragraph "h". Magistrates  
18 who are admitted to the practice of law in this state have  
19 jurisdiction over all proceedings for the involuntary  
20 commitment, treatment, or hospitalization of individuals under  
21 chapters 125 and 229, except as otherwise provided under  
22 section 229.6A; nonlawyer magistrates have jurisdiction over  
23 emergency detention and hospitalization proceedings under  
24 sections 125.91 and 229.22. Magistrates have jurisdiction to  
25 conduct hearings authorized under section 809.4.

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#### EXPLANATION

27 Current law provides that district associate judges and  
28 district judges have jurisdiction over driving-without-a-  
29 valid-license offenses under Code sections 321.218 and  
30 321A.32.

31 This bill expands the jurisdiction of magistrates for the  
32 limited purpose of taking a guilty plea from a person who  
33 decides to plead guilty to the offense of driving without a  
34 valid license. Magistrates are not given jurisdiction to  
35 conduct a trial or find a person guilty under Code sections

1 321.218 and 321A.32.

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