

3-4-97 Approved

REPRINTED

FILED MAR 4 1997

SENATE FILE 281
BY COMMITTEE ON JUDICIARY

(SUCCESSOR TO SSB 116)

Passed Senate, Date 3/25/97 (p. 785) Passed House, Date 4-10-97 (P. 1148)
Vote: Ayes 46 Nays 0 Vote: Ayes 70 Nays 28
Approved May 7, 1997

A BILL FOR

1 An Act relating to judicial administration.
2 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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S.F. 281

1 Section 1. Section 602.5203, Code 1997, is amended to read
2 as follows:

3 602.5203 LAW CLERKS.

4 The court of appeals may employ ~~not more than six~~ attorneys
5 or graduates of a reputable law school to act as legal
6 assistants to the court.

7 Sec. 2. Section 602.6301, Code 1997, is amended to read as
8 follows:

9 602.6301 NUMBER AND APPORTIONMENT OF DISTRICT ASSOCIATE
10 JUDGES.

11 There shall be one district associate judge in counties
12 having a population, ~~according to the most recent federal~~
13 ~~decennial census~~, of more than thirty-five thousand and less
14 than eighty thousand; two in counties having a population of
15 eighty thousand or more and less than one hundred twenty-five
16 thousand; three in counties having a population of one hundred
17 twenty-five thousand or more and less than two hundred
18 thousand; four in counties having a population of two hundred
19 thousand or more and less than two hundred thirty-five
20 thousand; five in counties having a population of two hundred
21 thirty-five thousand or more and less than two hundred seventy
22 thousand; six in counties having a population of two hundred
23 seventy thousand or more and less than three hundred five
24 thousand; and seven in counties having a population of three
25 hundred five thousand or more. However, a county shall not
26 lose a district associate judgeship solely because of a
27 reduction in the county's population. If the formula provided
28 in this section results in the allocation of an additional
29 district associate judgeship to a county, implementation of
30 the allocation shall be subject to prior approval of the
31 supreme court and availability of funds to the judicial
32 department. A district associate judge appointed pursuant to
33 section 602.6302 or 602.6303 shall not be counted for purposes
34 of this section.

35 Sec. 3. Section 602.8107, subsection 5, unnumbered

1 paragraph 1, Code 1997, is amended to read as follows:

2 If a county attorney does not file the notice and list of
3 cases required in section 331.756, subsection 5, the judicial
4 department may assign obligations cases to the centralized
5 collection unit of the department of revenue and finance or
6 its designee to collect delinquent debts owed to the clerk of
7 the district court.

8 Sec. 4. Section 692A.5, Code 1997, is amended by adding
9 the following new subsection:

10 NEW SUBSECTION. 4. The court may order an appropriate law
11 enforcement agency or the county attorney to assist the court
12 in performing the requirements of subsection 1.

13 Sec. 5. Section 907.4, Code 1997, is amended to read as
14 follows:

15 907.4 DEFERRED JUDGMENT DOCKET.

16 A deferment of judgment under section 907.3 shall be
17 reported promptly by the clerk of the district court, or the
18 clerk's designee, to the state court administrator ~~who shall~~
19 maintain for entry in the deferred judgment docket. The
20 docket shall contain a permanent record of the deferred
21 judgment including the name and date of birth of the
22 defendant, the district court docket number, the nature of the
23 offense, and the date of the deferred judgment. Before
24 granting deferred judgment in any case, the court shall
25 request of the state court administrator a search of the
26 deferred judgment docket and shall consider any prior record
27 of a deferred judgment against the defendant. The permanent
28 record provided for in this section is a confidential record
29 exempted from public access under section 22.7 and shall be
30 available only to justices of the supreme court, judges of the
31 court of appeals, district judges, district associate judges,
32 judicial magistrates, clerks of the district court, and county
33 attorneys requesting information pursuant to this section, or
34 the designee of a justice, judge, magistrate, clerk, or county
35 attorney.

EXPLANATION

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The bill makes changes concerning the operation of the judicial department.

The bill eliminates the limitation on the number of attorneys the court of appeals may employ as legal assistants to the court.

The bill eliminates the requirement that the most recent federal decennial census be used to determine the population of a county when determining the county's eligibility for district associate judges.

The bill eliminates the requirement that a debt owed the clerk of the district court must be delinquent before the judicial department may assign the debt to the department of revenue and finance for collection.

The bill provides that the court can order a law enforcement agency or county attorney to assist the court in registering a person who is required to register with the sex offender registry.

The bill also provides that the state court administrator shall enter deferred judgments in a deferred judgment docket and that the information in the docket shall be available to clerks of the district court.

SENATE FILE 281
FISCAL NOTE

A fiscal note for Senate File 281 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.

Senate File 281 makes several changes concerning the operation of the Judicial Department. The Bill eliminates the limitation on the number of attorneys the Court of Appeals may employ to act as legal assistants to the Court, eliminates the requirement that the most recent federal decennial census be used to determine the population of a county when determining the county's eligibility for district associate judges, eliminates the requirement that a debt owed the Clerk of the District Court must be delinquent before the Judicial Department may assign the debt to the Department of Revenue and Finance for collection, provides that the Court can order a law enforcement agency or county attorney to assist the Court in registering persons to the sex offender registry, and provides that the State Court Administrator shall enter deferred judgments in a deferred judgement docket that shall be available to clerks of the district court.

ASSUMPTIONS

1. The Judicial Department's FY 1998 budget request and the Justice Appropriations Subcommittee Bill include funding for additional law clerks (2.00 FTE positions) for the Court of Appeals.
2. Warren County would be eligible for one additional judgeship prior to the 2000 census.
3. Allowing the Department of Revenue and Finance to collect court fines and fees prior to becoming delinquent would have a positive impact on the amount collected. Any increase in court fines and fees cannot be determined.
4. Most law enforcement agencies and county attorneys are currently assisting the Judicial Department requiring the sex offender registry.
5. The Judicial Department is currently developing computer software associated with deferred judgement information with funding included in the FY 1997 budget.

FISCAL IMPACT

The fiscal impact of Senate File 281 is as follows:

1. Section I - The Supreme Court's FY 1998 budget request and the FY 1998 Justice Appropriations Subcommittee Bill (LSB 1763JA) includes \$84,272 for 2.00 FTE attorney positions for the Court of Appeals.
2. Section II - Warren County would be entitled to an additional judge in FY 1998. The estimated cost for the judgeship is approximately \$160,000 (salary, benefits, support). Dallas County would not be eligible in FY 1998, but would likely meet the guidelines by the year 2000.
3. Section III - The Department of Revenue and Finance would be allowed to

-2-

collect certain fines and fees owed to the Court prior to the amount actually becoming delinquent. This provision would have a positive impact on court fines and fees collected, however, the actual impact of the increase is unknown.

4. Section IV - Most law enforcement agencies and county attorneys already assist the Court with providing the information required. This section would have no significant fiscal impact.
5. Section V - This provision would allow the Judicial Branch to transfer deferred judgement information from the clerk's offices to the State Court Administrator's Office and provide deferred judgment information to appropriate officials by electronic means. The Judicial Department has funding included in the FY 1997 budget and is currently developing the computer software for this program as part of the Appellate Case Management Program. There would be no additional cost associated with this provision.

SOURCE

Judicial Department

(LSB 1330SV, TCF)

FILED MARCH 25, 1997

BY DENNIS PROUTY, FISCAL DIRECTOR

SENATE FILE 281

S-3114

- 1 Amend Senate File 281 as follows: .
2 1. Page 1, by inserting after line 34 the
3 following:
4 "Sec. ____ . Section 602.8103, subsection 4,
5 paragraph i, Code 1997, is amended to read as follows:
6 i. Court files, as provided by rules prescribed by
7 the supreme court, ten years after final disposition
8 in civil cases, or ten years after expiration of all
9 sentences in criminal cases. For purposes of this
10 paragraph, "purging" means the removal and destruction
11 of documents in the court file which have no legal,
12 administrative, or historical value. Purging shall be
13 done without reproduction of the removed documents.
14 For purposes of this paragraph, "civil cases" does not
15 include ~~divorce, dissolution-of-marriage, child~~
16 ~~support, or paternity cases, or~~ juvenile, mental
17 health, probate, or adoption proceedings."
18 2. By renumbering as necessary.

By MARY NEUHAUSER
DONALD B. REDFERN

S-3114 FILED MARCH 5, 1997

Adopted 3/25/97 (p. 785)

SENATE FILE 281

S-3221

- 1 Amend Senate File 281 as follows:
2 1. By striking page 1, line 35, through page 2,
3 line 7.
4 2. By renumbering as necessary.

By DONALD B. REDFERN

S-3221 FILED MARCH 25, 1997

ADOPTED *(p. 785)*

HOUSE AMENDMENT TO
SENATE FILE 281

S-3677

- 1 Amend Senate File 281, as amended, passed, and
2 reprinted by the Senate, as follows:
3 1. Page 1, by striking lines 7 through 34.
4 2. Page 2, by inserting after line 12 the
5 following:
6 "Sec. ____ . Section 602.8107, subsection 5,
7 unnumbered paragraph 1, Code 1997, is amended to read
8 as follows:
9 If a county attorney does not file the notice and
10 list of cases required in section 331.756, subsection
11 5, the judicial department may assign obligations
12 cases to the centralized collection unit of the
13 department of revenue and finance or its designee to
14 collect delinquent debts owed to the clerk of the
15 district court."
16 3. By renumbering as necessary.

RECEIVED FROM THE HOUSE

S-3677 FILED APRIL 22, 1997

*Senate concurred 4/23/97
(p. 1402)*

H-3126197 Judiciary
H. 4/10/97 Unfinished
Dobson Calender

SENATE FILE 281
BY COMMITTEE ON JUDICIARY

(SUCCESSOR TO SSB 116)

(AS AMENDED AND PASSED BY THE SENATE MARCH 25, 1997)

~~_____~~ - New Language by the Senate
* - Language Stricken by the Senate

Re-Passed Senate, Date 4/23/97 (p.1402) Passed House, Date 4/22/97 (p.1404)
Vote: Ayes 47 Nays 0 Vote: Ayes 99 Nays 0
Approved May 7, 1997

A BILL FOR

1 An Act relating to judicial administration.
2 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
3

SENATE FILE 281

H-1559

1 Amend Senate File 281, as amended, passed, and
2 reprinted by the Senate, as follows:
3 1. Page 1, by striking lines 7 through 34.
4 2. Page 2, by inserting after line 12 the
5 following:
6 "Sec. ____ . Section 602.8107, subsection 5,
7 unnumbered paragraph 1, Code 1997, is amended to read
8 as follows:
9 If a county attorney does not file the notice and
10 list of cases required in section 331.756, subsection
11 5, the judicial department may assign obligations
12 cases to the centralized collection unit of the
13 department of revenue and finance or its designee to
14 collect delinquent debts owed to the clerk of the
15 district court."
16 3. By renumbering as necessary.

By COMMITTEE ON JUDICIARY
LAMBERTI of Polk, Chairperson

H-1559 FILED APRIL 7, 1997

Adapted 4/22/97 (p.1402)

S.F. 281

1 Section 1. Section 602.5203, Code 1997, is amended to read
2 as follows:

3 602.5203 LAW CLERKS.

4 The court of appeals may employ ~~not-more-than-six~~ attorneys
5 or graduates of a reputable law school to act as legal
6 assistants to the court.

7 Sec. 2. Section 602.6301, Code 1997, is amended to read as
8 follows:

9 602.6301 NUMBER AND APPORTIONMENT OF DISTRICT ASSOCIATE
10 JUDGES.

11 There shall be one district associate judge in counties
12 having a population~~7-according-to-the-most-recent-federal~~
13 ~~decennial-census~~₇ of more than thirty-five thousand and less
14 than eighty thousand; two in counties having a population of
15 eighty thousand or more and less than one hundred twenty-five
16 thousand; three in counties having a population of one hundred
17 twenty-five thousand or more and less than two hundred
18 thousand; four in counties having a population of two hundred
19 thousand or more and less than two hundred thirty-five
20 thousand; five in counties having a population of two hundred
21 thirty-five thousand or more and less than two hundred seventy
22 thousand; six in counties having a population of two hundred
23 seventy thousand or more and less than three hundred five
24 thousand; and seven in counties having a population of three
25 hundred five thousand or more. However, a county shall not
26 lose a district associate judgeship solely because of a
27 reduction in the county's population. If the formula provided
28 in this section results in the allocation of an additional
29 district associate judgeship to a county, implementation of
30 the allocation shall be subject to prior approval of the
31 supreme court and availability of funds to the judicial
32 department. A district associate judge appointed pursuant to
33 section 602.6302 or 602.6303 shall not be counted for purposes
34 of this section.

35 Sec. 3. Section 602.8103, subsection 4, paragraph i, Code

1 1997, is amended to read as follows:

2 i. Court files, as provided by rules prescribed by the
3 supreme court, ten years after final disposition in civil
4 cases, or ten years after expiration of all sentences in
5 criminal cases. For purposes of this paragraph, "purging"
6 means the removal and destruction of documents in the court
7 file which have no legal, administrative, or historical value.
8 Purging shall be done without reproduction of the removed
9 documents. For purposes of this paragraph, "civil cases" does
10 not include divorce, dissolution of marriage, child support,
11 or paternity cases, or juvenile, mental health, probate, or
12 adoption proceedings.

* 13 Sec. 4. Section 692A.5, Code 1997, is amended by adding
14 the following new subsection:

15 NEW SUBSECTION. 4. The court may order an appropriate law
16 enforcement agency or the county attorney to assist the court
17 in performing the requirements of subsection 1.

18 Sec. 5. Section 907.4, Code 1997, is amended to read as
19 follows:

20 907.4 DEFERRED JUDGMENT DOCKET.

21 A deferment of judgment under section 907.3 shall be
22 reported promptly by the clerk of the district court, or the
23 clerk's designee, to the state court administrator who shall
24 maintain for entry in the deferred judgment docket. The
25 docket shall contain a permanent record of the deferred
26 judgment including the name and date of birth of the
27 defendant, the district court docket number, the nature of the
28 offense, and the date of the deferred judgment. Before
29 granting deferred judgment in any case, the court shall
30 request of the state court administrator a search of the
31 deferred judgment docket and shall consider any prior record
32 of a deferred judgment against the defendant. The permanent
33 record provided for in this section is a confidential record
34 exempted from public access under section 22.7 and shall be
35 available only to justices of the supreme court, judges of the

1 court of appeals, district judges, district associate judges,
2 judicial magistrates, clerks of the district court, and county
3 attorneys requesting information pursuant to this section, or
4 the designee of a justice, judge, magistrate, clerk, or county
5 attorney.

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Redfern, Chair
Vilsack
Neuhauer

SSB 116
Judiciary

SENATE/HOUSE FILE _____
BY (PROPOSED JUDICIAL DEPARTMENT BILL)

Succeeded By
(SF) HF 281

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

A BILL FOR

1 An Act relating to judicial administration.

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

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5 collection unit of the department of revenue and finance or
6 its designee to collect ~~delinquent~~ debts owed to the clerk of
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17 reported promptly by the clerk of the district court, or the
18 clerk's designee, to the state court administrator ~~who shall~~
19 maintain for entry in the deferred judgment docket. The
20 docket shall contain a permanent record of the deferred
21 judgment including the name and date of birth of the
22 defendant, the district court docket number, the nature of the
23 offense, and the date of the deferred judgment. Before
24 granting deferred judgment in any case, the court shall
25 request of the state court administrator a search of the
26 deferred judgment docket and shall consider any prior record
27 of a deferred judgment against the defendant. The permanent
28 record provided for in this section is a confidential record
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30 available only to justices of the supreme court, judges of the
31 court of appeals, district judges, district associate judges,
32 judicial magistrates, clerks of the district court, and county
33 attorneys requesting information pursuant to this section, or
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EXPLANATION

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The bill makes changes concerning the operation of the judicial department.

The bill eliminates the limitation on the number of attorneys the court of appeals may employ to act as legal assistants to the court.

The bill eliminates the requirement that the most recent federal decennial census be used to determine the population of a county when determining the county's eligibility for district associate judges.

The bill eliminates the requirement that a debt owed the clerk of the district court must be delinquent before the judicial department may assign the debt to the department of revenue and finance for collection.

The bill provides that the court can order a law enforcement agency or county attorney to assist the court in registering a person who is required to register with the sex offender registry.

The bill also provides that the state court administrator shall enter deferred judgments in a deferred judgment docket and that the information in the docket shall be available to clerks of the district court.



SSB 116

STATE COURT ADMINISTRATOR

WILLIAM J. O'BRIEN
State Court Administrator

STATE CAPITOL
DES MOINES, IOWA 50319

MEMORANDUM

TO: MEMBERS OF THE GENERAL ASSEMBLY

FROM: IOWA JUDICIAL BRANCH

DATE: JANUARY 31, 1997

RE: LSB NO. 1330DP

This bill makes five (5) changes concerning the operation of the Judicial Branch.

In spite of the fact that the Iowa Court of Appeals continues to decide more cases annually, its backlog continues to grow. One potential solution to the problem is to expand the number of judges on the court. However, a more cost effective method is to increase its support staff. Presently, the Court of Appeals is limited by statute to six (6) law clerks. Section 1 of this bill would eliminate that restriction and allow the court to employ additional legal assistants. With this additional assistance, the court will be able to produce more opinions and orders. A request for two additional legal assistants was included in the FY 1998 budget request submitted by the Judicial Branch.

Section 2 of the bill deals with the population formula for determining district associate judgeships found in Iowa Code section 602.6301. Currently, this section requires use of the most recent decennial census to determine the population of a county when determining the county's eligibility for district associate judges. This can delay making adjustments to the district associate judge formula from a few years to nearly ten years. By eliminating the requirement to rely on the most recent decennial census, the district associate judgeship formula could be adjusted more frequently if current population figures justify the change and if, as the statute already requires, the judgeship is approved by the supreme court and funded by the legislature.

In an effort to increase collection of unpaid fines, fees, costs and victim restitution, by the Judicial Branch uses, among a number of different techniques, by the Centralized Collection Unit (CCU) established in by the Department of Revenue and Finance. Under current statute, by the Judicial Branch may pass only "delinquent" debt to by the CCU. "Delinquent" debt system is defined statutorily as that debt more than six (6) months old. Section 3 of by the bill merely allows that this debt may be sent to by the CCU whenever it becomes due, regardless of its age

Section 692A.5 requires by the court to facilitate registration of a certain defendants required to register with by the sex offender registry maintained by the department of public safety. Among other things, by the court must obtain fingerprints and a photograph of by the defendant. Courts have neither by the appropriate resources or expertise to carry out these functions. Law enforcement agencies routinely collect this type of information. However, some judges have reported that local law enforcement agencies have refused to help with this because by the statute states that this responsibility belongs to by the court. Section 4 of by the bill will allow by the court to order a law enforcement agency or county attorney to assist by the court with registration for by the sex offender registry.

Section 5 of by the bill deals with by the deferred judgment docket established under Section 907.4. Under this section, by the state court administrator is to maintain a deferred judgment docket for judges to check before granting an individual a deferred judgment. By the current system is quite cumbersome. By the clerk of by the district court must send a hard copy each order granting a deferred judgment to by the state court administrator who in turn sees that by the order is entered into by the deferred docket. Whenever a judge wishes to check to see if an individual they are considering for a deferred judgment has previously received one, they must send in a request for a search of by the deferred judgment docket. By the state court administrator's office must then respond in writing. With by the completion of by the Iowa Court Information System in all 99 counties, technology will be in place so that clerks of by the district court can transmit by the appropriate information to by the state court administrator's deferred judgment docket electronically. Additionally, judges would have by the ability to have by the clerk search by the docket without requiring assistance from by the state court administrator's office.

For further information, contact David Boyd, 281-5241.

SENATE FILE 281

AN ACT

RELATING TO JUDICIAL ADMINISTRATION.

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

Section 1. Section 602.5203, Code 1997, is amended to read as follows:

602.5203 LAW CLERKS.

The court of appeals may employ not more than six attorneys or graduates of a reputable law school to act as legal assistants to the court.

Sec. 2. Section 602.8103, subsection 4, paragraph 1, Code 1997, is amended to read as follows:

i. Court files, as provided by rules prescribed by the supreme court, ten years after final disposition in civil cases, or ten years after expiration of all sentences in criminal cases. For purposes of this paragraph, "purging" means the removal and destruction of documents in the court file which have no legal, administrative, or historical value. Purging shall be done without reproduction of the removed documents. For purposes of this paragraph, "civil cases" does

not include divorce, dissolution-of-marriage, child-support, or paternity cases, or juvenile, mental health, probate, or adoption proceedings.

Sec. 3. Section 602.8107, subsection 5, unnumbered paragraph 1, Code 1997, is amended to read as follows:

If a county attorney does not file the notice and list of cases required in section 331.756, subsection 5, the judicial department may assign ~~obligations cases~~ to the centralized collection unit of the department of revenue and finance or its designee to collect delinquent debts owed to the clerk of the district court.

Sec. 4. Section 692A.5, Code 1997, is amended by adding the following new subsection:

NEW SUBSECTION. 4. The court may order an appropriate law enforcement agency or the county attorney to assist the court in performing the requirements of subsection 1.

Sec. 5. Section 907.4, Code 1997, is amended to read as follows:

907.4 DEFERRED JUDGMENT DOCKET.

A deferment of judgment under section 907.3 shall be reported promptly by the clerk of the district court, or the clerk's designee, to the state court administrator ~~who shall maintain for entry in the deferred judgment docket.~~ The docket shall contain a permanent record of the deferred judgment including the name and date of birth of the defendant, the district court docket number, the nature of the offense, and the date of the deferred judgment. Before granting deferred judgment in any case, the court shall request of the state court administrator a search of the deferred judgment docket and shall consider any prior record of a deferred judgment against the defendant. The permanent record provided for in this section is a confidential record exempted from public access under section 22.7 and shall be available only to justices of the supreme court, judges of the court of appeals, district judges, district associate judges,