

Senate Study Bill 116

Bill Text

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1 1 Section 1. Section [602.5203](#), Code 1997, is amended to read
1 2 as follows:
1 3 602.5203 LAW CLERKS.
1 4 The court of appeals may employ

~~not more than six~~

~~attorneys~~

1 5 or graduates of a reputable law school to act as legal
1 6 assistants to the court.

1 7 Sec. 2. Section [602.6301](#), Code 1997, is amended to read as
1 8 follows:

1 9 602.6301 NUMBER AND APPORTIONMENT OF DISTRICT ASSOCIATE
1 10 JUDGES.

1 11 There shall be one district associate judge in counties
1 12 having a population

~~, according to the most recent federal~~

1 13

~~decennial census,~~

~~of more than thirty-five thousand and less~~

1 14 than eighty thousand; two in counties having a population of
1 15 eighty thousand or more and less than one hundred twenty-five
1 16 thousand; three in counties having a population of one hundred
1 17 twenty-five thousand or more and less than two hundred
1 18 thousand; four in counties having a population of two hundred
1 19 thousand or more and less than two hundred thirty-five
1 20 thousand; five in counties having a population of two hundred
1 21 thirty-five thousand or more and less than two hundred seventy
1 22 thousand; six in counties having a population of two hundred
1 23 seventy thousand or more and less than three hundred five
1 24 thousand; and seven in counties having a population of three
1 25 hundred five thousand or more. However, a county shall not
1 26 lose a district associate judgeship solely because of a
1 27 reduction in the county's population. If the formula provided
1 28 in this section results in the allocation of an additional
1 29 district associate judgeship to a county, implementation of
1 30 the allocation shall be subject to prior approval of the
1 31 supreme court and availability of funds to the judicial
1 32 department. A district associate judge appointed pursuant to
1 33 section 602.6302 or 602.6303 shall not be counted for purposes
1 34 of this section.

1 35 Sec. 3. Section [602.8107](#), subsection 5, unnumbered
2 1 paragraph 1, Code 1997, is amended to read as follows:

2 2 If a county attorney does not file the notice and list of
2 3 cases required in section 331.756, subsection 5, the judicial
2 4 department may assign

~~obligations~~

~~cases to the centralized~~

2 5 collection unit of the department of revenue and finance or
2 6 its designee to collect

~~delinquent~~

~~debts owed to the clerk of~~

2 7 the district court.
2 8 Sec. 4. Section 692A.5, Code 1997, is amended by adding
2 9 the following new subsection:
2 10 NEW SUBSECTION. 4. The court may order an appropriate law
2 11 enforcement agency or the county attorney to assist the court
2 12 in performing the requirements of subsection 1.
2 13 Sec. 5. Section 907.4, Code 1997, is amended to read as
2 14 follows:
2 15 907.4 DEFERRED JUDGMENT DOCKET.
2 16 A deferment of judgment under section 907.3 shall be
2 17 reported promptly by the clerk of the district court, or the
2 18 clerk's designee, to the state court administrator

~~who shall~~

2 19

~~maintain~~

~~for entry in the deferred judgment docket. The~~
2 20 docket shall contain a permanent record of the deferred
2 21 judgment including the name and date of birth of the
2 22 defendant, the district court docket number, the nature of the
2 23 offense, and the date of the deferred judgment. Before
2 24 granting deferred judgment in any case, the court shall
2 25 request of the state court administrator a search of the
2 26 deferred judgment docket and shall consider any prior record
2 27 of a deferred judgment against the defendant. The permanent
2 28 record provided for in this section is a confidential record
2 29 exempted from public access under section 22.7 and shall be
2 30 available only to justices of the supreme court, judges of the
2 31 court of appeals, district judges, district associate judges,
2 32 judicial magistrates, clerks of the district court, and county
2 33 attorneys requesting information pursuant to this section, or
2 34 the designee of a justice, judge, magistrate, clerk, or county
2 35 attorney.

3 1 EXPLANATION

3 2 The bill makes changes concerning the operation of the
3 3 judicial department.
3 4 The bill eliminates the limitation on the number of
3 5 attorneys the court of appeals may employ to act as legal
3 6 assistants to the court.
3 7 The bill eliminates the requirement that the most recent
3 8 federal decennial census be used to determine the population
3 9 of a county when determining the county's eligibility for
3 10 district associate judges.
3 11 The bill eliminates the requirement that a debt owed the
3 12 clerk of the district court must be delinquent before the
3 13 judicial department may assign the debt to the department of
3 14 revenue and finance for collection.
3 15 The bill provides that the court can order a law
3 16 enforcement agency or county attorney to assist the court in
3 17 registering a person who is required to register with the sex
3 18 offender registry.
3 19 The bill also provides that the state court administrator
3 20 shall enter deferred judgments in a deferred judgment docket
3 21 and that the information in the docket shall be available to
3 22 clerks of the district court.
3 23 LSB 1330DP 77
3 24 ec/sc/14