

Senate Study Bill 2077

Bill Text

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1 1 Section 1. Section [235A.15](#), subsection 2, paragraph d,
1 2 subparagraph (5), Code Supplement 1997, is amended to read as
1 3 follows:

1 4 (5) To a probation or parole officer, juvenile court
1 5 officer, court appointed special advocate as defined in
1 6 section 232.2, or adult correctional officer having custody or
1 7 supervision of, or conducting an investigation for a court or
1 8 the board of parole regarding, a person named in a report as a
1 9 victim of child abuse or as having abused a child.

1 10 Sec. 2. Section [421.17](#), subsection 29, paragraph g, Code
1 11 Supplement 1997, is amended by adding the following new
1 12 unnumbered paragraph:

1 13 NEW UNNUMBERED PARAGRAPH. However, upon submission of an
1 14 allegation of the liability of a person which is owing and
1 15 payable to the clerk of the district court and upon the
1 16 determination by the department that the person allegedly
1 17 liable is entitled to payment from a state agency, the
1 18 department shall send written notification to the person which
1 19 states the assertion by the clerk of the district court of
1 20 rights to all or a portion of the payment, the clerk's
1 21 entitlement to recover the liability through the setoff
1 22 procedure, the basis of the assertions, the person's
1 23 opportunity to request within fifteen days of the mailing of
1 24 the notice that the department divide a jointly or commonly
1 25 owned right to payment between owners, the opportunity to
1 26 contest the liability to the clerk by written application to
1 27 the clerk within fifteen days of the mailing of the notice,
1 28 and the person's opportunity to contest the department's
1 29 setoff procedure.

1 30 Sec. 3. Section [421.17](#), subsection 29, paragraph i, Code
1 31 Supplement 1997, is amended to read as follows:

1 32 i. The department shall, after the state agency has sent
1 33 notice to the person liable or, if the liability is owing and
1 34 payable to the clerk of the district court, the department has
1 35 sent notice to the person liable, set off the amount owed to
2 1 the agency against any amount which a state agency owes that
2 2 person. The department shall refund any balance of the amount
2 3 to the person. The department shall periodically transfer
2 4 amounts set off to the state agencies entitled to them. If a
2 5 person liable to a state agency gives written notice of intent
2 6 to contest an allegation, a state agency shall hold a refund
2 7 or rebate until final disposition of the allegation. Upon
2 8 completion of the setoff, a state agency shall notify in
2 9 writing the person who was liable or, if the liability is
2 10 owing and payable to the clerk of the district court, shall
2 11 comply with the procedures as provided in paragraph "k".

2 12 Sec. 4. Section [421.17](#), subsection 29, Code Supplement
2 13 1997, is amended by adding the following new paragraph:

2 14 NEW PARAGRAPH. k. If the alleged liability is owing and
2 15 payable to the clerk of the district court and setoff as
2 16 provided in this subsection is sought, all of the following
2 17 shall apply:

2 18 (1) The judicial department shall prescribe procedures to
2 19 permit a person to contest the amount of the person's
2 20 liability to the clerk of the district court.

2 21 (2) The department shall, except for the procedures

2 22 described in subparagraph (1), prescribe any other applicable
2 23 procedures concerning setoff as provided in this subsection.
2 24 (3) Upon completion of the setoff, the department shall
2 25 file, at least monthly, with the clerk of the district court a
2 26 notice of satisfaction of each obligation to the full extent
2 27 of all moneys collected in satisfaction of the obligation.
2 28 The clerk shall record the notice and enter a satisfaction for
2 29 the amounts collected and no separate written notice is
2 30 required.

2 31 Sec. 5. Section [602.4304](#), subsection 1, Code 1997, is
2 32 amended to read as follows:

2 33 1. The supreme court may appoint

~~not more than nine~~

2 34 attorneys or graduates of a reputable law school to act as
2 35 legal assistants to the justices of the supreme court.

3 1 Sec. 6. Section [602.6301](#), Code 1997, is amended to read as
3 2 follows:

3 3 602.6301 NUMBER AND APPORTIONMENT OF DISTRICT ASSOCIATE
3 4 JUDGES.

3 5 There shall be one district associate judge in counties
3 6 having a population

~~, according to the most recent federal~~

3 7

~~decennial census,~~

- of more than thirty-five thousand and less

3 8 than eighty thousand; two in counties having a population of
3 9 eighty thousand or more and less than one hundred twenty-five
3 10 thousand; three in counties having a population of one hundred
3 11 twenty-five thousand or more and less than two hundred
3 12 thousand; four in counties having a population of two hundred
3 13 thousand or more and less than two hundred thirty-five
3 14 thousand; five in counties having a population of two hundred
3 15 thirty-five thousand or more and less than two hundred seventy
3 16 thousand; six in counties having a population of two hundred
3 17 seventy thousand or more and less than three hundred five
3 18 thousand; and seven in counties having a population of three
3 19 hundred five thousand or more. However, a county shall not
3 20 lose a district associate judgeship solely because of a
3 21 reduction in the county's population. If the formula provided
3 22 in this section results in the allocation of an additional
3 23 district associate judgeship to a county, implementation of
3 24 the allocation shall be subject to prior approval of the
3 25 supreme court and availability of funds to the judicial
3 26 department. A district associate judge appointed pursuant to
3 27 section 602.6302 or 602.6303 shall not be counted for purposes
3 28 of this section.

3 29 Sec. 7. Section [602.6304](#), Code 1997, is amended by adding
3 30 the following new subsection:

3 31 NEW SUBSECTION. 2A. A district associate judge who seeks
3 32 to resign from the office of district associate judge shall
3 33 notify in writing the chief judge of the judicial district as
3 34 to the district associate judge's intention to resign and the
3 35 effective date of the resignation. The chief judge of the
4 1 judicial district, upon receipt of the notice, shall notify
4 2 the county magistrate appointing commission and the state
4 3 court administrator of the actual or impending vacancy in the
4 4 office of district associate judge due to resignation.

4 5 Sec. 8. Section [602.6403](#), subsection 1, Code 1997, is
4 6 amended to read as follows:

4 7 1.

~~In~~

- By June 1 of each year in which magistrates' terms
4 8 expire, the county magistrate appointing commission shall
4 9 appoint, except as otherwise provided in section 602.6302, the
4 10 number of magistrates apportioned to the county by the state
4 11 court administrator under section 602.6401, and may appoint an
4 12 additional magistrate when allowed by section 602.6402. The
4 13 commission shall not appoint more magistrates than are
4 14 authorized for the county by this article.

4 15 Sec. 9. Section [602.6403](#), Code 1997, is amended by adding
4 16 the following new subsection:

4 17 NEW SUBSECTION. 2A. A magistrate who seeks to resign from
4 18 the office of magistrate shall notify in writing the chief
4 19 judge of the judicial district as to the magistrate's
4 20 intention to resign and the effective date of the resignation.
4 21 The chief judge of the judicial district, upon receipt of the
4 22 notice, shall notify the county magistrate appointing
4 23 commission and the state court administrator of the vacancy in
4 24 the office of magistrate due to resignation.

4 25 Sec. 10. Section [602.8102](#), Code Supplement 1997, is
4 26 amended by adding the following new subsection:

4 27 NEW SUBSECTION. 126A. Upon the failure of a person
4 28 charged to appear in person or by counsel to defend against
4 29 the offense charged pursuant to a uniform citation and
4 30 complaint as provided in section 805.6, enter a conviction and
4 31 render a judgment in the amount of the appearance bond in
4 32 satisfaction of the penalty plus court costs.

4 33 EXPLANATION

4 34 This bill provides that a court appointed special advocate
4 35 is entitled to receive otherwise confidential child abuse
5 1 information.

5 2 The bill also amends the provisions dealing with the
5 3 ability of the judicial department through the clerk of the
5 4 district court to obtain a setoff of any claim owed to a
5 5 person by a state agency in order to satisfy a liability that
5 6 the person owes the clerk of the district court. The bill
5 7 provides that the department of revenue and finance, and not
5 8 the judicial department, shall send notice of a potential
5 9 offset to the person liable, provides for the procedures to
5 10 follow once a setoff is complete, and provides for the
5 11 adoption of applicable procedures governing setoff by the
5 12 judicial department and the department of revenue and finance.

5 13 The bill eliminates the limitation on the number of
5 14 attorneys or law school graduates the supreme court may
5 15 employ to act as legal assistants to the justices of the
5 16 supreme court.

5 17 The bill eliminates the requirement that the most recent
5 18 federal decennial census be used to determine a county's
5 19 eligibility for apportionment of district associate judges.

5 20 The bill provides that a district associate judge or
5 21 magistrate who seeks to resign from that office shall notify
5 22 the chief judge of the applicable judicial district of the
5 23 resignation. The chief judge is then required to forward this
5 24 information to the state court administrator and the
5 25 applicable county magistrate appointing commission.

5 26 The bill also changes the deadline for appointing
5 27 magistrates from any day in June to June 1.

5 28 The bill also provides that the clerk of the district court
5 29 shall enter a conviction and judgment upon the failure of a
5 30 person charged pursuant to a uniform citation and complaint as
5 31 provided in Code section 805.6 to appear in person or through
5 32 an attorney to defend against the offense charged.

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