

Senate Study Bill 3070

Bill Text

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1 1 Section 1. Section [6B.4](#), unnumbered paragraph 2, Code
1 2 Supplement 1999, is amended to read as follows:
1 3 The chief judge of the judicial district shall select by
1 4 lot six persons from the list, two persons who are owner-
1 5 operators of agricultural property when the property to be
1 6 condemned is agricultural property; two persons who are owners
1 7 of city property when the property to be condemned is other
1 8 than agricultural property; and two persons from each of the
1 9 remaining two representative groups, who shall constitute a
1 10 compensation commission to assess the damages to all property
1 11 to be taken by the applicant and located in the county, and
1 12 shall name a chairperson from the persons selected. A person
1 13 shall not be selected as a member of the compensation
1 14 commission if the person possesses any interest in the
1 15 proceeding which would cause the person to render a biased
1 16 decision. The

~~clerk of the district court~~

~~- applicant shall~~

1 17 send, by ordinary mail, a list of those persons selected to
1 18 the

~~applicant and to the~~

~~- owner of the property at the owner's~~

1 19 last known address and shall file proof of the mailing with
1 20 the sheriff. The list shall be provided prior to the mailing,
1 21 by any party, of a notice of assessment under section 6B.8.
1 22 If the

~~clerk of the district court~~

~~- applicant is unable to~~

1 23 locate an address for the owner of the property, the list
1 24 shall be published once in a newspaper of general circulation
1 25 in the county.

~~The applicant shall reimburse the clerk of the~~

~~-~~
1 26

~~district court for the cost of mailing and publication.~~

1 27 Sec. 2. Section [450.24](#), Code 1999, is amended to read as
1 28 follows:

1 29 450.24 APPRAISERS.

1 30 In each county the court shall, on or before January 15 of
1 31

~~each~~

~~- the year an appointment is required, appoint three~~

1 32 competent residents and freeholders of the county to act as
1 33 appraisers of the real property within its jurisdiction which
1 34 is charged or sought to be charged with an inheritance tax.
1 35 The appraisers shall serve for

~~one year~~

~~- four years, and until~~

2 1 their successors are appointed and qualified. They shall each
2 2 take an oath to faithfully and impartially perform the duties
2 3 of the office, but shall not be required to give bond. They
2 4 shall be subject to removal at any time at the discretion of
2 5 the court. The court may also in its discretion, either
2 6 before or after the appointment of the regular appraisers,
2 7 appoint other appraisers to act in any given case. Vacancies
2 8 occurring otherwise than by expiration of term shall be filled
2 9 by appointment of the court. A person interested in any
2 10 manner in the estate to be appraised shall not serve as an
2 11 appraiser of that estate.

2 12 Sec. 3. Section [624.20](#), Code 1999, is amended to read as
2 13 follows:

2 14 624.20 SATISFACTION OF JUDGMENT.

2 15 Where a judgment is set aside or satisfied by execution or
2 16 otherwise, the clerk shall at once enter a memorandum thereof
2 17 on the column left for that purpose in the judgment docket.

2 18 However, the clerk may enter satisfaction of judgment if the
2 19 amount of the judgment that is unsatisfied is one dollar or
2 20 less.

2 21 Sec. 4. Section [804.21](#), subsection 6, Code 1999, is
2 22 amended to read as follows:

2 23 6. This section does not prevent the release of the
2 24 arrested person pending initial appearance upon the furnishing
2 25 of bail in the amount endorsed on the warrant. The initial
2 26 appearance of a person so released shall be scheduled for a
2 27 time not more than

~~ten~~

- thirty days after the date of release.

2 28 Sec. 5. Section [811.6](#), subsection 1, Code 1999, is amended
2 29 to read as follows:

2 30 1. A defendant released pursuant to this chapter shall
2 31 appear at arraignment, trial, judgment, or such other
2 32 proceedings where the defendant's appearance is required. If
2 33 the defendant fails to appear at the time and place when the
2 34 defendant's personal appearance is lawfully required, or to
2 35 surrender in execution of the judgment, the court must direct
3 1 an entry of the failure to be made of record, and the
3 2 undertaking of the defendant's bail, or the money deposited,
3 3 is thereupon forfeited. As a part of the entry, except as
3 4 provided in R.Cr.P. 53, the court shall direct the

~~sheriff~~

3 5 clerk of the district court of the county to give ten days'
3 6 notice in writing to the defendant and the defendant's
3 7 sureties to appear and show cause, if any, why judgment should
3 8 not be entered for the amount of bail. If such appearance is
3 9 not made, judgment shall be entered by the court. If
3 10 appearance is made, the court shall set the case down for
3 11 immediate hearing as an ordinary action.

3 12 Sec. 6. Section [910.9](#), Code 1999, is amended to read as
3 13 follows:

3 14 910.9 COLLECTION OF PAYMENTS PAYMENT BY CLERK OF COURT.

3 15 An offender making restitution pursuant to a restitution
3 16 plan of payment shall make the payment monthly to the clerk of
3 17 court of the county from which the offender was sentenced,
3 18 unless the restitution plan of payment provides otherwise. If
3 19 the restitution plan authorizes payment to an entity other
3 20 than the clerk of court, that entity shall regularly file a
3 21 partial or full satisfaction of judgment with the clerk of
3 22 court concerning amounts collected by that entity.

3 23 The clerk of court shall maintain a record of all receipts
3 24 and disbursements of restitution payments and shall disburse
3 25 all moneys received to the victims designated in the plan of
3 26 restitution. If there is more than one victim, disbursements

3 27 to the victims shall be on the basis of the victim's
3 28 percentage of the total owed by the offender to all victims,
3 29 except that the clerk of court may decide the allocation of
3 30 payments owed to a victim of

~~twenty~~

- twenty-five dollars or

3 31 less.

3 32 Fines, penalties, and surcharges, crime victim compensation
3 33 program reimbursement, public agency restitution, court costs
3 34 including correctional fees claimed by a sheriff pursuant to
3 35 section 356.7, court-appointed attorney's fees, and expenses
4 1 for public defenders, shall not be withheld by the clerk of
4 2 court until all victims have been paid in full. Payments to
4 3 victims shall be made by the clerk of court at least
4 4 quarterly. Payments by a clerk of court shall be made no
4 5 later than the last business day of the quarter, but may be
4 6 made more often at the discretion of the clerk of court. The
4 7 clerk of court receiving final payment from an offender

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- shall

4 8 notify all victims that full restitution has been made

~~, and a~~

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4 9

~~copy of the notice shall be sent to the sentencing court~~

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4 10 Each office or individual charged with supervising an offender
4 11 who is required to perform community service as full or
4 12 partial restitution shall keep records to assure compliance
4 13 with the portions of the plan of restitution and restitution
4 14 plan of payment relating to community service and, when the
4 15 offender has complied fully with the community service
4 16 requirement, notify the sentencing court.

4 17 EXPLANATION

4 18 This bill makes several changes governing the duties and
4 19 responsibilities of clerks of the district court.

4 20 Code section 6B.4 is amended to require the applicant for
4 21 condemnation of property rather than the clerk of court to
4 22 mail the list of condemnation commissioners to the owner of
4 23 the property and to require the applicant to file proof of the
4 24 mailing with the sheriff.

4 25 Code section 450.24 is amended to increase the term of
4 26 office for inheritance real estate appraisers from one to four
4 27 years.

4 28 Code section 624.20 is amended to permit a clerk of court
4 29 to enter satisfaction of judgment if the judgment remaining is
4 30 \$1 or less.

4 31 Code section 804.21 is amended to extend the time for an
4 32 initial appearance from 10 days to 30 days after arrest and
4 33 subsequent release on bail.

4 34 Code section 811.6 is amended to require the clerk, rather
4 35 than the sheriff, to provide 10 days' notice to the defendant
5 1 and the defendant's sureties of entry of judgment for
5 2 forfeited bail.

5 3 Code section 910.9 is amended concerning the collection of
5 4 restitution payments. The bill provides that if an entity
5 5 other than the clerk is authorized to receive payments, that
5 6 entity shall regularly notify the clerk about the receipt of
5 7 such payments. In addition, the Code section is amended to
5 8 permit the clerk to allocate payments among multiple victims
5 9 at its discretion, instead of pursuant to a set percentage of
5 10 the total owed to each victim, when the payment to a victim
5 11 would be \$25 or less. The Code section is also amended to

5 12 eliminate the requirement that the sentencing court be
5 13 notified when full restitution has been made.
5 14 LSB 5345DP 78
5 15 ec/gg/8.1