

Senate Study Bill 3126

Bill Text

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1 1 Section 1. Section 46.12, unnumbered paragraph 1, Code
1 2 2001, is amended to read as follows:
1 3 When a vacancy occurs or will occur within one hundred
1 4 twenty days in the supreme court, the court of appeals, or
1 5 district court, the state commissioner of elections shall
1 6 forthwith so notify the chairperson of the proper judicial
1 7 nominating commission, unless the chief justice has ordered
1 8 the state commissioner of elections to delay sending the
1 9 notification. The chief justice may order the delay for up to
1 10 one hundred eighty days for budgetary reasons. The
1 11 chairperson shall call a meeting of the commission within ten
1 12 days after such notice; if the chairperson fails to do so, the
1 13 chief justice shall call such meeting.
1 14 Sec. 2. Section 46.14, Code 2001, is amended to read as
1 15 follows:
1 16 46.14 NOMINATION.
1 17 1. Each judicial nominating commission shall carefully
1 18 consider the individuals available for judge, and within sixty
1 19 days after receiving notice of a vacancy shall certify to the
1 20 governor and the chief justice the proper number of nominees,
1 21 in alphabetical order. Such nominees shall be chosen by the
1 22 affirmative vote of a majority of the full statutory number of
1 23 commissioners upon the basis of their qualifications and
1 24 without regard to political affiliation. Nominees shall be
1 25 members of the bar of Iowa, shall be residents of the state or
1 26 district of the court to which they are nominated, and shall
1 27 be of such age that they will be able to serve an initial and
1 28 one regular term of office to which they are nominated before
1 29 reaching the age of seventy-two years. Nominees for district
1 30 judge shall file a certified application form, to be provided
1 31 by the supreme court, with the chairperson of the district
1 32 judicial nominating commission.

~~No person shall be eligible~~

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~~for nomination by a commission as judge during the term for~~

1 34

~~which the person was elected or appointed to that commission.~~

1 35 Absence of a commissioner or vacancy upon the commission shall
2 1 not invalidate a nomination. The chairperson of the
2 2 commission shall promptly certify the names of the nominees,
2 3 in alphabetical order, to the governor and the chief justice.
2 4 2. A commissioner shall not be eligible for nomination by
2 5 the commission during the term for which the commissioner was
2 6 elected or appointed to that commission. A commissioner shall
2 7 not be eligible to vote for the nomination of a family member,
2 8 law partner, or current or former business partner. For
2 9 purposes of this subsection, "family member" means a spouse,
2 10 son, daughter, brother, sister, uncle, aunt, first cousin,
2 11 nephew, niece, father-in-law, mother-in-law, son-in-law,
2 12 daughter-in-law, brother-in-law, sister-in-law, father,

2 13 mother, stepfather, stepmother, stepson, stepdaughter,
2 14 stepbrother, stepsister, half brother, or half sister.
2 15 Sec. 3. Section [125.91](#), subsection 2, unnumbered paragraph
2 16 1, Code 2001, is amended to read as follows:
2 17 A peace officer who has reasonable grounds to believe that
2 18 the circumstances described in subsection 1 are applicable,
2 19 may, without a warrant, take or cause that person to be taken
2 20 to the nearest available facility referred to in section
2 21 125.81, subsection 2 or 3. Such an intoxicated or
2 22 incapacitated person may also be delivered to a facility by
2 23 someone other than a peace officer upon a showing of
2 24 reasonable grounds. Upon delivery of the person to a facility
2 25 under this section, the chief medical officer may order
2 26 treatment of the person, but only to the extent necessary to
2 27 preserve the person's life or to appropriately control the
2 28 person's behavior if the behavior is likely to result in
2 29 physical injury to the person or others if allowed to
2 30 continue. The peace officer or other person who delivered the
2 31 person to the facility shall describe the circumstances of the
2 32 matter to the administrator. If the administrator in
2 33 consultation with the chief medical officer has reasonable
2 34 grounds to believe that the circumstances in subsection 1 are
2 35 applicable, the administrator shall at once communicate with
3 1 the nearest available magistrate as defined in section 801.4,
3 2 subsection 10. The magistrate

~~shall immediately proceed to~~

3 3

~~the facility where the person is detained, except that if the~~

3 4

~~administrator's communication with the magistrate occurs~~

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~~between the hours of midnight and seven a.m. and the~~

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~~magistrate deems it appropriate under the circumstances~~

3 7

~~described by the administrator, the magistrate may delay going~~

3 8

~~to the facility, and in that case,~~

~~shall give the~~

3 9 administrator verbal instructions either directing that the
3 10 person be released forthwith, or authorizing the person's
3 11 continued detention at the facility. In the latter case, the
3 12 magistrate shall:

3 13 Sec. 4. Section [125.91](#), subsection 2, paragraphs a and b,
3 14 Code 2001, are amended by striking the paragraphs and
3 15 inserting in lieu thereof the following:

3 16 a. By the close of business on the next working day, file
3 17 with the clerk a written report stating the substance of the
3 18 communication with the administrator on the basis of which the
3 19 person's continued detention was ordered.

3 20 b. Review the validity of the detention in person or by
3 21 telephone by the end of the next working day, or within
3 22 twenty-four hours, whichever is sooner. The review shall
3 23 include an examination of the medical records of the person

3 24 made available to the magistrate in person or by facsimile.
3 25 Sec. 5. Section 125.91, subsection 2, is amended by adding
3 26 the following new paragraph:
3 27 NEW PARAGRAPH. c. Ensure that the person is provided
3 28 legal counsel at the earliest practicable time in the manner
3 29 prescribed in section 125.78. The magistrate shall arrange
3 30 for counsel to be present and counsel shall be afforded an
3 31 opportunity, if possible, to visit the person before the order
3 32 is issued.
3 33 Sec. 6. Section 125.91, subsection 3, Code 2001, is
3 34 amended to read as follows:
3 35 3.

~~Upon arrival at the facility, the magistrate shall at~~
4 1
~~once review the validity of the detention. Unless convinced~~
4 2
~~upon initial inquiry that there are no grounds for further~~
4 3
~~detention of the person, the magistrate shall ensure that the~~
4 4
~~person has or is provided legal counsel at the earliest~~
4 5
~~practical time in the manner prescribed by section 125.78,~~
4 6
~~subsection 1, and shall arrange for the counsel to be present,~~
4 7
~~if practical, before proceeding further under this subsection.~~
4 8
~~The magistrate shall immediately notify counsel of the~~
4 9
~~respondent's emergency detention. Counsel shall be afforded~~
4 10
~~an opportunity to visit the respondent and to make appropriate~~
4 11
~~preparations before or after the magistrate's order is issued.~~
4 12 If, after review in person or by telephone, the magistrate
4 13 finds,
~~upon review of~~
~~based on~~ the information presented by
4 14 the administrator under subsection 2 and
~~of~~

- on other

4 15 information or evidence the magistrate deems relevant, that
4 16 there is probable cause to believe that the circumstances
4 17 described in subsection 1 are applicable, the magistrate shall
4 18 enter a written order detaining the person at the facility,
4 19 or, if the facility where the person is at the time is not an
4 20 appropriate facility, detaining and transporting the person to
4 21 an appropriate facility. The magistrate's order shall state
4 22 the circumstances under which the person was detained or
4 23 otherwise delivered to a facility, and the grounds supporting
4 24 the finding of probable cause to believe that person is a
4 25 chronic substance abuser likely to physically injure the
4 26 person or others if not detained. The order shall be filed
4 27 with the clerk in the county where it is anticipated that an
4 28 application will be filed under section 125.75, and a
4 29 certified copy of the order shall be delivered to the
4 30 administrator of the facility where the person is detained, at
4 31 the earliest practical time.

4 32 Sec. 7. Section [229.6A](#), subsection 1, Code Supplement
4 33 2001, is amended to read as follows:

4 34 1. Notwithstanding section 229.11, the juvenile court has
4 35

~~exclusive~~

- original jurisdiction in proceedings concerning a
5 1 minor for whom an application for involuntary admission is
5 2 filed under section 229.6 or for whom an application for
5 3 voluntary admission is made under section 229.2, subsection 1,
5 4 to which the minor objects. In proceedings under this chapter
5 5 concerning a minor,

~~notwithstanding section 229.11,~~

- the term
5 6 "court", "judge", or "clerk" means the juvenile court, judge,
5 7 or clerk, except that the term "court" or "judge" may also
5 8 mean "magistrate".

5 9 Sec. 8. Section [229.21](#), subsection 5, Code Supplement
5 10 2001, is amended to read as follows:

5 11 5. The hospitalization or commitment hearing before the
5 12 district judge shall be held,

~~and~~

- the judge's finding shall be
5 13 made within fourteen days of the hearing on appeal, and an
5 14 appropriate order entered, as prescribed by sections 229.12
5 15 and 229.13 or sections 125.82 and 125.83. If the judge orders
5 16 the appellant hospitalized or committed for a complete
5 17 psychiatric or substance abuse evaluation, jurisdiction of the
5 18 matter shall revert to the judicial hospitalization referee.

5 19 Sec. 9. Section [229.22](#), subsection 2, paragraph a, Code
5 20 2001, is amended to read as follows:

5 21 a. By the close of business on the next working day, file
5 22 with the clerk a written report stating the substance of the
5 23 information on the basis of which the person's continued
5 24 detention was ordered

~~; and~~

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5 25 Sec. 10. Section [229.22](#), subsection 2, paragraph b, Code
5 26 2001, is amended by striking the paragraph and inserting in
5 27 lieu thereof the following:

5 28 b. Review the validity of the detention in person or by
5 29 telephone by the end of the next working day, or within
5 30 twenty-four hours, whichever is sooner. The review shall
5 31 include an examination of the medical records of the person
5 32 made available to the magistrate in person or by facsimile.

5 33 Sec. 11. Section 229.22, subsection 2, is amended by

5 34 adding the following new paragraph:

5 35 NEW PARAGRAPH. c. Ensure that the person is provided
6 1 legal counsel at the earliest practicable time in the manner
6 2 prescribed in section 229.8. The magistrate shall arrange for
6 3 counsel to be present and counsel shall be afforded an
6 4 opportunity, if possible, to visit the person before the order
6 5 is issued.

6 6 Sec. 12. Section 229.22, subsection 3, Code 2001, is
6 7 amended to read as follows:

6 8 3.

~~Upon arrival at the hospital, the magistrate shall at~~

~~6 9~~

~~once review the matter. Unless convinced upon initial inquiry~~

~~6 10~~

~~that there are no grounds for further detention of the person,~~

~~6 11~~

~~the magistrate shall in the manner prescribed by section~~

~~6 12~~

~~229.8, subsection 1 insure that the person has or is provided~~

~~6 13~~

~~legal counsel at the earliest practicable time, and shall~~

~~6 14~~

~~arrange for the counsel to be present, if practicable, before~~

~~6 15~~

~~proceeding further under this section.~~

~~If, after the review~~

6 16 in person or by telephone, the magistrate finds

~~upon review of~~

6 17 based on the report prepared by the chief medical officer

6 18 under subsection 2

~~of this section~~

~~, and~~

~~of~~

~~on~~ such other

6 19 information or evidence as the magistrate deems pertinent,
6 20 that there is probable cause to believe that the person is
6 21 seriously mentally impaired and because of that impairment is
6 22 likely to physically injure the person's self or others if not
6 23 detained, the magistrate shall enter a written order for the
6 24 person to be detained in custody and, if the facility where
6 25 the person is at that time is not an appropriate hospital,
6 26 transported to an appropriate hospital. The magistrate's
6 27 order shall state the circumstances under which the person was
6 28 taken into custody or otherwise brought to a hospital and the
6 29 grounds supporting the finding of probable cause to believe
6 30 that the person is seriously mentally impaired and likely to
6 31 physically injure the person's self or others if not
6 32 immediately detained. The order shall be filed with the clerk

6 33 of the district court in the county where it is anticipated
6 34 that an application will be filed under section 229.6, and a
6 35 certified copy of the order shall be delivered to the chief
7 1 medical officer of the hospital where the person is detained,
7 2 at the earliest practicable time.

7 3 Sec. 13. Section [232.35](#), subsection 1, Code 2001, is
7 4 amended to read as follows:

7 5 1. A formal judicial proceeding to determine whether a
7 6 child has committed a delinquent act shall be initiated by the
7 7 filing by the county attorney of a petition alleging that a
7 8 child has committed a delinquent act. After a petition has
7 9 been filed, service of a summons requiring the child to appear
7 10 before the court or service of a notice shall be as provided
7 11 in section 232.37.

7 12 Sec. 14. Section [232.37](#), subsection 4, Code 2001, is
7 13 amended to read as follows:

7 14 4. Service of summons or notice shall be made personally
7 15 by the sheriff by

~~the delivery of~~

- delivering a copy of the

7 16 summons or notice to the person being served. If the court
7 17 determines that personal service of a summons or notice is
7 18 impracticable, the court may order service by certified mail
7 19 addressed to the last known address. Service of summons or
7 20 notice shall be made not less than five days before the time
7 21 fixed for hearing. Service of summons, notice, subpoenas or
7 22 other process, after an initial valid summons or notice, shall
7 23 be made in accordance with the rules of the court governing
7 24 such service in civil actions.

7 25 Sec. 15. Section [232.183](#), subsection 7, Code Supplement
7 26 2001, is amended by striking the subsection.

7 27 Sec. 16. Section [236.3](#), unnumbered paragraph 2, Code
7 28 Supplement 2001, is amended to read as follows:

7 29 The filing fee and court costs for an order for protection
7 30 and in a contempt action under this chapter shall be waived
7 31 for the plaintiff. The clerk of court, the sheriff of any
7 32 county in this state, and other law enforcement and
7 33 corrections officers shall perform their duties relating to
7 34 service of process without charge to the petitioner. When an
7 35 order for protection is entered by the court, the court may
8 1 direct the defendant to pay to the clerk of court the
8 2 plaintiff's filing fees and reasonable costs of service of
8 3 process if the court determines the defendant has the ability
8 4 to pay the plaintiff's fees and costs.

8 5 Sec. 17. Section [237.20](#), unnumbered paragraph 1, Code
8 6 2001, is amended to read as follows:

8 7 A local board shall, except in delinquency cases, do the
8 8 following:

8 9 Sec. 18. Section [255.1](#), unnumbered paragraph 1, Code
8 10 Supplement 2001, is amended to read as follows:

8 11 Any adult resident of the state may file a complaint in the
8 12 office of the

~~clerk of any juvenile court,~~

- county general

8 13 assistance director charging that any legal resident of Iowa
8 14 residing in the county where the complaint is filed is
8 15 pregnant or is suffering from some malady or deformity that
8 16 can probably be improved or cured or advantageously treated by
8 17 medical or surgical treatment or hospital care, and that
8 18 neither such person nor persons legally chargeable with the
8 19 person's support are able to pay therefor.

8 20 Sec. 19. Section [255.4](#), Code 2001, is amended to read as
8 21 follows:

8 22 255.4 EXAMINATION BY PHYSICIAN.

8 23 Upon the filing of such complaint, the

~~clerk shall number~~

-
8 24

~~and index the same and~~

- county general assistance director

8 25 shall appoint a competent physician and surgeon, living in the
8 26 vicinity of the patient, who shall personally examine the
8 27 patient with respect to said pregnancy, malady, or deformity.
8 28 The

~~clerk~~

- director may, after the expiration of five years
8 29 from the filing of a complaint, destroy

~~it~~

- the complaint and

8 30 all papers or records in connection

~~therewith~~

- with the

8 31 complaint.

8 32 Sec. 20. Section [255.5](#), Code 2001, is amended to read as
8 33 follows:

8 34 255.5 REPORT BY PHYSICIAN.

8 35 Such physician shall make a report in duplicate on blanks
9 1 furnished as

~~hereinafter~~

- provided in this chapter, answering
9 2 the questions contained

~~therein~~

- in the blanks and setting

9 3 forth the information required

~~thereby~~

-, giving such history of

9 4 the case as will be likely to aid the medical or surgical
9 5 treatment or hospital care of such patient, describing the
9 6 pregnancy, deformity, or malady in detail, and stating whether
9 7 or not in the physician's opinion the same can probably be
9 8 improved or cured or advantageously treated, which report
9 9 shall be filed in the office of the

~~clerk within such time as~~

-
9 10

~~the clerk may fix~~

- county general assistance director.

9 11 Sec. 21. Section [255.6](#), Code 2001, is amended to read as
9 12 follows:

9 13 255.6 INVESTIGATION AND REPORT.

9 14 When a complaint is filed

~~, the clerk of juvenile court~~

- in

9 15 the office of the county general assistance director, the
9 16 director shall furnish the county attorney and board of
9 17 supervisors with a copy and the board shall, by the general
9 18 assistance director or other agent it selects, make a thorough
9 19 investigation of facts as to the legal residence of the
9 20 patient, and the ability of the patient or others chargeable
9 21 with the patient's support to pay the expense of treatment and
9 22 care; and shall file a report of the investigation

~~in~~
- with the
9 23

~~office of the clerk~~
- board of supervisors, at or before the
9 24 time of hearing.
9 25 Sec. 22. Section [255.8](#), Code 2001, is amended to read as
9 26 follows:
9 27 255.8

~~HEARING ORDER EMERGENCY CASES CANCELLATION~~

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9 28

~~OF COMMITMENTS~~

- DETERMINATION BY BOARD OF SUPERVISORS.

9 29

~~The county attorney and the general assistance director, or~~

-
9 30

~~other agent of the board of supervisors of the county, shall~~

-
9 31

~~appear at the hearing. The complainant, the county attorney,~~

-
9 32

~~the general assistance director or other agent of the board of~~

-
9 33

~~supervisors, and the patient, or any person representing the~~

-
9 34

~~patient, may introduce evidence and be heard.~~

- If the

~~court~~

-
9 35 board of supervisors finds that the patient is a legal
10 1 resident of Iowa and is pregnant or is suffering from a malady
10 2 or deformity which can probably be improved or cured or
10 3 advantageously treated by medical or surgical treatment or
10 4 hospital care, and that neither the patient nor any person
10 5 legally chargeable with the patient's support is able to pay
10 6 the expenses,

~~then~~

- the

~~clerk of court~~

- county general

10 7 assistance director, except in obstetrical cases and
10 8 orthopedic cases, shall immediately ascertain from the
10 9 admitting physician at the university hospital whether the
10 10 person can be received as a patient within a period of thirty
10 11 days, and if the patient can be received, the

~~court, or in the~~

-
10 12

~~event of no actual contest, the clerk of the court,~~

~~- board~~

10 13 shall

~~enter an order directing~~

~~- direct~~ that the patient be sent

10 14 to the university hospital for proper medical and surgical
10 15 treatment and hospital care. If the

~~court ascertain~~

~~- board~~

10 16 ascertains, except in obstetrical cases and orthopedic cases,
10 17 that a person of the age or sex of the patient, or afflicted
10 18 by the complaint, disease, or deformity with which the person
10 19 is afflicted, cannot be received as a patient at the
10 20 university hospital within the period of thirty days,

~~then the~~

~~-~~

10 21

~~court or the clerk shall enter an order directing~~

~~- the board of~~

10 22 supervisors

~~of~~

~~- shall direct~~ the county to provide adequate

10 23 treatment at county expense for the patient at home or in a
10 24 hospital. Obstetrical cases and orthopedic cases may be
10 25 committed to the university hospital without regard to the
10 26 limiting period of thirty days.

10 27 In any case of emergency the

~~court or the clerk~~

~~- board of~~

10 28 supervisors without previous inquiry may at its discretion
10 29 order the patient to be immediately taken to and accepted by
10 30 the university hospital for the necessary care as provided in
10 31 section 255.11, but if such a patient cannot be immediately
10 32 accepted at the university hospital as ascertained by
10 33 telephone if necessary,

~~the court or the clerk may enter an~~

~~-~~

10 34

~~order as in certain cases above set forth directing~~

~~- the board~~

10 35 of supervisors shall direct the county to provide adequate
11 1 treatment at county expense for the

~~said~~

~~- patient at home or in~~

11 2 a hospital.

11 3 Sec. 23. Section [255.13](#), Code 2001, is amended to read as
11 4 follows:

11 5 255.13 ATTENDANT PHYSICIAN COMPENSATION.

11 6 If the physician appointed to examine the patient shall

11 7 certify that an attendant to accompany the patient to the

~~said~~

~~-~~

11 8 hospital is necessary, and the university hospital attendant
11 9 and ambulance service is not available,

~~then the court or~~

11 10

~~judge or clerk of the court~~

~~the county assistance director~~ may

11 11 appoint an attendant who shall receive not exceeding two
11 12 dollars per day for the time thus necessarily employed and
11 13 actual necessary traveling expenses by the most feasible route
11 14 to

~~said~~

~~the~~ hospital whether by ambulance, train or

11 15 automobile; but if such appointee is a relative of the patient
11 16 or a member of the patient's immediate family, or receives a
11 17 salary or other compensation from the public for the
11 18 appointee's services, no such per diem compensation shall be
11 19 paid. The physician appointed

~~by the court or clerk~~

~~to make~~

11 20 the examination and report shall receive

~~therefor~~

~~three~~

11 21 dollars for each examination and report so made and the
11 22 physician's actual necessary expenses incurred in making such
11 23 examination, but if

~~said~~

~~the~~ physician receives a salary or

11 24 other compensation from the public for the physician's full-
11 25 time services,

~~then~~

~~no such examination fee shall be paid.~~

11 26 The actual, necessary expenses of transporting and caring for
11 27 the patient shall be paid as

~~hereinafter~~

~~provided in this~~

11 28 chapter.

11 29 Sec. 24. Section [255.14](#), Code 2001, is amended to read as
11 30 follows:

11 31 255.14 PAYMENT OF EXPENSES

~~HOW PAID~~

11 32 An itemized, verified statement of all charges provided for
11 33 in sections 255.8 and 255.13, in cases where the patient is
11 34 admitted or accepted for treatment at the university hospital
11 35 shall be filed with the superintendent of the university
12 1 hospital, and upon the superintendent's recommendation when
12 2 approved by the

~~judge or clerk of the court under whose order~~

12 3

~~the same were incurred~~

~~board of supervisors~~, they shall be

12 4 charged on the regular bill for the maintenance,
12 5 transportation and treatment of the patient, and be audited
12 6 and paid in the manner as

~~hereinafter~~

~~provided in this~~

12 7 chapter.

12 8 Sec. 25. Section [321.20B](#), subsection 4, paragraph b,
12 9 subparagraph (1), unnumbered paragraph 1, Code Supplement
12 10 2001, is amended to read as follows:

12 11 An owner or driver who produces to the

~~clerk of court~~

-
12 12 county attorney, within thirty days of the issuance of the
12 13 citation under paragraph "a", or prior to the date of the
12 14 individual's court appearance as indicated on the citation,
12 15 whichever is earlier, proof that financial liability coverage
12 16 was in effect for the motor vehicle at the time the person was
12 17 stopped and cited, or, if the driver is not the owner of the
12 18 motor vehicle, proof that liability coverage was in effect for
12 19 the driver with respect to the motor vehicle being driven at
12 20 the time the driver was stopped and cited, in the same manner
12 21 as if the motor vehicle were owned by the driver, shall be
12 22 given a receipt indicating that such proof was provided and be
12 23 subject to one of the following:

12 24 Sec. 26. Section [321.20B](#), subsection 4, paragraph b,
12 25 subparagraph (1), subparagraph subdivision (b), Code
12 26 Supplement 2001, is amended to read as follows:

12 27 (b) If the person was cited pursuant to paragraph "a",
12 28 subparagraph (4), the owner or driver, after the owner
12 29 provides proof of financial liability coverage to the

~~clerk of~~

-
12 30

~~court~~

- county attorney, may claim the motor vehicle after such
12 31 person pays any applicable fine and the costs of towing and
12 32 storage for the motor vehicle, and the owner or driver
12 33 provides a copy of the receipt and the owner pays to the
12 34 county treasurer of the county in which the motor vehicle is
12 35 registered a fifteen dollar administrative fee, and the county
13 1 treasurer shall issue new license plates and registration to
13 2 the person.

13 3 Sec. 27. Section [321.20B](#), subsection 4, paragraph c, Code
13 4 Supplement 2001, is amended to read as follows:

13 5 c. An owner or driver cited for a violation of subsection
13 6 1, who produces to the

~~clerk of court~~

- county attorney within
13 7 thirty days of the issuance of the citation proof that
13 8 financial liability coverage was in effect for the motor
13 9 vehicle at the time the person was stopped and cited, shall
13 10 not be convicted of such violation and the citation issued
13 11 shall be dismissed.

13 12 Sec. 28. Section [321.20B](#), subsection 5, paragraph b, Code
13 13 Supplement 2001, is amended to read as follows:

13 14 b. Issue a citation. An owner or driver who produces to
13 15 the

~~clerk of court~~

- county attorney within thirty days of the
13 16 issuance of the citation, or prior to the date of the
13 17 individual's court appearance as indicated on the citation,
13 18 whichever is earlier, proof that the financial liability
13 19 coverage was in effect for the motor vehicle at the time the
13 20 person was stopped and cited, or if the driver is not the
13 21 owner of the motor vehicle, proof that liability coverage was
13 22 in effect for the driver with respect to the motor vehicle
13 23 being driven at the time the driver was stopped and cited in
13 24 the same manner as if the motor vehicle were owned by the

13 25 driver, shall be given a receipt indicating that proof was
13 26 provided, and the citation issued shall be dismissed.

13 27 Sec. 29. Section [321.484](#), unnumbered paragraph 2, Code
13 28 2001, is amended to read as follows:

13 29 The owner of a vehicle shall not be held responsible for a
13 30 violation of a provision regulating the stopping, standing, or
13 31 parking of a vehicle, whether the provision is contained in
13 32 this chapter, or chapter 321L, or an ordinance or other
13 33 regulation or rule, if the owner establishes that at the time
13 34 of the violation the vehicle was in the custody of an
13 35 identified person other than the owner pursuant to a lease as
14 1 defined in chapter 321F or pursuant to a rental agreement as
14 2 defined in section 516D.3. The furnishing to the

~~clerk of the~~

14 3

~~district court~~

~~county attorney~~ where the charge is pending of

14 4 a copy of the lease prescribed by section 321F.6 or rental
14 5 agreement that was in effect for the vehicle at the time of
14 6 the alleged violation shall be prima facie evidence that the
14 7 vehicle was in the custody of an identified person other than
14 8 the owner within the meaning of this paragraph, and the charge
14 9 against the owner shall be dismissed. The

~~clerk of the~~

14 10

~~district court~~

~~county attorney~~ then shall cause a uniform

14 11 citation and complaint to be issued against the lessee or
14 12 renter of the vehicle, and the citation shall be served upon
14 13 the defendant by ordinary mail directed to the defendant at
14 14 the address shown in the lease or rental agreement.

14 15 Sec. 30. Section [331.653](#), Code Supplement 2001, is amended
14 16 by adding the following new subsection:

14 17 NEW SUBSECTION. 24A. Carry out duties related to service
14 18 of a summons, notice, or subpoena pursuant to sections 232.35,
14 19 232.37, and 232.88.

14 20 Sec. 31. Section [331.653](#), Code Supplement 2001, is amended
14 21 by adding the following new subsection:

14 22 NEW SUBSECTION. 33A. Receive and dispose of property or
14 23 money found on a deceased person pursuant to section 331.804.

14 24 Sec. 32. Section [331.804](#), subsection 2, Code 2001, is
14 25 amended to read as follows:

14 26 2. If no one is entitled by law to the property or money
14 27 found on a deceased person, the property shall be deposited
14 28 with the

~~clerk of the district court who~~

~~county sheriff who~~

14 29 shall dispose of it as provided by law.

14 30 Sec. 33. Section [598.21](#), Code Supplement 2001, is amended
14 31 by adding the following new subsection:

14 32 NEW SUBSECTION. 10A. If the court modifies an order, and
14 33 the original decree was entered in another county in Iowa, the
14 34 clerk of court shall send a copy of the modification by
14 35 regular mail to the clerk where the original decree was
15 1 entered. The costs of mailing the modification shall be taxed
15 2 as court costs.

15 3 Sec. 34. Section [602.1215](#), subsection 1, Code 2001, is
15 4 amended to read as follows:

15 5 1.

~~The district judges of each judicial election district~~

15 6

~~shall by majority vote appoint persons to serve as clerks of~~

15 7

~~the district court, one for each county within the judicial~~

15 8

~~election district. A person does not qualify for appointment~~

15 9

~~to the office of clerk of the district court unless the person~~

15 10

~~is at the time of application a resident of the state.~~

~~The~~

15 11 chief judge of the district court shall appoint the clerks of

15 12 district court, and may remove a clerk of the district court

15 13 for cause. Within three months of appointment

~~the~~

~~a clerk of~~

15 14 the district court must establish residence and physically

15 15 reside in the

~~county~~

~~state.~~

~~A clerk of the district court may~~

15 16

~~be removed from office for cause by a majority vote of the~~

15 17

~~district judges of the judicial election district. Before~~

15 18

~~removal, the clerk of the district court shall be notified of~~

15 19

~~the cause for removal.~~

15 20 Sec. 35. Section [602.1217](#), subsection 1, Code 2001, is

15 21 amended to read as follows:

15 22 1. The

~~district judges within a judicial district, by~~

15 23

~~majority vote,~~

~~chief judge of the judicial district shall~~

15 24 appoint a chief juvenile court officer and may remove the

15 25 officer for cause.

15 26 Sec. 36. Section [602.1501](#), subsection 4, Code 2001, is

15 27 amended to read as follows:

15 28 4. District associate judges shall receive the salary set

15 29 by the general assembly.

~~However, an alternate district~~

15 30

~~associate judge whose appointment is authorized under section~~

15 31

~~602.6303 shall receive a salary for each day of actual duty~~

15 32

~~equal to a district associate judge's daily salary.~~

15 33 Sec. 37. Section [602.1604](#), Code 2001, is amended to read
15 34 as follows:

15 35 602.1604 JUDGES SHALL NOT PRACTICE LAW.

16 1 While holding office, a supreme court justice, court of
16 2 appeals judge, district judge, or district associate judge
16 3 shall not practice as an attorney or counselor or give advice
16 4 in relation to any action pending or about to be brought in
16 5 any of the courts of the state.

~~A person whose appointment as~~

16 6

~~an alternate district associate judge is authorized under~~

16 7

~~section 602.6303 may practice law except when actually serving~~

16 8

~~as a district associate judge.~~

16 9 Sec. 38. Section [602.1611](#), subsection 2, Code 2001, is
16 10 amended by striking the subsection.

16 11 Sec. 39. Section [602.6111](#), subsection 1, Code 2001, is
16 12 amended to read as follows:

16 13 1. Each petition or complaint, answer, appearance, first
16 14 motion, or any document filed with the clerk of the district
16 15 court which brings new parties into an action shall bear a
16 16 personal identification number. The personal identification
16 17 number shall be the employer identification number of the
16 18 party or if the

~~social security number of each separate~~

~~party~~

16 19 does not have an employer identification number, the personal
16 20 identification number shall be a nine-digit number assigned by
16 21 the clerk. The clerk shall also assign a personal
16 22 identification number to attorneys making such filings on
16 23 behalf of a client in court. In addition, each party that has
16 24 a social security number shall provide the clerk with the
16 25 number and the party's date of birth. The social security
16 26 number shall be provided on a confidential form and shall be
16 27 kept confidential in accordance with rules prescribed by the
16 28 supreme court.

~~If an individual party's driver's license~~

16 29

~~lists a distinguishing number other than the party's social~~

16 30

~~security number, the document filed with the clerk of the~~

16 31

~~district court shall also contain the distinguishing number~~

16 32

~~from the party's driver's license.~~

16 33 Sec. 40. Section [602.6301](#), Code 2001, is amended to read
16 34 as follows:

16 35 602.6301 NUMBER AND APPORTIONMENT OF DISTRICT ASSOCIATE
17 1 JUDGES.

17 2 There shall be one district associate judge in counties
17 3 having a population of more than thirty-five thousand and less
17 4 than eighty thousand; two in counties having a population of
17 5 eighty thousand or more and less than one hundred twenty-five
17 6 thousand; three in counties having a population of one hundred
17 7 twenty-five thousand or more and less than two hundred
17 8 thousand; four in counties having a population of two hundred
17 9 thousand or more and less than two hundred thirty-five
17 10 thousand; five in counties having a population of two hundred
17 11 thirty-five thousand or more and less than two hundred seventy
17 12 thousand; six in counties having a population of two hundred
17 13 seventy thousand or more and less than three hundred five
17 14 thousand; and seven in counties having a population of three
17 15 hundred five thousand or more. However, a county shall not
17 16 lose a district associate judgeship solely because of a
17 17 reduction in the county's population. If the formula provided
17 18 in this section results in the allocation of an additional
17 19 district associate judgeship to a county, implementation of
17 20 the allocation shall be subject to prior approval of the
17 21 supreme court and availability of funds to the judicial
17 22 branch. A district associate judge appointed pursuant to
17 23 section 602.6302

~~or 602.6303~~

~~shall not be counted for purposes~~
17 24 of this section.

17 25 Sec. 41. Section [602.6304](#), subsection 1, Code 2001, is
17 26 amended to read as follows:

17 27 1. The district associate judges authorized by sections
17 28 602.6301

~~and~~ 602.6302

~~, and 602.6303~~

~~shall be appointed by the~~

17 29 district judges of the judicial election district from persons
17 30 nominated by the county magistrate appointing commission. In
17 31 the case of a district associate judge to be appointed to more
17 32 than one county, the appointment shall be from persons
17 33 nominated by the county magistrate appointing commissions
17 34 acting jointly and in the case of a district associate judge
17 35 to be appointed to more than one judicial election district of
18 1 the same judicial district, the appointment shall be by a
18 2 majority of the district judges in each judicial election
18 3 district.

18 4 Sec. 42. Section [602.6304](#), subsection 5, Code 2001, is
18 5 amended to read as follows:

18 6 5. A district associate judge who seeks to resign from the

18 7 office of district associate judge shall notify in writing the
18 8 chief judge of the judicial district as to the district
18 9 associate judge's intention to resign and the effective date
18 10 of the resignation. The chief judge of the judicial district,
18 11 upon receipt of the notice, shall notify the county magistrate
18 12 appointing commission and the state court administrator of the
18 13 actual or impending vacancy in the office of district
18 14 associate judge due to resignation, unless the chief justice
18 15 has ordered the chief judge to delay sending the notice of a
18 16 vacancy in the office of district associate judge. The chief
18 17 justice may order the delay for up to one hundred eighty days
18 18 for budgetary reasons.

18 19 Sec. 43. Section [602.6403](#), subsection 9, Code 2001, is
18 20 amended to read as follows:

18 21 9. A magistrate who seeks to resign from the office of
18 22 magistrate shall notify in writing the chief judge of the
18 23 judicial district as to the magistrate's intention to resign
18 24 and the effective date of the resignation. The chief judge of
18 25 the judicial district, upon receipt of the notice, shall
18 26 notify the county magistrate appointing commission and the
18 27 state court administrator of the vacancy in the office of
18 28 magistrate due to resignation, unless the chief justice has
18 29 ordered the chief judge to delay sending the notice of a
18 30 vacancy in the office of magistrate. The chief justice may
18 31 order the delay for up to one hundred eighty days for
18 32 budgetary reasons.

18 33 Sec. 44. Section [602.6405](#), subsection 1, Code 2001, is
18 34 amended to read as follows:

18 35 1. Magistrates have jurisdiction of simple misdemeanors,
19 1 including traffic and ordinance violations, and preliminary
19 2 hearings, search warrant proceedings, county and municipal
19 3 infractions, and small claims. Magistrates have jurisdiction
19 4 to determine the disposition of livestock or another animal,
19 5 as provided in sections 717.5 and 717B.4, if the magistrate
19 6 determines the value of the livestock or animal is less than
19 7 ten thousand dollars. Magistrates have jurisdiction to
19 8 exercise the powers specified in sections 556F.2 and 556F.12,
19 9 and to hear complaints or preliminary informations, issue
19 10 warrants, order arrests, make commitments, and take bail.
19 11 Magistrates have jurisdiction over violations of section
19 12 123.49, subsection 2, paragraph "h". Magistrates

~~who are~~

~~-~~
19 13

~~admitted to the practice of law in this state~~

~~-~~
19 14

19 14 jurisdiction over all proceedings for the involuntary
19 15 commitment, treatment, or hospitalization of individuals under
19 16 chapters 125 and 229,

~~except as otherwise provided under~~

~~-~~
19 17

~~section 229.6A; nonlawyer magistrates have jurisdiction~~

~~-~~
19 18

19 18 over emergency

~~detention and hospitalization proceedings under~~

~~-~~
19 19

~~sections 125.91 and 229.22~~

~~-~~
19 20

19 20 Magistrates have jurisdiction to conduct hearings authorized

19 21 under section 809.4.

19 22 Sec. 45. Section [602.8102](#), subsection 11, Code Supplement
19 23 2001, is amended to read as follows:

19 24 11. Refund amounts less than

~~one dollar~~

- three dollars only

19 25 upon written application.

19 26 Sec. 46. Section [602.8106](#), subsection 1, paragraphs b, c,
19 27 d, and e, Code 2001, are amended to read as follows:

19 28 b. For filing and docketing of a complaint or information
19 29 for a simple misdemeanor and a complaint or information for a
19 30 nonscheduled simple misdemeanor under chapter 321,

~~twenty five~~

19 31 twenty dollars.

19 32 c. For filing and docketing a complaint or information or
19 33 uniform citation and complaint for parking violations under
19 34 sections 321.236, 321.239, 321.358, 321.360, and 321.361,

~~one~~

19 35

~~dollar~~

- eight dollars, effective January 1,

~~1991~~

- 2003. The

20 1 court costs in cases of parking meter and overtime parking
20 2 violations which are denied, and charged and collected
20 3 pursuant to section 321.236, subsection 1, or pursuant to a
20 4 uniform citation and complaint, are eight dollars per
20 5 information or complaint or per uniform citation and complaint
20 6 effective January 1, 1991.

20 7 d. The court costs in scheduled violation cases where a
20 8 court appearance is required,

~~are twenty five~~

- twenty dollars.

20 9 e. For court costs in scheduled violation cases where a
20 10 court appearance is not required,

~~fifteen~~

- twenty dollars.

20 11 Sec. 47. Section [602.8108](#), subsection 5, Code Supplement
20 12 2001, is amended to read as follows:

20 13 5. A court technology and modernization fund is
20 14 established as a separate fund in the state treasury. The
20 15 state court administrator shall allocate one million dollars
20 16 of the moneys received under subsection 2 to be deposited in
20 17 the fund, which shall be administered by the supreme court and
20 18 shall be used

~~as follows:~~

20 19

~~a. Eighty percent shall be used~~

- to enhance the ability of

20 20 the judicial branch to process cases more quickly and
20 21 efficiently, to electronically transmit information to state
20 22 government, local governments, law enforcement agencies, and
20 23 the public, and to improve public access to the court system.

20 24

~~Moneys in this paragraph shall not be used for the Iowa court~~

20 25

~~information system.~~

20 26

~~b. Twenty percent shall be used in equal amounts to~~

20 27

~~facilitate alternative dispute resolution and methods to~~

20 28

~~resolve domestic abuse cases, which may include personnel for~~

20 29

~~hearings under section 236.4.~~

20 30 Sec. 48. Section [624.20](#), Code 2001, is amended to read as
20 31 follows:

20 32 624.20 SATISFACTION OF JUDGMENT.

20 33 Where a judgment is set aside or satisfied by execution or
20 34 otherwise, the clerk shall at once enter a memorandum thereof
20 35 on the column left for that purpose in the judgment docket.

21 1 However, the clerk may enter satisfaction of judgment if the
21 2 amount of the judgment that is unsatisfied is

~~one dollar~~

~~three~~

21 3 dollars or less.

21 4 Sec. 49. Section [631.5](#), subsection 6, Code 2001, is
21 5 amended to read as follows:

21 6 6. DEFAULT. If a defendant fails to appear and the clerk
21 7 in accordance with subsection 4 determines that proper notice
21 8 has been given, judgment shall be rendered against the
21 9 defendant by the clerk if the relief is readily ascertainable.
21 10 If the relief is not readily ascertainable the claim shall be
21 11 assigned to a judicial magistrate for determination

~~and the~~

21 12

~~clerk shall immediately notify the plaintiff or the~~

21 13

~~plaintiff's attorney and the judicial magistrate of such~~

21 14

~~assignment by ordinary mail~~

21 15 Sec. 50. Section [631.6](#), subsection 1, paragraph c, Code
21 16 2001, is amended to read as follows:

21 17 c. Postage charged for the mailing of original notice
21 18 shall be

~~the actual costs of the postage~~

~~seven dollars.~~

21 19 Sec. 51. Section [633.20B](#), subsection 3, Code 2001, is
21 20 amended to read as follows:

21 21 3. Within thirty days after a county magistrate appointing

21 22 commission receives notification of an actual or impending
21 23 vacancy in the office of full-time associate probate judge,
21 24 other than a vacancy referred to in subsection 2, the
21 25 commission shall certify to the chief judge of the judicial
21 26 district the names of three applicants who are nominated by
21 27 the commission for the vacancy. The commission shall
21 28 publicize notice of the vacancy in at least two publications
21 29 in the official county newspaper. The commission shall accept
21 30 applications for consideration for nomination as full-time
21 31 associate probate judge for a minimum of fifteen days prior to
21 32 certifying nominations. The commission shall consider the
21 33 applications and shall, by majority vote, certify to the chief
21 34 judge of the judicial district the names of three applicants
21 35 who are nominated by the commission for the vacancy. If there
22 1 are three or fewer applicants, the commission shall certify
22 2 all applicants who meet the statutory qualifications.
22 3 Nominees shall be chosen solely on the basis of the
22 4 qualifications of the applicants, and political affiliation
22 5 shall not be considered. As used in this subsection, a
22 6 vacancy is created by the death, retirement, resignation, or
22 7 removal of a full-time associate probate judge, or by an
22 8 increase in the number of positions authorized. The chief
22 9 justice may delay the commission from considering applications
22 10 for a vacancy in the office of full-time associate probate
22 11 judge for up to one hundred eighty days for budgetary reasons.

22 12 Sec. 52. Section [633.47](#), Code 2001, is amended to read as
22 13 follows:
22 14 633.47 PROOF OF SERVICE AND TAXATION OF COSTS.
22 15 Proof of service of any notice, required by this Code or by
22 16 order of court, including those by publication, shall be filed
22 17 with the clerk. The costs of serving any notice given by the
22 18 fiduciary shall

~~be taxed by the clerk as part of the costs of~~

22 19

~~administration in said~~
~~be paid directly by the estate.~~

22 20 Sec. 53. Section [633.301](#), Code 2001, is amended to read as
22 21 follows:
22 22 633.301 COPY OF WILL FOR EXECUTOR.
22 23 When a will has been admitted to probate and certified
22 24 pursuant to section 633.300, the clerk shall cause

~~an~~

22 25

~~authenticated~~

~~a certified~~ copy thereof to be placed in the
22 26 hands of the executor to whom letters are issued. The clerk
22 27 shall retain the will in a separate file provided for that
22 28 purpose until the time for contest has expired, and promptly
22 29 thereafter shall place it with the files of the estate.

22 30 Sec. 54. Section [633.479](#), unnumbered paragraph 2, Code
22 31 2001, is amended to read as follows:

22 32 An order approving the final report and discharging the
22 33 personal representative shall not be required if all
22 34 distributees otherwise entitled to notice are adults, under no
22 35 legal disability, have signed waivers of notice as provided in
23 1 section 633.478, have signed statements of consent agreeing
23 2 that the prayer of the final report shall constitute an order
23 3 approving the final report and discharging the personal
23 4 representative, and if the statements of consent are dated not
23 5 more than thirty days prior to the date of the final report,
23 6 and if compliance with sections 422.27 and 450.58 have been

23 7 fulfilled and receipts and certificates are on file. In those
23 8 instances final order shall not be required and the prayer of
23 9 the final report shall be considered as granted and shall have
23 10 the same force and effect as an order of discharge of the
23 11 personal representative and an order approving the final
23 12 report.

~~The clerk shall comply with section 633.480 with~~

23 13

~~respect to issuing a change of title.~~

23 14 Sec. 55. Section [633.480](#), Code Supplement 2001, is amended
23 15 to read as follows:

23 16 633.480 CERTIFICATE TO COUNTY RECORDER FOR TAX PURPOSES
23 17 WITH ADMINISTRATION.

23 18 After discharge as provided in section 633.479,

~~the clerk~~

23 19

~~shall certify under chapter 558 relative to each parcel of~~

23 20

~~real estate~~

~~the personal representative shall deliver to the~~

23 21 county recorder of the county in which the real estate is
23 22 situated a certificate pertaining to each parcel of real
23 23 estate described in the final report of the personal
23 24 representative which has not been sold by the personal
23 25 representative

~~, and deliver the certificate to the county~~

23 26

~~recorder of the county in which the real estate is situated~~

23 27 The certificate shall include the name and complete mailing
23 28 address, as shown on the final report, of the individual or
23 29 entity in whose name each parcel of real estate is to be
23 30 taxed. The county recorder shall deliver the certificate to
23 31 the county auditor as provided in section 558.58.

23 32 Sec. 56. Section [633.481](#), Code 2001, is amended to read as
23 33 follows:

23 34 633.481 CERTIFICATE TO COUNTY RECORDER FOR TAX PURPOSES
23 35 WITHOUT ADMINISTRATION.

24 1 When an inventory or report is filed under section 450.22,
24 2 without administration of the estate of the decedent, the
24 3 clerk shall

~~issue~~

~~notify the heir to prepare and deliver to~~

24 4 the county recorder of the county in which the real estate is
24 5 situated a certificate pertaining to each parcel of real
24 6 estate described in the inventory or report. Any fees for
24 7 certificates or recording fees required by this section or
24 8 section 633.480 shall be assessed as costs of administration.
24 9 The fee for recording and indexing the instrument shall be as
24 10 provided in section 331.604. The county recorder shall
24 11 deliver the certificates to the county auditor as provided in
24 12 section 558.58.

24 13 Sec. 57. Section [635.7](#), Code 2001, is amended to read as
24 14 follows:

24 15 635.7 REPORT AND INVENTORY EXCESS VALUE AND
24 16 TERMINATION.

24 17 The executor or administrator is required to file the
24 18 report and inventory for which provision is made in section
24 19 633.361. Nothing in sections 635.1 to 635.3 shall exempt the
24 20 executor or administrator from complying with the requirements
24 21 of section 422.27, 450.22,

~~or~~
- 450.58, or

~~the clerk from~~

-
24 22

~~complying with the requirements of section~~
- 633.481. If the

24 23 inventory and report shows assets subject to the jurisdiction
24 24 of this state which exceed the total gross value of the amount
24 25 permitted the small estate under the applicable provision of
24 26 section 635.1, the clerk shall terminate the letters issued
24 27 under section 635.1 without prejudice to the rights of persons
24 28 who delivered property as permitted under section 635.3. The
24 29 executor or administrator shall then be required to petition
24 30 for administration of the estate as provided in chapter 633.

24 31 Sec. 58. Section [668.13](#), subsection 3, Code Supplement
24 32 2001, is amended to read as follows:

24 33 3. Interest shall be calculated as of the date of judgment
24 34 at a rate equal to the one year treasury constant maturity

24 35

~~index~~

- published by the federal reserve in the H15 report
25 1 settled immediately prior to the date of the judgment plus two
25 2 percent. The state court administrator shall distribute
25 3 notice monthly of that rate and any changes to that rate to
25 4 all district courts.

25 5 Sec. 59. Section [811.4](#), Code 2001, is amended to read as
25 6 follows:

25 7 811.4 UNDERTAKING OF BAIL AS LIENS ON REAL ESTATE.

25 8 Undertakings of bail, immediately after such undertakings
25 9 are filed with the clerk of the district court, shall be
25 10 docketed as liens on real estate, entered upon the lien index
25 11 as required for judgments in civil cases, and from the time of
25 12 such entries, shall be liens upon real estate of the persons
25 13 executing the same. This section does not apply to unsecured
25 14 appearance bonds. However, for good cause shown, the court
25 15 may order an unsecured appearance bond to be entered upon the
25 16 lien index. Attested copies of such undertakings may be filed
25 17 in the office of the clerk of the district court of the county
25 18 in which the real estate is situated, in the same manner and
25 19 with like effect as attested copies of civil judgments, and
25 20 shall be immediately docketed and indexed in the same manner.

25 21 Sec. 60. Section [902.4](#), Code Supplement 2001, is amended
25 22 to read as follows:

25 23 902.4 RECONSIDERATION OF FELON'S SENTENCE.

25 24 For a period of one year from the date when a person
25 25 convicted of a felony, other than a class "A" felony or a
25 26 felony for which a minimum sentence of confinement is imposed,
25 27 begins to serve a sentence of confinement, the court, on its
25 28 own motion or on the recommendation of the director of the
25 29 Iowa department of corrections, may order the person to be
25 30 returned to the court, at which time the court may review its
25 31 previous action and reaffirm it or substitute for it any
25 32 sentence permitted by law. Copies of the order to return the
25 33 person to the court shall be provided to the attorney for the
25 34 state, the defendant's attorney, and the defendant. Upon a

25 35 request of the attorney for the state, the defendant's
26 1 attorney, or the defendant if the defendant has no attorney,
26 2 the court may, but is not required to, conduct a hearing on
26 3 the issue of reconsideration of sentence. The court shall not
26 4 disclose its decision to reconsider or not to reconsider the
26 5 sentence of confinement until the date reconsideration is
26 6 ordered or the date the one-year period expires, whichever
26 7 occurs first. The district court retains jurisdiction for the
26 8 limited purposes of conducting such review and entering an
26 9 appropriate order notwithstanding the timely filing of a
26 10 notice of appeal. The court's final order in the proceeding
26 11 shall be delivered to the defendant personally or by

~~certified~~

26 12 regular mail. The court's decision to take the action or not
26 13 to take the action is not subject to appeal. However, for the
26 14 purposes of appeal, a judgment of conviction of a felony is a
26 15 final judgment when pronounced.

26 16 Sec. 61. Section [903.2](#), Code 2001, is amended to read as
26 17 follows:

26 18 903.2 RECONSIDERATION OF MISDEMEANANT'S SENTENCE.

26 19 For a period of thirty days from the date when a person
26 20 convicted of a misdemeanor begins to serve a sentence of
26 21 confinement, the court may order the person to be returned to
26 22 the court, at which time the court may review its previous
26 23 action and reaffirm it or substitute for it any sentence
26 24 permitted by law. The sentencing court retains jurisdiction
26 25 for the limited purposes of conducting such review and
26 26 entering an appropriate order notwithstanding the timely
26 27 filing of a notice of appeal or an application for
26 28 discretionary review. The court's final order in the
26 29 proceeding shall be delivered to the defendant personally or
26 30 by

~~certified~~

~~regular~~ mail. Such action is discretionary with
26 31 the court and its decision to take the action or not to take
26 32 the action is not subject to appeal. The other provisions of
26 33 this section notwithstanding, for the purposes of appeal a
26 34 judgment of conviction is a final judgment when pronounced.

26 35 Sec. 62. Section [907.4](#), Code 2001, is amended to read as
27 1 follows:

27 2 907.4 DEFERRED JUDGMENT DOCKET.

27 3 A deferment of judgment under section 907.3 shall be
27 4 reported promptly by the clerk of the district court, or the
27 5 clerk's designee, to the state court administrator for entry
27 6 in the deferred judgment docket. The docket shall contain a
27 7 permanent record of the deferred judgment including the name
27 8 and date of birth of the defendant, the district court docket
27 9 number, the nature of the offense, and the date of the
27 10 deferred judgment. Before granting deferred judgment in any
27 11 case, the court shall request of the state court administrator
27 12 a search of the deferred judgment docket and shall consider
27 13 any prior record of a deferred judgment against the defendant.
27 14 The permanent record provided for in this section is a
27 15 confidential record exempted from public access under section
27 16 22.7 and shall be available only to justices of the supreme
27 17 court, judges of the court of appeals, district judges,
27 18 district associate judges, judicial magistrates, clerks of the
27 19 district court,

~~and~~

~~county attorneys, and the department of~~
27 20 corrections requesting information pursuant to this section,
27 21 or the designee of a justice, judge, magistrate, clerk,

27 22 county attorney, or department.
27 23 Sec. 63. Sections 602.6303 and 633.15, Code 2001, are
27 24 repealed.

27 25 EXPLANATION

27 26 This bill relates to procedures and duties of the judicial
27 27 branch.

27 28 The amendment to Code section 46.12 permits the chief
27 29 justice of the supreme court to delay, by up to 180 days, the
27 30 nomination process of a judge for appointment to the Iowa
27 31 supreme court, court of appeals, or district court for
27 32 budgetary reasons. Current law requires that nominees to the
27 33 supreme court, court of appeals, or district court be
27 34 certified to the governor for appointment within 60 days of
27 35 the nominating commission receiving notice of a vacancy.

28 1 The amendment to Code section 46.14 also prohibits a member
28 2 of a judicial nominating commission from nominating a family
28 3 member, law partner, or current or former business partner,
28 4 for a judgeship.

28 5 The amendments to Code sections 602.6304, 602.6403, and
28 6 633.20B also permit the chief justice of the supreme court for
28 7 budgetary reasons to delay, by up to 180 days, the appointment
28 8 process to fill a vacancy for a district associate judge,
28 9 magistrate, or probate judge. Current law requires that for
28 10 nominations to district associate or probate court, the
28 11 nominees for the vacancy must be certified to the chief judge
28 12 of the judicial district within 30 days of the magistrate
28 13 appointing commission receiving notification of the vacancy;
28 14 the chief judge then has 15 days to appoint the judge.

28 15 Current law requires that for a magistrate vacancy, the
28 16 magistrate appointing commission must appoint a magistrate
28 17 within 30 days of receiving notification of a vacancy.

28 18 The amendments to Code sections 229.6A and 602.6405 expand
28 19 the jurisdiction of magistrates, including magistrates who
28 20 have not been admitted to the practice of law in the state.
28 21 The bill permits a magistrate who has not been admitted to the
28 22 practice of law to have jurisdiction in all mental health or
28 23 substance abuse commitment or treatment proceedings in Code
28 24 chapter 125 or 229. The bill permits all magistrates to have
28 25 jurisdiction over voluntary or involuntary hospitalization of
28 26 juveniles. The bill also provides that all magistrates have
28 27 jurisdiction over emergency proceedings in domestic abuse
28 28 cases under Code chapter 236. A magistrate does not have
28 29 jurisdiction in domestic abuse-related cases in Code chapter
28 30 236 under current law.

28 31 The amendments to Code sections 125.91 and 229.22 concern
28 32 the involuntary hospitalization of persons with a chemical
28 33 dependency and a mental illness. The bill provides that a
28 34 judge may appear at an emergency involuntary hospitalization
28 35 hearing by telephone and the court may rely upon a facsimile
29 1 copy of a person's medical records in making its determination
29 2 to commit a person involuntarily in an emergency situation.
29 3 The bill also provides that a district judge hearing an appeal
29 4 from a magistrate or judicial hospitalization referee shall
29 5 issue a ruling within 14 days of the involuntary
29 6 hospitalization appeal hearing.

29 7 The amendments to Code sections 232.35, 232.37, and
29 8 331.653(24A) require the county sheriff to serve a summons,
29 9 notice, or subpoena in a juvenile delinquency proceeding. The
29 10 amendment to Code section 232.37 also requires the sheriff to
29 11 serve a summons, subpoenas, or other legal process in child in
29 12 need of assistance proceedings under Code section 232.88.

29 13 The amendment to Code sections 232.183 and 237.20 eliminate
29 14 the participation of the foster care review board in voluntary
29 15 foster care placements and from reviewing delinquency cases
29 16 involving foster care.

29 17 The amendment to Code section 236.3 requires that in a
29 18 contempt action for violation of a no contact order, the
29 19 filing fee and court costs for the victim shall be waived by
29 20 the court.

29 21 The amendments to Code chapter 255 relate to petitioning
29 22 for medical treatment of indigent persons. The bill provides
29 23 that the county general assistance director and not the clerk
29 24 of court shall be the location to file a complaint to appoint
29 25 a physician to examine an indigent person. The bill
29 26 principally substitutes the county general assistance director
29 27 for the clerk of court in administering a complaint for
29 28 indigent care and removes the clerk from the process other
29 29 than to schedule hearings and notify parties. The bill also
29 30 principally substitutes the board of supervisors for the court
29 31 in reviewing the case and issuing findings.

29 32 The amendments to Code section 321.20B relate to the
29 33 criminal offense of driving a motor vehicle without liability
29 34 insurance. The bill provides that an owner or driver charged
29 35 with a violation of Code section 321.20B must present proof of
30 1 liability coverage to the county attorney in order to have the
30 2 charge dismissed. Current law provides that the owner or
30 3 driver present proof of coverage to the clerk of court to
30 4 obtain a dismissal.

30 5 The amendment to Code section 321.484 relates to parking
30 6 violations. The bill provides that an owner of a vehicle
30 7 which has been issued a ticket may have the ticket dismissed
30 8 if the owner can furnish proof to the county attorney that
30 9 another person had custody of the vehicle when the ticket was
30 10 issued. The bill provides the county attorney shall issue a
30 11 new parking ticket to the person who was in custody of the
30 12 vehicle if the ticket against the owner was dismissed.
30 13 Current law provides that the owner of a vehicle show proof of
30 14 coverage to the clerk of court and the clerk issue a new
30 15 ticket if the owner was not in custody of the vehicle.

30 16 The amendments to Code section 331.653(33A) and section
30 17 331.804 relate to the disposition of the property of a person
30 18 who is deceased, if no one is entitled to the property or
30 19 money by law. The bill provides that the medical examiner
30 20 shall deposit the property with the county sheriff, who shall
30 21 dispose of the property as provided by law. Current law
30 22 provides that the property be deposited with the clerk of
30 23 court for lawful disposal.

30 24 The amendment to Code section 598.21 relates to modifying a
30 25 dissolution decree in a county other than the county where the
30 26 original decree was entered. The bill provides that upon
30 27 entering a modification in another county, the clerk shall
30 28 notify by regular mail the clerk of court in the county where
30 29 the original decree was entered. The costs of notifying the
30 30 clerk shall be assessed as court costs.

30 31 The amendment to Code section 602.1215 changes the method
30 32 in which a clerk of court is appointed and makes other related
30 33 changes. The bill permits the chief judge to appoint the
30 34 clerk of court and to remove the clerk for cause. The clerk
30 35 under current law is appointed by a majority vote of all the
31 1 district court judges in the judicial election district. The
31 2 bill eliminates the requirement that a clerk of court be
31 3 appointed in each county in the judicial district. The bill
31 4 eliminates the requirement that an applicant for a clerk of
31 5 court position be a resident of the state at the time the
31 6 application is submitted. The bill also eliminates the
31 7 requirement that the clerk of court be a resident of the
31 8 county where the clerk is employed. The bill does require a
31 9 clerk to reside in the state within three months of
31 10 appointment.

31 11 The amendment to Code section 602.1217 changes the method
31 12 in which a chief juvenile court officer is appointed. The
31 13 bill permits the chief judge to appoint the chief juvenile

31 14 court officer and to remove the officer for cause. The chief
31 15 juvenile officer under current law is appointed by a majority
31 16 vote of all the district court judges in the judicial
31 17 district.

31 18 The amendments to Code sections 602.1501, 602.1604,
31 19 602.1611, 602.6301, 602.6303, and 602.6304, eliminate the
31 20 position of alternate district associate judge. Current law
31 21 provides that if a county has only one district associate
31 22 judge, an alternate district associate judge may be appointed.
31 23 An alternate district associate judge under current law may
31 24 practice law except when actually serving as an alternate
31 25 district associate judge.

31 26 The amendment to Code section 602.6111 requires the clerk
31 27 of court to issue a personal identification number to each
31 28 party to a lawsuit on any first document filed with the clerk.
31 29 The bill also requires each party to submit the party's social
31 30 security number, if one has been issued, and the party's date
31 31 of birth. The bill provides the clerk of court shall keep the
31 32 party's social security number confidential.

31 33 The amendment to Code sections 602.8102(11) and 624.20
31 34 relate to entering a satisfaction of judgment by the clerk of
31 35 court and court refunds. The bill permits the clerk of court
32 1 to enter a satisfaction of judgment if the amount of the
32 2 unsatisfied judgment is less than \$3. The bill also requires
32 3 that if a party is due a refund from the clerk's office, the
32 4 clerk need not refund the money if the amount of money due is
32 5 less than \$3, unless the party requests a refund in writing.
32 6 Current law provides that a satisfaction shall not be entered
32 7 unless the dollar amount is less than \$1, and money need not
32 8 be refunded to a party if the amount is less than \$1.

32 9 The amendment to Code section 602.8106(1)(b) changes the
32 10 amount of filing fees assessed for nonscheduled simple
32 11 misdemeanors from \$25 to \$20.

32 12 The amendment to Code section 602.8106(1)(c) changes the
32 13 amount of fees assessed for filing and docketing a complaint
32 14 for certain parking violations. The bill increases the filing
32 15 fees for parking violations pursuant to Code section 321.236
32 16 other than violations in subsection 1, and pursuant to Code
32 17 sections 321.239, 321.358, 321.360, and 321.361, from \$1 to
32 18 \$8, effective January 1, 2003.

32 19 The amendment to Code section 602.8106(1)(d) decreases the
32 20 amount of court costs assessed in a scheduled violation case
32 21 where a court appearance is required from \$25 to \$20.

32 22 The amendment to Code section 602.8106(1)(e) increases the
32 23 amount of court costs assessed in a scheduled violation case
32 24 where a court appearance is not required from \$15 to \$20.

32 25 The amendment to Code section 602.8108 eliminates the
32 26 requirement that 20 percent of the court technology and
32 27 modernization fund be used for alternative dispute resolution
32 28 and methods to resolve domestic abuse. The amendment also
32 29 permits that the fund be used for Iowa court information
32 30 system.

32 31 The amendment to Code section 631.5 eliminates the
32 32 requirement that the clerk of court notify the parties of a
32 33 default judgment entered in small claims court if the amount
32 34 of the judgment is not readily ascertainable by the clerk.

32 35 The amendment to Code section 631.6 permits the clerk of
33 1 court to charge a flat fee of \$7 for postage in a small claims
33 2 action rather than the actual cost of the postage.

33 3 The amendment to Code section 633.47 requires that the
33 4 costs of serving any notice given by the fiduciary shall be
33 5 paid directly by the estate rather than taxed as court costs.

33 6 The amendment to Code section 633.301 requires the clerk of
33 7 court to deliver a certified copy of a will to an executor
33 8 upon the filing of the original will with the clerk of court.
33 9 Current law requires the will be authenticated.

33 10 The amendments to Code sections 633.479, 633.480, 633.481,

33 11 and 635.7 eliminate the clerk of court's responsibility to
33 12 prepare a court officer's deed for the purpose of transferring
33 13 real property in an estate that has been opened with or
33 14 without administration. The bill provides that the heirs or
33 15 personal representative shall be responsible for preparing the
33 16 documents for change of title and delivering the documents to
33 17 the county recorder.

33 18 The amendment to Code section 668.13 provides that interest
33 19 on a judgment be calculated upon the one year treasury
33 20 constant maturity published by the federal reserve, plus 2
33 21 percent.

33 22 The amendment to Code section 811.4 only permits a judgment
33 23 from an unsecured appearance bond to be entered upon the lien
33 24 index as a lien on real estate, if good cause is shown.

33 25 The amendments to Code sections 902.4 and 903.2 permit the
33 26 clerk of court to deliver by regular mail the court's final
33 27 order from a reconsideration of sentence hearing. Current law
33 28 requires the final order to be mailed by certified mail.

33 29 The amendment to Code section 907.4 permits the department
33 30 of corrections to have access to deferred judgment records.
33 31 Current law only permits the courts and the county attorney
33 32 access to the records.

33 33 The repeal of Code section 633.15 eliminates the
33 34 requirement that probate court always be open for business.

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