

FEB 4 2004
JUDICIARY

HOUSE FILE 2166
BY ELGIN

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

A BILL FOR

1 An Act eliminating a time limit on executions of judgments and
2 orders.

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

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HF 2166

1 Section 1. Section 626.16, Code 2003, is amended to read
2 as follows:

3 626.16 RECEIPT AND RETURN.

4 Every officer ~~to-whose-hands~~ who receives an execution may
5 ~~come~~ shall ~~give~~ provide a receipt therefor, if required,
6 stating the hour when the same was received, and shall make
7 sufficient return ~~thereof~~ of the execution, together with the
8 money collected, ~~on-or-before-the-seventieth-day-from-the-date~~
9 ~~of-its-issuance~~.

10 Sec. 2. Section 642.23, unnumbered paragraph 1, Code 2003,
11 is amended to read as follows:

12 ~~Notwithstanding-the-seventy-day-period-in-section-626-16~~
13 ~~for-the-return-of-an-execution-in-garnishment-for-the-payment~~
14 ~~of-a-support-obligation,~~ The sheriff shall promptly
15 deposit any amounts collected with the clerk of the district
16 court, and the clerk shall disburse the amounts, after
17 subtracting applicable fees, within two working days of the
18 filing of an order condemning funds as follows:

19 EXPLANATION

20 This bill strikes a 70-day time limit from a Code provision
21 that requires an officer to provide, upon request, a receipt
22 of an execution of a judgment or order, and to return the
23 execution together with any money collected. The amendment
24 allows execution beyond the 70-day time period.

25 The bill also makes a conforming strike of a reference to
26 the 70-day time limit from a Code provision relating to the
27 prompt deposit and disbursement of garnisheed funds.

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