

Withdrawn  
4/25/03

MAR 19 2003

Place On Calendar

HOUSE FILE 643

BY COMMITTEE ON JUDICIARY

Referred to Appropriations 3/25/03  
(SUCCESSOR TO HSB 161)

Passed House, Date \_\_\_\_\_ Passed Senate, Date \_\_\_\_\_

Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_ Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_

Approved \_\_\_\_\_

**A BILL FOR**

1 An Act concerning procedures, duties, and fees related to the  
2 judicial branch.

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

- 4
- 5
- 6
- 7
- 8
- 9
- 10
- 11
- 12
- 13
- 14
- 15
- 16
- 17
- 18
- 19
- 20
- 21
- 22
- 23

HF 643

1 Section 1. Section 232.35, subsection 1, Code 2003, is  
2 amended to read as follows:

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

10 Sec. 2. Section 232.37, subsection 4, Code 2003, is  
11 amended to read as follows:

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

23 Sec. 3. Section 232.183, subsection 7, Code 2003, is  
24 amended by striking the subsection.

25 Sec. 4. Section 236.3, unnumbered paragraph 2, Code 2003,  
26 is amended to read as follows:

27 The filing fee and court costs for an order for protection  
28 and in a contempt action under this chapter shall be waived  
29 for the plaintiff. The clerk of court, the sheriff of any  
30 county in this state, and other law enforcement and  
31 corrections officers shall perform their duties relating to  
32 service of process without charge to the plaintiff. When an  
33 order for protection is entered by the court, the court may  
34 direct the defendant to pay to the clerk of court the fees for  
35 the filing of the petition and reasonable costs of service of

1 process if the court determines the defendant has the ability  
2 to pay the plaintiff's fees and costs.

3 Sec. 5. Section 237.20, unnumbered paragraph 1, Code 2003,  
4 is amended to read as follows:

5 A local board shall, except in delinquency cases, do the  
6 following:

7 Sec. 6. Section 255.1, unnumbered paragraph 1, Code 2003,  
8 is amended to read as follows:

9 Any adult resident of the state may file a complaint in the  
10 office of the ~~clerk-of-any-juvenile-court~~, county general  
11 assistance director charging that any legal resident of Iowa  
12 residing in the county where the complaint is filed is  
13 pregnant or is suffering from some malady or deformity that  
14 can probably be improved or cured or advantageously treated by  
15 medical or surgical treatment or hospital care, and that  
16 neither such person nor persons legally chargeable with the  
17 person's support are able to pay therefor.

18 Sec. 7. Section 255.4, Code 2003, is amended to read as  
19 follows:

20 255.4 EXAMINATION BY PHYSICIAN.

21 Upon the filing of such complaint, the ~~clerk-shall-number~~  
22 ~~and-index-the-same-and~~ county general assistance director  
23 shall appoint a competent physician and surgeon, living in the  
24 vicinity of the patient, who shall personally examine the  
25 patient with respect to ~~said~~ the pregnancy, malady, or  
26 deformity. The ~~clerk~~ director may, after the expiration of  
27 five years from the filing of a complaint, destroy ~~it~~ the  
28 complaint and all papers or records in connection ~~therewith~~  
29 with the complaint.

30 Sec. 8. Section 255.5, Code 2003, is amended to read as  
31 follows:

32 255.5 REPORT BY PHYSICIAN.

33 Such physician shall make a report in duplicate on blanks  
34 furnished as ~~hereinafter~~ provided in this chapter, answering  
35 the questions contained ~~therein~~ in the blanks and setting

1 forth the information required ~~thereby~~, giving such history of  
2 the case as will be likely to aid the medical or surgical  
3 treatment or hospital care of such patient, describing the  
4 pregnancy, deformity, or malady in detail, and stating whether  
5 or not in the physician's opinion the same pregnancy,  
6 deformity, or malady can probably be improved or cured or  
7 advantageously treated, which report shall be filed in the  
8 office of the ~~clerk-within-such-time-as-the-clerk-may-fix~~  
9 county general assistance director.

10 Sec. 9. Section 255.6, Code 2003, is amended to read as  
11 follows:

12 255.6 INVESTIGATION AND REPORT.

13 When a complaint is filed~~7-the-clerk-of-juvenile-court in~~  
14 the office of the county general assistance director, the  
15 director shall furnish the county attorney and board of  
16 supervisors with a copy and the board shall, by the general  
17 assistance director or other agent it selects, make a thorough  
18 investigation of facts as to the legal residence of the  
19 patient, and the ability of the patient or others chargeable  
20 with the patient's support to pay the expense of treatment and  
21 care; and shall file a report of the investigation ~~in-the~~  
22 ~~office-of-the-clerk7~~ with the board at or before the time of  
23 hearing.

24 Sec. 10. Section 255.7, Code 2003, is amended to read as  
25 follows:

26 255.7 NOTICE OF HEARING -- DUTY OF COUNTY ATTORNEY.

27 When the physician's report has been filed, the ~~clerk~~  
28 county general assistance director shall~~7-with-the-consent-of~~  
29 ~~the-court-or-judge7-fix~~ set a time and place for hearing ~~of on~~  
30 the matter ~~by-the-court~~, and the county attorney shall cause  
31 such patient and the parent or parents, guardian, or person  
32 having the legal custody of said patient, if under legal  
33 disability, to be served with such notice of the time and  
34 place of the hearing as the ~~judge-or-clerk~~ director may  
35 prescribe.

1     Sec. 11. Section 255.8, Code 2003, is amended to read as  
2 follows:

3     255.8 HEARING----ORDER----EMERGENCY-CASES----CANCELLATION  
4 OF-COMMITMENTS DETERMINATION BY BOARD OF SUPERVISORS.

5     ~~The county attorney and the general assistance director, or~~  
6 ~~other agent of the board of supervisors of the county, shall~~  
7 ~~appear at the hearing. The complainant, the county attorney,~~  
8 ~~the general assistance director or other agent of the board of~~  
9 ~~supervisors, and the patient, or any person representing the~~  
10 ~~patient, may introduce evidence and be heard. If the court~~  
11 board of supervisors finds that the patient is a legal  
12 resident of Iowa and is pregnant or is suffering from a malady  
13 or deformity which can probably be improved or cured or  
14 advantageously treated by medical or surgical treatment or  
15 hospital care, and that neither the patient nor any person  
16 legally chargeable with the patient's support is able to pay  
17 the expenses, ~~then the clerk of court~~ county general  
18 assistance director, except in obstetrical cases and  
19 orthopedic cases, shall immediately ascertain from the  
20 admitting physician at the university hospital whether the  
21 person can be received as a patient within a period of thirty  
22 days, and if the patient can be received, ~~the court, or in the~~  
23 ~~event of no actual contest, the clerk of the court,~~ board  
24 shall ~~enter an order directing~~ direct that the patient be sent  
25 to the university hospital for proper medical and surgical  
26 treatment and hospital care. If ~~the court ascertain~~ board  
27 ascertains, except in obstetrical cases and orthopedic cases,  
28 that a person of the age or sex of the patient, or afflicted  
29 by the complaint, disease, or deformity with which the person  
30 is afflicted, cannot be received as a patient at the  
31 university hospital within the period of thirty days, ~~then the~~  
32 ~~court or the clerk shall enter an order directing~~ the board of  
33 supervisors ~~of~~ shall direct the county to provide adequate  
34 treatment at county expense for the patient at home or in a  
35 hospital. Obstetrical cases and orthopedic cases may be

1 committed to the university hospital without regard to the  
2 limiting period of thirty days.

3 In any case of emergency the ~~court-or-the-clerk~~ board of  
4 supervisors without previous inquiry may at its discretion  
5 order the patient to be immediately taken to and accepted by  
6 the university hospital for the necessary care as provided in  
7 section 255.11, but if such a patient cannot be immediately  
8 accepted at the university hospital as ascertained by  
9 telephone if necessary, ~~the-court-or-the-clerk-may-enter-an~~  
10 ~~order-as-in-certain-cases-above-set-forth-directing~~ the board  
11 of supervisors shall direct the county to provide adequate  
12 treatment at county expense for the ~~said~~ patient at home or in  
13 a hospital.

14 Sec. 12. Section 255.10, Code 2003, is amended to read as  
15 follows:

16 255.10 RELIGIOUS BELIEF -- DENIAL OF ORDER.

17 The ~~court~~ board of supervisors in its discretion may refuse  
18 to make such order in any case where the ~~court~~ board finds the  
19 patient or the patient's parent, parents, or guardian are  
20 members of a religious denomination whose tenets preclude  
21 dependence on the practice of medicine or surgery and desire  
22 in good faith to rely upon the practice of their religion for  
23 relief from disease or disorder.

24 Sec. 13. Section 255.11, Code 2003, is amended to read as  
25 follows:

26 255.11 ORDER IN CASE OF EMERGENCY.

27 In cases of great emergency, when the ~~court-or-judge~~ board  
28 of supervisors is satisfied that delay would be seriously  
29 injurious to the patient, the ~~court-or-judge~~ board of  
30 supervisors may make such order with the consent of the  
31 patient, if an adult, or of the parent or parents, guardian,  
32 or person having the legal custody of ~~said~~ the patient, if a  
33 minor or incompetent, without examination, report, notice, or  
34 hearing.

35 Sec. 14. Section 255.12, Code 2003, is amended to read as

1 follows:

2 255.12 CERTIFIED COPY OF ORDER.

3 The ~~clerk~~ county general assistance director shall prepare  
4 a certified copy of ~~said~~ such order, which, together with a  
5 copy of the physician's report, shall be delivered to the  
6 admitting physician of ~~said~~ such hospital at or before the  
7 time of the reception of the patient into the hospital.

8 Sec. 15. Section 255.13, Code 2003, is amended to read as  
9 follows:

10 255.13 ATTENDANT -- PHYSICIAN -- COMPENSATION.

11 If the physician appointed to examine the patient ~~shall~~  
12 ~~certify~~ certifies that an attendant to accompany the patient  
13 to the ~~said~~ hospital is necessary, and the university hospital  
14 attendant and ambulance service is not available, ~~then-the~~  
15 ~~court-or-judge-or-clerk-of-the-court~~ the county general  
16 assistance director may appoint an attendant who shall receive  
17 not exceeding two dollars per day for the time thus  
18 necessarily employed and actual necessary traveling expenses  
19 by the most feasible route to ~~said~~ the hospital whether by  
20 ambulance, train, or automobile; but if such appointee is a  
21 relative of the patient or a member of the patient's immediate  
22 family, or receives a salary or other compensation from the  
23 public for the appointee's services, no such per diem  
24 compensation shall be paid. The physician appointed ~~by-the~~  
25 ~~court-or-clerk~~ to make the examination and report shall  
26 receive ~~therefor~~ three dollars for each examination and report  
27 so made and the physician's actual necessary expenses incurred  
28 in making such examination, but if ~~said~~ the physician receives  
29 a salary or other compensation from the public for the  
30 physician's full-time services, ~~then~~ no such examination fee  
31 shall be paid. The actual, necessary expenses of transporting  
32 and caring for the patient shall be paid as hereinafter  
33 provided in this chapter.

34 Sec. 16. Section 255.14, Code 2003, is amended to read as  
35 follows:

1     255.14   PAYMENT OF EXPENSES ---HOW-PAID.

2     An itemized, verified statement of all charges provided for  
3 in sections 255.8 and 255.13, in cases where the patient is  
4 admitted or accepted for treatment at the university hospital  
5 shall be filed with the superintendent of the university  
6 hospital, and upon the superintendent's recommendation when  
7 approved by the ~~judge-or-clerk-of-the-court-under-whose-order~~  
8 ~~the-same-were-incurred~~ board of supervisors, they the charges  
9 shall be ~~charged~~ included on the regular bill for the  
10 maintenance, transportation and treatment of the patient, and  
11 be audited and paid in the manner as ~~hereinafter~~ provided in  
12 this chapter.

13     Sec. 17. Section 255.21, Code 2003, is amended to read as  
14 follows:

15     255.21   TREATMENT OUTSIDE HOSPITAL -- ATTENDANT.

16     If, in the judgment of the physician or surgeon to whom the  
17 patient has been assigned for treatment, continuous residence  
18 of the patient in the hospital is unnecessary, such patient  
19 may, by the hospital authorities, be sent to the patient's  
20 home or other appropriate place, and be required to return to  
21 the hospital when and for such length of time as may be for  
22 the patient's benefit. The hospital authorities may, if  
23 necessary, appoint an attendant to accompany such patient and  
24 discharged patients, and the compensation of such attendant  
25 shall be fixed by the state board of regents and charged by  
26 the hospital as part of the costs of transporting patients.  
27 The compensation paid to and the expenses of the attendant  
28 shall be audited and paid in the same manner as is provided by  
29 law for the compensation of an attendant appointed by the  
30 court board of supervisors.

31     Sec. 18. Section 255.22, Code 2003, is amended to read as  
32 follows:

33     255.22   TREATMENT AUTHORIZED.

34     No A minor or incompetent person shall not be treated for  
35 any malady or deformity except such as is reasonably well

1 described in the order ~~of-court~~ or the report of the examining  
2 physician, unless permission for such treatment is provided  
3 for in the order ~~of-court~~, or is granted by the person's  
4 parents or guardian; but the physician in charge may  
5 administer such treatment or perform such surgical operations  
6 as are usually required in cases of emergency.

7 Sec. 19. Section 255.27, Code 2003, is amended to read as  
8 follows:

9 255.27 FACULTY TO PREPARE BLANKS -- PRINTING.

10 The medical faculty of the state university hospital shall  
11 from time to time prepare blanks containing questions and  
12 requiring information that it finds necessary and proper to be  
13 obtained by the physician who examines a patient under order  
14 of ~~court~~ the board of supervisors. The blanks shall be  
15 printed by the state, and a sufficient supply shall be  
16 furnished by the state printing administrator to the ~~clerk-of~~  
17 ~~each-juvenile-court-in-the-state~~ county general assistance  
18 director. The cost of printing the blanks shall be audited,  
19 allowed, and paid in the same manner as other bills for public  
20 printing.

21 Sec. 20. Section 321.20B, subsection 4, paragraph b,  
22 subparagraph (1), unnumbered paragraph 1, Code 2003, is  
23 amended to read as follows:

24 An owner or driver who produces to the clerk of court,  
25 ~~within-thirty-days-of-the-issuance-of-the-citation-under~~  
26 ~~paragraph-"a"~~, or prior to the date of the individual's court  
27 appearance as indicated on the citation, ~~whichever-is-earlier,~~  
28 proof that financial liability coverage was in effect for the  
29 motor vehicle at the time the person was stopped and cited,  
30 or, if the driver is not the owner of the motor vehicle, proof  
31 that liability coverage was in effect for the driver with  
32 respect to the motor vehicle being driven at the time the  
33 driver was stopped and cited, in the same manner as if the  
34 motor vehicle were owned by the driver, shall be given a  
35 receipt indicating that such proof was provided and be subject

1 to one of the following:

2 Sec. 21. Section 321.20B, subsection 4, paragraph c, Code  
3 2003, is amended to read as follows:

4 c. An owner or driver cited for a violation of subsection  
5 1, who produces to the clerk of court ~~within-thirty-days-of~~  
6 ~~the-issuance-of-the-citation~~ prior to the date of the  
7 individual's court appearance as indicated on the citation  
8 proof that financial liability coverage was in effect for the  
9 motor vehicle at the time the person was stopped and cited,  
10 shall not be convicted of such violation and the citation  
11 issued shall be dismissed.

12 Sec. 22. Section 321.20B, subsection 5, paragraph b, Code  
13 2003, is amended to read as follows:

14 b. Issue a citation. An owner or driver who produces to  
15 the clerk of court ~~within-thirty-days-of-the-issuance-of-the~~  
16 ~~citation,~~ or prior to the date of the individual's court  
17 appearance as indicated on the citation, ~~whichever-is-earlier,~~  
18 proof that the financial liability coverage was in effect for  
19 the motor vehicle at the time the person was stopped and  
20 cited, or if the driver is not the owner of the motor vehicle,  
21 proof that liability coverage was in effect for the driver  
22 with respect to the motor vehicle being driven at the time the  
23 driver was stopped and cited in the same manner as if the  
24 motor vehicle were owned by the driver, shall be given a  
25 receipt indicating that proof was provided, and the citation  
26 issued shall be dismissed.

27 Sec. 23. Section 321.484, unnumbered paragraph 2, Code  
28 2003, is amended to read as follows:

29 The owner of a vehicle shall not be held responsible for a  
30 violation of a provision regulating the stopping, standing, or  
31 parking of a vehicle, whether the provision is contained in  
32 this chapter, or chapter 321L, or an ordinance or other  
33 regulation or rule, if the owner establishes that at the time  
34 of the violation the vehicle was in the custody of an  
35 identified person other than the owner pursuant to a lease as

1 defined in chapter 321F or pursuant to a rental agreement as  
2 defined in section 516D.3. The furnishing to the ~~clerk-of-the~~  
3 ~~district-court~~ county attorney where the charge is pending of  
4 a copy of the lease prescribed by section 321F.6 or rental  
5 agreement that was in effect for the vehicle at the time of  
6 the alleged violation shall be prima facie evidence that the  
7 vehicle was in the custody of an identified person other than  
8 the owner within the meaning of this paragraph, ~~and the charge~~  
9 ~~against the owner shall be dismissed. The clerk of the~~  
10 ~~district court then shall cause a uniform citation and~~  
11 ~~complaint to be issued against the lessee or renter of the~~  
12 ~~vehicle, and the citation shall be served upon the defendant~~  
13 ~~by ordinary mail directed to the defendant at the address~~  
14 ~~shown in the lease or rental agreement.~~

15 Sec. 24. Section 331.653, Code 2003, is amended by adding  
16 the following new subsection:

17 NEW SUBSECTION. 23A. Carry out duties related to service  
18 of a summons, notice, or subpoena pursuant to sections 232.35,  
19 232.37, and 232.88.

20 Sec. 25. Section 598.21, Code 2003, is amended by adding  
21 the following new subsection:

22 NEW SUBSECTION. 10A. If the court modifies an order, and  
23 the original decree was entered in another county in Iowa, the  
24 clerk of court shall send a copy of the modification by  
25 regular mail, electronic transmission, or facsimile to the  
26 clerk of court for the county where the original decree was  
27 entered.

28 Sec. 26. Section 602.1304, subsection 2, paragraph a, Code  
29 2003, is amended to read as follows:

30 a. The enhanced court collections fund is created in the  
31 state treasury under the authority of the supreme court. The  
32 fund shall be separate from the general fund of the state and  
33 the balance in the fund shall not be considered part of the  
34 balance of the general fund of the state. Notwithstanding  
35 section 8.33, moneys in the fund shall not revert to the

1 general fund, unless and to the extent the total amount of  
2 moneys deposited into the fund in a fiscal year would exceed  
3 the maximum annual deposit amount established for the  
4 collections fund by the general assembly. The initial maximum  
5 annual deposit amount for a fiscal year is ~~four~~ six million  
6 dollars. Notwithstanding section 12C.7, subsection 2,  
7 interest or earnings on moneys in the collections fund shall  
8 remain in the collections fund and any interest and earnings  
9 shall be in addition to the maximum annual deposit amount.

10 Sec. 27. Section 602.6111, Code 2003, is amended by  
11 striking the section and inserting in lieu thereof the  
12 following:

13 602.6111 IDENTIFICATION ON DOCUMENTS FILED WITH THE CLERK.

14 1. Any party, other than the state or a political  
15 subdivision of the state, filing a petition or complaint,  
16 answer, appearance, first motion, or any document filed with  
17 the clerk of the district court which brings a new party into  
18 a proceeding shall provide the clerk of the district court  
19 with the following information when applicable:

20 a. An employer identification number if a number has been  
21 assigned.

22 b. The birth date of the party.

23 c. The social security number of the party.

24 2. Any party, except the child support recovery unit,  
25 filing a petition, complaint, answer, appearance, first  
26 motion, or any document with the clerk of the district court  
27 to establish or modify an order for child support under  
28 chapter 236, 252A, 252K, 598, or 600B shall provide the clerk  
29 of the district court with the date of birth and social  
30 security number of the child.

31 3. A party shall provide the information pursuant to this  
32 section in the manner required by rules or directives  
33 prescribed by the supreme court. The clerk of the district  
34 court shall keep a social security number provided pursuant to  
35 this section confidential in accordance with the rules and

1 directives prescribed by the supreme court.

2 Sec. 28. Section 602.8102, subsection 9, Code 2003, is  
3 amended to read as follows:

4 9. Enter in the appearance docket a memorandum of the date  
5 of filing of all petitions, demurrers, answers, motions, or  
6 papers of any other description in the cause. A pleading of  
7 any description is considered filed when the clerk entered the  
8 date the pleading was received on the pleading and the  
9 pleading shall not be taken from the clerk's office until the  
10 memorandum is made. The memorandum shall be made ~~before the~~  
11 ~~end-of-the-next-working-day~~ within two business days of a new  
12 petition or order being filed, and as soon as practicable for  
13 all other pleadings. Thereafter, when a demurrer or motion is  
14 sustained or overruled, a pleading is made or amended, or the  
15 trial of the cause, rendition of the verdict, entry of  
16 judgment, issuance of execution, or any other act is done in  
17 the progress of the cause, a similar memorandum shall be made  
18 of the action, including the date of action and the number of  
19 the book and page of the record where the entry is made. The  
20 appearance docket is an index of each suit from its  
21 commencement to its conclusion.

22 Sec. 29. Section 602.8102, subsection 11, Code 2003, is  
23 amended to read as follows:

24 11. Refund amounts less than ~~one-dollar~~ three dollars only  
25 upon written application.

26 Sec. 30. Section 602.8106, subsection 1, paragraphs b, c,  
27 d, and e, Code 2003, are amended to read as follows:

28 b. For filing and docketing of a complaint or information  
29 for a simple misdemeanor and a complaint or information for a  
30 nonscheduled simple misdemeanor under chapter 321, ~~twenty-five~~  
31 seventeen dollars.

32 c. For filing and docketing a complaint or information or  
33 uniform citation and complaint for parking violations under  
34 sections 321.236, 321.239, 321.358, 321.360, and 321.361, ~~one~~  
35 ~~dollar~~ eight dollars, effective January 1, ~~1991~~ 2004. The

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

7 d. The court costs in scheduled violation cases where a  
8 court appearance is required ~~are twenty-five~~, seventeen  
9 dollars.

10 e. For court costs in scheduled violation cases where a  
11 court appearance is not required, ~~fifteen~~ seventeen dollars.

12 Sec. 31. Section 624.20, Code 2003, is amended to read as  
13 follows:

14 624.20 SATISFACTION OF JUDGMENT.

15 Where a judgment is set aside or satisfied by execution or  
16 otherwise, the clerk shall at once enter a memorandum thereof  
17 on the column left for that purpose in the judgment docket.  
18 However, the clerk may enter satisfaction of judgment if the  
19 amount of the judgment that is unsatisfied is ~~one-dollar~~ three  
20 dollars or less.

21 Sec. 32. Section 631.5, subsection 6, Code 2003, is  
22 amended to read as follows:

23 6. DEFAULT. If a defendant fails to appear and the clerk  
24 in accordance with subsection 4 determines that proper notice  
25 has been given, judgment shall be rendered against the  
26 defendant by the clerk if the relief is readily ascertainable.  
27 If the relief is not readily ascertainable the claim shall be  
28 assigned to a judicial magistrate for determination ~~and the~~  
29 ~~clerk shall immediately notify the plaintiff or the~~  
30 ~~plaintiff's attorney and the judicial magistrate of such~~  
31 ~~assignment by ordinary mail.~~

32 Sec. 33. Section 631.6, subsection 1, paragraph c, Code  
33 2003, is amended to read as follows:

34 c. Postage charged for the mailing of original notice  
35 shall be ~~the actual costs of the postage~~ eight dollars.

1     Sec. 34. Section 633.47, Code 2003, is amended to read as  
2 follows:

3     633.47 PROOF OF SERVICE AND ~~TAXATION~~ PAYMENT OF COSTS.

4     Proof of service of any notice, required by this Code or by  
5 order of court, including those by publication, shall be filed  
6 with the clerk. The costs of serving any notice given by the  
7 fiduciary shall ~~be taxed by the clerk as part of the costs of~~  
8 ~~administration in said~~ be paid directly by the estate.

9     Sec. 35. Section 633.301, Code 2003, is amended to read as  
10 follows:

11     633.301 COPY OF WILL FOR EXECUTOR.

12     When a will has been admitted to probate and certified  
13 pursuant to section 633.300, the clerk shall cause ~~an~~  
14 ~~authenticated~~ a certified copy thereof to be placed in the  
15 hands of the executor to whom letters are issued. The clerk  
16 shall retain the will in a separate file provided for that  
17 purpose until the time for contest has expired, and promptly  
18 thereafter shall place it with the files of the estate.

19     Sec. 36. Section 633.479, unnumbered paragraph 2, Code  
20 2003, is amended to read as follows:

21     An order approving the final report and discharging the  
22 personal representative shall not be required if all  
23 distributees otherwise entitled to notice are adults, under no  
24 legal disability, have signed waivers of notice as provided in  
25 section 633.478, have signed statements of consent agreeing  
26 that the prayer of the final report shall constitute an order  
27 approving the final report and discharging the personal  
28 representative, and if the statements of consent are dated not  
29 more than thirty days prior to the date of the final report,  
30 and if compliance with sections 422.27 and 450.58 have been  
31 fulfilled and receipts and certificates are on file. In those  
32 instances final order shall not be required and the prayer of  
33 the final report shall be considered as granted and shall have  
34 the same force and effect as an order of discharge of the  
35 personal representative and an order approving the final

1 report. ~~The clerk shall comply with section 633.480 with~~  
2 ~~respect to issuing a change of title.~~

3 Sec. 37. Section 633.480, Code 2003, is amended to read as  
4 follows:

5 633.480 CERTIFICATE TO COUNTY RECORDER FOR TAX PURPOSES  
6 WITH ADMINISTRATION.

7 After discharge as provided in section 633.479, ~~the clerk~~  
8 ~~shall certify under chapter 558 relative to each parcel of~~  
9 ~~real estate~~ the personal representative shall deliver to the  
10 county recorder of the county in which the real estate is  
11 situated a certificate pertaining to each parcel of real  
12 estate described in the final report of the personal  
13 representative which has not been sold by the personal  
14 representative, ~~and deliver the certificate to the county~~  
15 ~~recorder of the county in which the real estate is situated.~~  
16 The certificate shall include the name and complete mailing  
17 address, as shown on the final report, of the individual or  
18 entity in whose name each parcel of real estate is to be  
19 taxed. The county recorder shall deliver the certificate to  
20 the county auditor as provided in section 558.58.

21 Sec. 38. Section 633.481, Code 2003, is amended to read as  
22 follows:

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

25 When an inventory or report is filed under section 450.22,  
26 without administration of the estate of the decedent, the  
27 ~~clerk~~ heir or heir's attorney shall ~~issue~~ prepare and deliver  
28 to the county recorder of the county in which the real estate  
29 is situated a certificate pertaining to each parcel of real  
30 estate described in the inventory or report. Any fees for  
31 certificates or recording fees required by this section or  
32 section 633.480 shall be assessed as costs of administration.  
33 The fee for recording and indexing the instrument shall be as  
34 provided in section 331.604. The county recorder shall  
35 deliver the certificates to the county auditor as provided in

1 section 558.58.

2 Sec. 39. Section 635.7, Code 2003, is amended to read as  
3 follows:

4 635.7 REPORT AND INVENTORY -- EXCESS VALUE AND  
5 TERMINATION.

6 The executor or administrator is required to file the  
7 report and inventory for which provision is made in section  
8 633.361. Nothing in sections 635.1 to 635.3 shall exempt the  
9 executor or administrator from complying with the requirements  
10 of section 422.27, 450.22, or 450.58, or the clerk from  
11 ~~complying with the requirements of section~~ 633.481. If the  
12 inventory and report shows assets subject to the jurisdiction  
13 of this state which exceed the total gross value of the amount  
14 permitted the small estate under the applicable provision of  
15 section 635.1, the clerk shall terminate the letters issued  
16 under section 635.1 without prejudice to the rights of persons  
17 who delivered property as permitted under section 635.3. The  
18 executor or administrator shall then be required to petition  
19 for administration of the estate as provided in chapter 633.

20 Sec. 40. Section 668.13, subsection 3, Code 2003, is  
21 amended to read as follows:

22 3. Interest shall be calculated as of the date of judgment  
23 at a rate equal to the one-year treasury constant maturity  
24 ~~index~~ published by the federal reserve in the H15 report  
25 settled immediately prior to the date of the judgment plus two  
26 percent. The state court administrator shall distribute  
27 notice monthly of that rate and any changes to that rate to  
28 all district courts.

29 Sec. 41. Section 902.4, Code 2003, is amended to read as  
30 follows:

31 902.4 RECONSIDERATION OF FELON'S SENTENCE.

32 For a period of one year from the date when a person  
33 convicted of a felony, other than a class "A" felony or a  
34 felony for which a minimum sentence of confinement is imposed,  
35 begins to serve a sentence of confinement, the court, on its

1 own motion or on the recommendation of the director of the  
2 Iowa department of corrections, may order the person to be  
3 returned to the court, at which time the court may review its  
4 previous action and reaffirm it or substitute for it any  
5 sentence permitted by law. Copies of the order to return the  
6 person to the court shall be provided to the attorney for the  
7 state, the defendant's attorney, and the defendant. Upon a  
8 request of the attorney for the state, the defendant's  
9 attorney, or the defendant if the defendant has no attorney,  
10 the court may, but is not required to, conduct a hearing on  
11 the issue of reconsideration of sentence. The court shall not  
12 disclose its decision to reconsider or not to reconsider the  
13 sentence of confinement until the date reconsideration is  
14 ordered or the date the one-year period expires, whichever  
15 occurs first. The district court retains jurisdiction for the  
16 limited purposes of conducting such review and entering an  
17 appropriate order notwithstanding the timely filing of a  
18 notice of appeal. The court's final order in the proceeding  
19 shall be delivered to the defendant personally or by **certified**  
20 regular mail. The court's decision to take the action or not  
21 to take the action is not subject to appeal. However, for the  
22 purposes of appeal, a judgment of conviction of a felony is a  
23 final judgment when pronounced.

24 Sec. 42. Section 903.2, Code 2003, is amended to read as  
25 follows:

26 903.2 RECONSIDERATION OF MISDEMEANANT'S SENTENCE.

27 For a period of thirty days from the date when a person  
28 convicted of a misdemeanor begins to serve a sentence of  
29 confinement, the court may order the person to be returned to  
30 the court, at which time the court may review its previous  
31 action and reaffirm it or substitute for it any sentence  
32 permitted by law. The sentencing court retains jurisdiction  
33 for the limited purposes of conducting such review and  
34 entering an appropriate order notwithstanding the timely  
35 filing of a notice of appeal or an application for

1 discretionary review. The court's final order in the  
2 proceeding shall be delivered to the defendant personally or  
3 by certified regular mail. Such action is discretionary with  
4 the court and its decision to take the action or not to take  
5 the action is not subject to appeal. The other provisions of  
6 this section notwithstanding, for the purposes of appeal a  
7 judgment of conviction is a final judgment when pronounced.

8 Sec. 43. Section 907.4, Code 2003, is amended to read as  
9 follows:

10 907.4 DEFERRED JUDGMENT DOCKET.

11 A deferment of judgment under section 907.3 shall be  
12 reported entered promptly by the clerk of the district court,  
13 or the clerk's designee, ~~to-the-state-court-administrator-for~~  
14 entry-in into the deferred judgment docket database of the  
15 state, which shall serve as the deferred judgment docket. The  
16 docket shall contain a permanent record of the deferred  
17 judgment including the name and date of birth of the  
18 defendant, the district court docket number, the nature of the  
19 offense, and the date of the deferred judgment. Before  
20 granting deferred judgment in any case, the court shall  
21 ~~request-of-the-state-court-administrator-a~~ search of the  
22 deferred judgment docket and shall consider any prior record  
23 of a deferred judgment against the defendant. The permanent  
24 record provided for in this section is a confidential record  
25 exempted from public access under section 22.7 and shall be  
26 available only to justices of the supreme court, judges of the  
27 court of appeals, district judges, district associate judges,  
28 judicial magistrates, clerks of the district court, and county  
29 attorneys, and the department of corrections requesting  
30 information pursuant to this section, or the designee of a  
31 justice, judge, magistrate, clerk, or county attorney, or  
32 department.

33 Sec. 44. Section 633.15, Code 2003, is repealed.

34 EXPLANATION

35 This bill relates to procedures and duties of the judicial

1 branch.

2 The amendments to Code sections 232.35, 232.37, and 331.653  
3 require the county sheriff to serve a summons, notice, or  
4 subpoena in a juvenile delinquency proceeding. The amendment  
5 to Code section 232.37 also requires the sheriff to serve a  
6 summons, subpoenas, or other legal process in child in need of  
7 assistance proceedings under Code section 232.88.

8 The amendments to Code sections 232.183 and 237.20  
9 eliminate the participation of the foster care review board in  
10 voluntary foster care placements and in reviewing delinquency  
11 cases involving foster care.

12 The amendment to Code section 236.3 requires that in a  
13 contempt action for violation of a no contact domestic abuse  
14 order, the filing fee and court costs for the victim shall be  
15 waived by the court.

16 The amendments to Code chapter 255 relate to petitioning  
17 for medical treatment of indigent persons. The bill provides  
18 that the county general assistance director and not the clerk  
19 of court shall file a complaint to appoint a physician to  
20 examine an indigent person. The bill principally substitutes  
21 the county general assistance director for the clerk of court  
22 in administering a complaint for indigent care and scheduling  
23 hearings and notifying parties. The bill also principally  
24 substitutes the board of supervisors for the court in  
25 reviewing the case and issuing findings.

26 The amendments to Code section 321.20B relate to the  
27 criminal offense of driving a motor vehicle without liability  
28 insurance. The bill provides that an owner or driver charged  
29 with a violation of Code section 321.20B may present proof of  
30 liability coverage prior to the court date to have the charge  
31 dismissed. Current law provides that the owner or driver  
32 present proof of coverage to the clerk of court within 30 days  
33 of the issuance of the citation to obtain a dismissal.

34 The amendment to Code section 321.484 relates to parking  
35 violations. The bill provides that an owner of a vehicle

1 which has been issued a ticket may have the ticket dismissed  
2 if the owner can furnish proof to the county attorney that a  
3 lessee or renter had custody of the vehicle when the ticket  
4 was issued. Current law provides that the owner of a vehicle  
5 show proof of coverage to the clerk of court and the clerk  
6 issue a new ticket if the owner was not in custody of the  
7 vehicle.

8 The amendment to Code section 598.21 relates to modifying a  
9 dissolution decree in a county other than the county where the  
10 original decree was entered. The bill provides that upon  
11 entering a modification in another county, the clerk shall  
12 notify by regular mail, electronic transmission, or fascimile  
13 the clerk of court in the county where the original decree was  
14 entered.

15 The amendment to Code section 602.1304 increases the  
16 maximum annual deposit into the enhanced court collections  
17 fund from \$4 million to \$6 million. Certain moneys collected  
18 by the judicial branch are deposited into the fund and the  
19 moneys are used for the Iowa court information system, for  
20 records management equipment, services, and projects, and for  
21 other court technological improvements.

22 The amendment to Code section 602.6111 requires any party,  
23 other than the state or a political subdivision of the state,  
24 upon the party's first appearance in a court proceeding to  
25 provide the clerk with the following information: an employer  
26 identification number if one has been assigned, a social  
27 security number, and the birth date of the party. The bill  
28 provides that in proceedings modifying child support the clerk  
29 shall be provided with the child's date of birth and social  
30 security number. The bill provides that the clerk of court  
31 shall keep the party's social security number confidential.

32 The amendment to Code section 602.8102(9) allows the clerk  
33 of court to enter in the appearance docket a memorandum of the  
34 date of filing of a new petition or order within two business  
35 days of the filing of the document. The bill also permits the

1 clerk of court to complete the memorandum for all other  
2 pleadings as soon as practicable. This amendment does not  
3 change the date in which the pleading is filed. However, a  
4 pleading may not be removed from the office of the clerk of  
5 court until the memorandum is completed.

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

17 The amendment to Code section 602.8106(1)(b) changes the  
18 filing fee assessed for nonscheduled simple misdemeanors from  
19 \$25 to \$17.

20 The amendment to Code section 602.8106(1)(c) changes the  
21 filing fee assessed for certain parking violations. The bill  
22 increases the filing fees for parking violations pursuant to  
23 Code section 321.236 other than violations in subsection 1,  
24 and pursuant to Code sections 321.239, 321.358, 321.360, and  
25 321.361, from \$1 to \$8, effective January 1, 2004.

26 The amendment to Code section 602.8106(1)(d) decreases the  
27 court costs assessed in a scheduled violation case where a  
28 court appearance is required from \$25 to \$17.

29 The amendment to Code section 602.8106(1)(e) increases the  
30 amount of court costs assessed in a scheduled violation case  
31 where a court appearance is not required from \$15 to \$17.

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

1 of assignment to a magistrate.

2 The amendment to Code section 631.6 permits the clerk of  
3 court to charge a flat fee of \$8 for postage in a small claims  
4 action rather than the actual cost of the postage.

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

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

12 The amendments to Code sections 633.479, 633.480, 633.481,  
13 and 635.7 eliminate the clerk of court's responsibility to  
14 prepare a court officer's deed for the purpose of transferring  
15 real property in an estate that has been opened with or  
16 without administration. The bill provides that the heir, the  
17 heir's attorney, or the personal representative shall be  
18 responsible for preparing the documents for change of title  
19 and delivering the documents to the county recorder.

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

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

28 The amendment to Code section 907.4 requires the judge to  
29 search the deferred judgment docket rather than the state  
30 court administrator. The bill provides the deferred judgment  
31 docket shall be on a searchable database. The bill also  
32 permits the department of corrections to have access to  
33 deferred judgment records. Current law only permits the  
34 courts and the county attorney access to the records.

35 The repeal of Code section 633.15 eliminates the

1 requirement that probate court always be open for business.

2

---

HF 643 - Court Practices & Procedures (LSB 1209 HV)

Analyst: Jennifer Dean (Phone: (515) 281-7846) (jennifer.dean@legis.state.ia.us)

Fiscal Note Version — New

---

### Description

Section 26 of HF 643 increases the cap on the Enhanced Court Collections Fund (Section 602.1304, Code of Iowa) from \$4.0 million to \$6.0 million. The Fund is used by the Judicial Branch for technology improvements. This Fund was originally set up to provide an incentive to the Judicial Branch to collect fines and fees.

Section 30 of HF 643 reduces the fee for filing and docketing a simple misdemeanor from \$25.00 to \$17.00, increases the amount for filing and docketing a uniform citation from \$1.00 to \$8.00, decreases the cost where a court appearance is required from \$25.00 to \$17.00, and increases the cost where a court appearance is not required from \$15.00 to \$17.00.

### Assumptions

1. Section 26 - Under current law, revenue collected by the Judicial Branch that exceeds a target set by the Revenue Estimating Conference (REC) in December may be deposited into the Enhanced Court Collections Fund up to \$4.0 million. The Fund does not revert funds at the end of the fiscal year. Interest earned and retained by the Fund is approximately \$300,000 annually.
2. Section 26 - The following is the formula used to determine if the Judicial Branch has made their target: REC estimate - (\$9.5 million Prison Infrastructure Fund + \$1.0 million Court Tech Fund + money collected for commercial vehicle fines deposited directly into the Road Use Tax Fund) = net amount / 4 = quarterly total that the Judicial Branch must obtain. Any excess of this amount up to \$4.0 million will go to the Enhanced Court Collections Fund.
3. Section 30 - The Code contains four different filing fee amounts for simple misdemeanors: \$1.00 for parking violations, \$8.00 for parking violations that proceed before court, \$15.00 for scheduled violations with no court appearance required, and \$25.00 for other simple misdemeanors and for scheduled misdemeanors when a court appearance is required. House File 643 creates two tiers for simple misdemeanors: parking violations at \$8.00 and all other simple misdemeanors at \$17.00.

### Fiscal Impact

#### Section 26

Increasing the cap on the Enhanced Court Collections Fund could potentially reduce General Fund receipts by \$2.0 million annually. In FY 2002, the Enhanced Court Fund received \$4.3 million in receipts through court collections and interest earned on the Fund and disbursed \$4.0 million for technology. The carry forward at the start of FY 2002 was \$4.3 million and the ending balance was \$8.6 million. In FY 2003, the Fund had a carry forward of \$4.6 million and a year-to-date balance of \$8.9 million. The interest earned on this Fund is approximately \$300,000 annually.

The following is a history of deposits into the General Fund and the Enhanced Court Collections Fund:

<u>Fiscal Year</u>	<u>General Fund Deposit</u>	<u>Enhanced Court Deposit</u>
1999	\$54.3 million	\$6.0 million
2000	57.1 million	5.0 million
2001	53.2 million	0.0 million
2002	55.7 million	4.0 million
2003 (Est.)	56.8 million	4.0 million
2004 (Est.)	56.8 million	4.0 million

Section 30

The fiscal impact for Section 30 of HF 643 increases revenue to the General Fund by \$500,000 annually. The Bill creates two tiers for simple misdemeanors: \$8.00 for parking and \$17.00 for all others simple misdemeanors.

Source

Judicial Branch

/s/ Dennis C Prouty

March 25, 2003

**HOUSE FILE 643**

**H-1155**

- 1 Amend House File 643 as follows:  
2 1. Page 12, by striking lines 22 through 25.  
3 2. Page 13, by striking lines 12 through 20.  
4 3. By renumbering, redesignating, and correcting  
5 internal references as necessary.

By EICHHORN of Hamilton  
SWAIM of Davis

**H-1155** FILED MARCH 25, 2003

Eichhorn, Ch  
Van Fossen  
Swaim

Succeeded By  
SF 0643

HSB 161

JUDICIARY

SENATE FILE \_\_\_\_\_

BY (PROPOSED JUDICIAL  
BRANCH BILL)

Passed Senate, Date \_\_\_\_\_ Passed House, Date \_\_\_\_\_

Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_ Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_

Approved \_\_\_\_\_

**A BILL FOR**

1 An Act concerning procedures, duties, and fees related to the  
2 judicial branch.

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

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

1 Section 1. Section 232.35, subsection 1, Code 2003, is  
2 amended to read as follows:

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

10 Sec. 2. Section 232.37, subsection 4, Code 2003, is  
11 amended to read as follows:

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

23 Sec. 3. Section 232.183, subsection 7, Code 2003, is  
24 amended by striking the subsection.

25 Sec. 4. Section 236.3, unnumbered paragraph 2, Code 2003,  
26 is amended to read as follows:

27 The filing fee and court costs for an order for protection  
28 and in a contempt action under this chapter shall be waived  
29 for the plaintiff. The clerk of court, the sheriff of any  
30 county in this state, and other law enforcement and  
31 corrections officers shall perform their duties relating to  
32 service of process without charge to the plaintiff. When an  
33 order for protection is entered by the court, the court may  
34 direct the defendant to pay to the clerk of court the fees for  
35 the filing of the petition and reasonable costs of service of

1 process if the court determines the defendant has the ability  
2 to pay the plaintiff's fees and costs.

3 Sec. 5. Section 237.20, unnumbered paragraph 1, Code 2003,  
4 is amended to read as follows:

5 A local board shall, except in delinquency cases, do the  
6 following:

7 Sec. 6. Section 255.1, unnumbered paragraph 1, Code 2003,  
8 is amended to read as follows:

9 Any adult resident of the state may file a complaint in the  
10 office of the ~~clerk-of-any-juvenile-court,~~ county general  
11 assistance director charging that any legal resident of Iowa  
12 residing in the county where the complaint is filed is  
13 pregnant or is suffering from some malady or deformity that  
14 can probably be improved or cured or advantageously treated by  
15 medical or surgical treatment or hospital care, and that  
16 neither such person nor persons legally chargeable with the  
17 person's support are able to pay therefor.

18 Sec. 7. Section 255.4, Code 2003, is amended to read as  
19 follows:

20 255.4 EXAMINATION BY PHYSICIAN.

21 Upon the filing of such complaint, the ~~clerk-shall-number~~  
22 ~~and-index-the-same-and~~ county general assistance director  
23 shall appoint a competent physician and surgeon, living in the  
24 vicinity of the patient, who shall personally examine the  
25 patient with respect to ~~said~~ the pregnancy, malady, or  
26 deformity. The ~~clerk~~ director may, after the expiration of  
27 five years from the filing of a complaint, destroy ~~it~~ the  
28 complaint and all papers or records in connection ~~therewith~~  
29 with the complaint.

30 Sec. 8. Section 255.5, Code 2003, is amended to read as  
31 follows:

32 255.5 REPORT BY PHYSICIAN.

33 Such physician shall make a report in duplicate on blanks  
34 furnished as ~~hereinafter~~ provided in this chapter, answering  
35 the questions contained ~~therein~~ in the blanks and setting

1 forth the information required thereby, giving such history of  
2 the case as will be likely to aid the medical or surgical  
3 treatment or hospital care of such patient, describing the  
4 pregnancy, deformity, or malady in detail, and stating whether  
5 or not in the physician's opinion the same pregnancy,  
6 deformity, or malady can probably be improved or cured or  
7 advantageously treated, which report shall be filed in the  
8 office of the ~~clerk-within-such-time-as-the-clerk-may-fix~~  
9 county general assistance director.

10 Sec. 9. Section 255.6, Code 2003, is amended to read as  
11 follows:

12 255.6 INVESTIGATION AND REPORT.

13 When a complaint is filed, ~~the clerk of juvenile court in~~  
14 the office of the county general assistance director, the  
15 director shall furnish the county attorney and board of  
16 supervisors with a copy and the board shall, by the general  
17 assistance director or other agent it selects, make a thorough  
18 investigation of facts as to the legal residence of the  
19 patient, and the ability of the patient or others chargeable  
20 with the patient's support to pay the expense of treatment and  
21 care; and shall file a report of the investigation ~~in the~~  
22 ~~office of the clerk,~~ with the board at or before the time of  
23 hearing.

24 Sec. 10. Section 255.8, Code 2003, is amended to read as  
25 follows:

26 255.8 HEARING----ORDER----EMERGENCY-CASES----CANCELLATION  
27 OF COMMITMENTS DETERMINATION BY BOARD OF SUPERVISORS.

28 ~~The county attorney and the general assistance director, or~~  
29 ~~other agent of the board of supervisors of the county, shall~~  
30 ~~appear at the hearing. The complainant, the county attorney,~~  
31 ~~the general assistance director or other agent of the board of~~  
32 ~~supervisors, and the patient, or any person representing the~~  
33 ~~patient, may introduce evidence and be heard. If the court~~  
34 board of supervisors finds that the patient is a legal  
35 resident of Iowa and is pregnant or is suffering from a malady

1 or deformity which can probably be improved or cured or  
2 advantageously treated by medical or surgical treatment or  
3 hospital care, and that neither the patient nor any person  
4 legally chargeable with the patient's support is able to pay  
5 the expenses, then the clerk-of-court county general  
6 assistance director, except in obstetrical cases and  
7 orthopedic cases, shall immediately ascertain from the  
8 admitting physician at the university hospital whether the  
9 person can be received as a patient within a period of thirty  
10 days, and if the patient can be received, the ~~court-or-in-the~~  
11 ~~event-of-no-actual-contest,-the-clerk-of-the-court,~~ board  
12 shall ~~enter-an-order-directing~~ direct that the patient be sent  
13 to the university hospital for proper medical and surgical  
14 treatment and hospital care. If the ~~court-ascertain~~ board  
15 ascertains, except in obstetrical cases and orthopedic cases,  
16 that a person of the age or sex of the patient, or afflicted  
17 by the complaint, disease, or deformity with which the person  
18 is afflicted, cannot be received as a patient at the  
19 university hospital within the period of thirty days, ~~then-the~~  
20 ~~court-or-the-clerk-shall-enter-an-order-directing~~ the board of  
21 supervisors of shall direct the county to provide adequate  
22 treatment at county expense for the patient at home or in a  
23 hospital. Obstetrical cases and orthopedic cases may be  
24 committed to the university hospital without regard to the  
25 limiting period of thirty days.

26 In any case of emergency the ~~court-or-the-clerk~~ board of  
27 supervisors without previous inquiry may at its discretion  
28 order the patient to be immediately taken to and accepted by  
29 the university hospital for the necessary care as provided in  
30 section 255.11, but if such a patient cannot be immediately  
31 accepted at the university hospital as ascertained by  
32 telephone if necessary, ~~the-court-or-the-clerk-may-enter-an~~  
33 ~~order-as-in-certain-cases-above-set-forth-directing~~ the board  
34 of supervisors shall direct the county to provide adequate  
35 treatment at county expense for the said patient at home or in

1 a hospital.

2 Sec. 11. Section 255.13, Code 2003, is amended to read as  
3 follows:

4 255.13 ATTENDANT -- PHYSICIAN -- COMPENSATION.

5 If the physician appointed to examine the patient shall  
6 certify certifies that an attendant to accompany the patient  
7 to the ~~said~~ hospital is necessary, and the university hospital  
8 attendant and ambulance service is not available, ~~then-the~~  
9 ~~court-or-judge-or-clerk-of-the-court~~ the county general  
10 assistance director may appoint an attendant who shall receive  
11 not exceeding two dollars per day for the time thus  
12 necessarily employed and actual necessary traveling expenses  
13 by the most feasible route to ~~said~~ the hospital whether by  
14 ambulance, train, or automobile; but if such appointee is a  
15 relative of the patient or a member of the patient's immediate  
16 family, or receives a salary or other compensation from the  
17 public for the appointee's services, no such per diem  
18 compensation shall be paid. The physician appointed ~~by-the~~  
19 ~~court-or-clerk~~ to make the examination and report shall  
20 receive ~~therefor~~ three dollars for each examination and report  
21 so made and the physician's actual necessary expenses incurred  
22 in making such examination, but if ~~said~~ the physician receives  
23 a salary or other compensation from the public for the  
24 physician's full-time services, ~~then~~ no such examination fee  
25 shall be paid. The actual, necessary expenses of transporting  
26 and caring for the patient shall be paid as ~~hereinafter~~  
27 provided in this chapter.

28 Sec. 12. Section 255.14, Code 2003, is amended to read as  
29 follows:

30 255.14 PAYMENT OF EXPENSES ---HOW-PAID.

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

1 approved by the ~~judge-or-clerk-of-the-court-under-whose-order~~  
2 ~~the-same-were-incurred~~ board of supervisors, they the charges  
3 shall be charged included on the regular bill for the  
4 maintenance, transportation and treatment of the patient, and  
5 be audited and paid in the manner as hereinafter provided in  
6 this chapter.

7 Sec. 13. Section 321.20B, subsection 4, paragraph b,  
8 subparagraph (1), unnumbered paragraph 1, Code 2003, is  
9 amended to read as follows:

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

23 Sec. 14. Section 321.20B, subsection 4, paragraph c, Code  
24 2003, is amended to read as follows:

25 c. An owner or driver cited for a violation of subsection  
26 1, who produces to the clerk of court ~~within-thirty-days-of~~  
27 ~~the-issuance-of-the-citation~~ prior to the date of the  
28 individual's court appearance as indicated on the citation  
29 proof that financial liability coverage was in effect for the  
30 motor vehicle at the time the person was stopped and cited,  
31 shall not be convicted of such violation and the citation  
32 issued shall be dismissed.

33 Sec. 15. Section 321.20B, subsection 5, paragraph b, Code  
34 2003, is amended to read as follows:

35 b. Issue a citation. An owner or driver who produces to

1 the clerk of court ~~within-thirty-days-of-the-issuance-of-the~~  
2 citation, ~~or~~ prior to the date of the individual's court  
3 appearance as indicated on the citation, ~~whichever-is-earlier,~~  
4 proof that the financial liability coverage was in effect for  
5 the motor vehicle at the time the person was stopped and  
6 cited, or if the driver is not the owner of the motor vehicle,  
7 proof that liability coverage was in effect for the driver  
8 with respect to the motor vehicle being driven at the time the  
9 driver was stopped and cited in the same manner as if the  
10 motor vehicle were owned by the driver, shall be given a  
11 receipt indicating that proof was provided, and the citation  
12 issued shall be dismissed.

13 Sec. 16. Section 321.484, unnumbered paragraph 2, Code  
14 2003, is amended to read as follows:

15 The owner of a vehicle shall not be held responsible for a  
16 violation of a provision regulating the stopping, standing, or  
17 parking of a vehicle, whether the provision is contained in  
18 this chapter, or chapter 321L, or an ordinance or other  
19 regulation or rule, if the owner establishes that at the time  
20 of the violation the vehicle was in the custody of an  
21 identified person other than the owner pursuant to a lease as  
22 defined in chapter 321F or pursuant to a rental agreement as  
23 defined in section 516D.3. The furnishing to the ~~clerk-of-the~~  
24 ~~district-court~~ county attorney where the charge is pending of  
25 a copy of the lease prescribed by section 321F.6 or rental  
26 agreement that was in effect for the vehicle at the time of  
27 the alleged violation shall be prima facie evidence that the  
28 vehicle was in the custody of an identified person other than  
29 the owner within the meaning of this paragraph, and the charge  
30 against the owner shall be dismissed. The ~~clerk-of-the~~  
31 ~~district-court~~ county attorney then shall cause a uniform  
32 citation and complaint to be issued against the lessee or  
33 renter of the vehicle, and the citation shall be served upon  
34 the defendant by ordinary mail directed to the defendant at  
35 the address shown in the lease or rental agreement.

1 Sec. 17. Section 331.653, Code 2003, is amended by adding  
2 the following new subsection:

3 NEW SUBSECTION. 23A. Carry out duties related to service  
4 of a summons, notice, or subpoena pursuant to sections 232.35,  
5 232.37, and 232.88.

6 Sec. 18. Section 331.804, subsection 2, Code 2003, is  
7 amended to read as follows:

8 2. If no one is entitled by law to the property or money  
9 found on a deceased person, the property ~~shall be deposited~~  
10 ~~with the clerk of the district court who shall dispose of it~~  
11 ~~as provided by law~~ or money shall be disposed of as follows:

12 a. The medical examiner shall send the property or money  
13 to the local law enforcement agency of the jurisdiction in  
14 which the property or money was found, and provide the name of  
15 the decedent along with an affidavit describing the property  
16 or amount of money recovered.

17 b. The local law enforcement agency shall send a copy of  
18 the affidavit to the county auditor who shall enter a  
19 description of the property and the estimated value of the  
20 property in the auditor's lost property book provided in  
21 chapter 556F, together with the copy of the affidavit.

22 Sec. 19. Section 598.21, Code 2003, is amended by adding  
23 the following new subsection:

24 NEW SUBSECTION. 10A. If the court modifies an order, and  
25 the original decree was entered in another county in Iowa, the  
26 clerk of court shall send a copy of the modification by  
27 regular mail, electronic transmission, or facsimile to the  
28 clerk of court for the county where the original decree was  
29 entered.

30 Sec. 20. Section 602.1304, subsection 2, paragraph a, Code  
31 2003, is amended to read as follows:

32 a. The enhanced court collections fund is created in the  
33 state treasury under the authority of the supreme court. The  
34 fund shall be separate from the general fund of the state and  
35 the balance in the fund shall not be considered part of the

1 balance of the general fund of the state. Notwithstanding  
2 section 8.33, moneys in the fund shall not revert to the  
3 general fund, unless and to the extent the total amount of  
4 moneys deposited into the fund in a fiscal year would exceed  
5 the maximum annual deposit amount established for the  
6 collections fund by the general assembly. The initial maximum  
7 annual deposit amount for a fiscal year is ~~four~~ six million  
8 dollars. Notwithstanding section 12C.7, subsection 2,  
9 interest or earnings on moneys in the collections fund shall  
10 remain in the collections fund and any interest and earnings  
11 shall be in addition to the maximum annual deposit amount.

12 Sec. 21. Section 602.6111, subsection 1, Code 2003, is  
13 amended to read as follows:

14 1. Each petition or complaint, answer, appearance, first  
15 motion, or any document filed with the clerk of the district  
16 court which brings new parties into an action shall bear a  
17 personal identification number. The personal identification  
18 number shall be the employer identification number of the  
19 party or if the social-security-number-of-each-separate party  
20 does not have an employer identification number, the personal  
21 identification number shall be a nine-digit number assigned by  
22 the clerk. The clerk shall also assign a personal  
23 identification number to attorneys making such filings on  
24 behalf of a client in court. In addition, each party that has  
25 a social security number shall provide the clerk with the  
26 number and the party's date of birth. The social security  
27 number shall be provided on a confidential form and shall be  
28 kept confidential in accordance with rules prescribed by the  
29 supreme court. ~~If-an-individual-party's-driver's-license~~  
30 ~~lists-a-distinguishing-number-other-than-the-party's-social~~  
31 ~~security-number, the document filed with the clerk of the~~  
32 ~~district court shall also contain the distinguishing number~~  
33 ~~from the party's driver's license.~~

34 Sec. 22. Section 602.8102, subsection 9, Code 2003, is  
35 amended to read as follows:

1 9. Enter in the appearance docket a memorandum of the date  
2 of filing of all petitions, demurrers, answers, motions, or  
3 papers of any other description in the cause. A pleading of  
4 any description is considered filed when the clerk entered the  
5 date the pleading was received on the pleading and the  
6 pleading shall not be taken from the clerk's office until the  
7 memorandum is made. The memorandum shall be made ~~before-the~~  
8 ~~end-of-the-next-working-day~~ within forty-eight hours of a new  
9 petition or order being filed, and as soon as practicable for  
10 all other pleadings. Thereafter, when a demurrer or motion is  
11 sustained or overruled, a pleading is made or amended, or the  
12 trial of the cause, rendition of the verdict, entry of  
13 judgment, issuance of execution, or any other act is done in  
14 the progress of the cause, a similar memorandum shall be made  
15 of the action, including the date of action and the number of  
16 the book and page of the record where the entry is made. The  
17 appearance docket is an index of each suit from its  
18 commencement to its conclusion.

19 Sec. 23. Section 602.8102, subsection 11, Code 2003, is  
20 amended to read as follows:

21 11. Refund amounts less than ~~one-dollar~~ three dollars only  
22 upon written application.

23 Sec. 24. Section 602.8106, subsection 1, paragraphs b, c,  
24 d, and e, Code 2003, are amended to read as follows:

25 b. For filing and docketing of a complaint or information  
26 for a simple misdemeanor and a complaint or information for a  
27 nonscheduled simple misdemeanor under chapter 321, ~~twenty-five~~  
28 seventeen dollars.

29 c. For filing and docketing a complaint or information or  
30 uniform citation and complaint for parking violations under  
31 sections 321.236, 321.239, 321.358, 321.360, and 321.361, ~~one~~  
32 ~~dollar~~ eight dollars, effective January 1, ~~1991~~ 2004. The  
33 court costs in cases of parking meter and overtime parking  
34 violations which are denied, and charged and collected  
35 pursuant to section 321.236, subsection 1, or pursuant to a

1 uniform citation and complaint, are eight dollars per  
2 information or complaint or per uniform citation and complaint  
3 effective January 1, 1991.

4 d. The court costs in scheduled violation cases where a  
5 court appearance is required ~~are twenty-five~~, seventeen  
6 dollars.

7 e. For court costs in scheduled violation cases where a  
8 court appearance is not required, ~~fifteen~~ seventeen dollars.

9 Sec. 25. Section 624.20, Code 2003, is amended to read as  
10 follows:

11 624.20 SATISFACTION OF JUDGMENT.

12 Where a judgment is set aside or satisfied by execution or  
13 otherwise, the clerk shall at once enter a memorandum thereof  
14 on the column left for that purpose in the judgment docket.  
15 However, the clerk may enter satisfaction of judgment if the  
16 amount of the judgment that is unsatisfied is ~~one-dollar~~ three  
17 dollars or less.

18 Sec. 26. Section 631.5, subsection 6, Code 2003, is  
19 amended to read as follows:

20 6. DEFAULT. If a defendant fails to appear and the clerk  
21 in accordance with subsection 4 determines that proper notice  
22 has been given, judgment shall be rendered against the  
23 defendant by the clerk if the relief is readily ascertainable.  
24 If the relief is not readily ascertainable the claim shall be  
25 assigned to a judicial magistrate for determination ~~and the~~  
26 ~~clerk shall immediately notify the plaintiff or the~~  
27 ~~plaintiff's attorney and the judicial magistrate of such~~  
28 ~~assignment by ordinary mail.~~

29 Sec. 27. Section 631.6, subsection 1, paragraph c, Code  
30 2003, is amended to read as follows:

31 c. Postage charged for the mailing of original notice  
32 shall be ~~the actual costs of the postage~~ eight dollars.

33 Sec. 28. Section 633.47, Code 2003, is amended to read as  
34 follows:

35 633.47 PROOF OF SERVICE AND ~~TAXATION~~ PAYMENT OF COSTS.

1 Proof of service of any notice, required by this Code or by  
2 order of court, including those by publication, shall be filed  
3 with the clerk. The costs of serving any notice given by the  
4 fiduciary shall ~~be taxed by the clerk as part of the costs of~~  
5 ~~administration in said~~ be paid directly by the estate.

6 Sec. 29. Section 633.301, Code 2003, is amended to read as  
7 follows:

8 633.301 COPY OF WILL FOR EXECUTOR.

9 When a will has been admitted to probate and certified  
10 pursuant to section 633.300, the clerk shall cause an  
11 authenticated a certified copy thereof to be placed in the  
12 hands of the executor to whom letters are issued. The clerk  
13 shall retain the will in a separate file provided for that  
14 purpose until the time for contest has expired, and promptly  
15 thereafter shall place it with the files of the estate.

16 Sec. 30. Section 633.479, unnumbered paragraph 2, Code  
17 2003, is amended to read as follows:

18 An order approving the final report and discharging the  
19 personal representative shall not be required if all  
20 distributees otherwise entitled to notice are adults, under no  
21 legal disability, have signed waivers of notice as provided in  
22 section 633.478, have signed statements of consent agreeing  
23 that the prayer of the final report shall constitute an order  
24 approving the final report and discharging the personal  
25 representative, and if the statements of consent are dated not  
26 more than thirty days prior to the date of the final report,  
27 and if compliance with sections 422.27 and 450.58 have been  
28 fulfilled and receipts and certificates are on file. In those  
29 instances final order shall not be required and the prayer of  
30 the final report shall be considered as granted and shall have  
31 the same force and effect as an order of discharge of the  
32 personal representative and an order approving the final  
33 report. ~~The clerk shall comply with section 633.480 with~~  
34 ~~respect to issuing a change of title.~~

35 Sec. 31. Section 633.480, Code 2003, is amended to read as

1 follows:

2 633.480 CERTIFICATE TO COUNTY RECORDER FOR TAX PURPOSES  
3 WITH ADMINISTRATION.

4 After discharge as provided in section 633.479, ~~the clerk~~  
5 ~~shall certify under chapter 558 relative to each parcel of~~  
6 ~~real estate~~ the personal representative shall deliver to the  
7 county recorder of the county in which the real estate is  
8 situated a certificate pertaining to each parcel of real  
9 estate described in the final report of the personal  
10 representative which has not been sold by the personal  
11 representative, ~~and deliver the certificate to the county~~  
12 ~~recorder of the county in which the real estate is situated.~~  
13 The certificate shall include the name and complete mailing  
14 address, as shown on the final report, of the individual or  
15 entity in whose name each parcel of real estate is to be  
16 taxed. The county recorder shall deliver the certificate to  
17 the county auditor as provided in section 558.58.

18 Sec. 32. Section 633.481, Code 2003, is amended to read as  
19 follows:

20 633.481 CERTIFICATE TO COUNTY RECORDER FOR TAX PURPOSES  
21 WITHOUT ADMINISTRATION.

22 When an inventory or report is filed under section 450.22,  
23 without administration of the estate of the decedent, the  
24 ~~clerk~~ heir or heir's attorney shall ~~issue~~ prepare and deliver  
25 to the county recorder of the county in which the real estate  
26 is situated a certificate pertaining to each parcel of real  
27 estate described in the inventory or report. Any fees for  
28 certificates or recording fees required by this section or  
29 section 633.480 shall be assessed as costs of administration.  
30 The fee for recording and indexing the instrument shall be as  
31 provided in section 331.604. The county recorder shall  
32 deliver the certificates to the county auditor as provided in  
33 section 558.58.

34 Sec. 33. Section 635.7, Code 2003, is amended to read as  
35 follows:

1       635.7 REPORT AND INVENTORY -- EXCESS VALUE AND  
2 TERMINATION.

3       The executor or administrator is required to file the  
4 report and inventory for which provision is made in section  
5 633.361. Nothing in sections 635.1 to 635.3 shall exempt the  
6 executor or administrator from complying with the requirements  
7 of section 422.27, 450.22, or 450.58, or the clerk from  
8 ~~complying with the requirements of section~~ 633.481. If the  
9 inventory and report shows assets subject to the jurisdiction  
10 of this state which exceed the total gross value of the amount  
11 permitted the small estate under the applicable provision of  
12 section 635.1, the clerk shall terminate the letters issued  
13 under section 635.1 without prejudice to the rights of persons  
14 who delivered property as permitted under section 635.3. The  
15 executor or administrator shall then be required to petition  
16 for administration of the estate as provided in chapter 633.

17       Sec. 34. Section 668.13, subsection 3, Code 2003, is  
18 amended to read as follows:

19       3. Interest shall be calculated as of the date of judgment  
20 at a rate equal to the one-year treasury constant maturity  
21 ~~index~~ published by the federal reserve in the H15 report  
22 settled immediately prior to the date of the judgment plus two  
23 percent. The state court administrator shall distribute  
24 notice monthly of that rate and any changes to that rate to  
25 all district courts.

26       Sec. 35. Section 902.4, Code 2003, is amended to read as  
27 follows:

28       902.4 RECONSIDERATION OF FELON'S SENTENCE.

29       For a period of one year from the date when a person  
30 convicted of a felony, other than a class "A" felony or a  
31 felony for which a minimum sentence of confinement is imposed,  
32 begins to serve a sentence of confinement, the court, on its  
33 own motion or on the recommendation of the director of the  
34 Iowa department of corrections, may order the person to be  
35 returned to the court, at which time the court may review its

1 previous action and reaffirm it or substitute for it any  
2 sentence permitted by law. Copies of the order to return the  
3 person to the court shall be provided to the attorney for the  
4 state, the defendant's attorney, and the defendant. Upon a  
5 request of the attorney for the state, the defendant's  
6 attorney, or the defendant if the defendant has no attorney,  
7 the court may, but is not required to, conduct a hearing on  
8 the issue of reconsideration of sentence. The court shall not  
9 disclose its decision to reconsider or not to reconsider the  
10 sentence of confinement until the date reconsideration is  
11 ordered or the date the one-year period expires, whichever  
12 occurs first. The district court retains jurisdiction for the  
13 limited purposes of conducting such review and entering an  
14 appropriate order notwithstanding the timely filing of a  
15 notice of appeal. The court's final order in the proceeding  
16 shall be delivered to the defendant personally or by certified  
17 regular mail. The court's decision to take the action or not  
18 to take the action is not subject to appeal. However, for the  
19 purposes of appeal, a judgment of conviction of a felony is a  
20 final judgment when pronounced.

21 Sec. 36. Section 903.2, Code 2003, is amended to read as  
22 follows:

23 903.2 RECONSIDERATION OF MISDEMEANANT'S SENTENCE.

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

1 the court and its decision to take the action or not to take  
2 the action is not subject to appeal. The other provisions of  
3 this section notwithstanding, for the purposes of appeal a  
4 judgment of conviction is a final judgment when pronounced.

5 Sec. 37. Section 907.4, Code 2003, is amended to read as  
6 follows:

7 907.4 DEFERRED JUDGMENT DOCKET.

8 A deferment of judgment under section 907.3 shall be  
9 reported entered promptly by the clerk of the district court,  
10 or the clerk's designee, ~~to the state court administrator for~~  
11 entry in into the deferred judgment docket database of the  
12 state, which shall serve as the deferred judgment docket. The  
13 docket shall contain a permanent record of the deferred  
14 judgment including the name and date of birth of the  
15 defendant, the district court docket number, the nature of the  
16 offense, and the date of the deferred judgment. Before  
17 granting deferred judgment in any case, the court shall  
18 ~~request of the state court administrator a~~ search of the  
19 deferred judgment docket and shall consider any prior record  
20 of a deferred judgment against the defendant. The permanent  
21 record provided for in this section is a confidential record  
22 exempted from public access under section 22.7 and shall be  
23 available only to justices of the supreme court, judges of the  
24 court of appeals, district judges, district associate judges,  
25 judicial magistrates, clerks of the district court, and county  
26 attorneys, and the department of corrections requesting  
27 information pursuant to this section, or the designee of a  
28 justice, judge, magistrate, clerk, or county attorney, or  
29 department.

30 Sec. 38. Section 633.15, Code 2003, is repealed.

31 EXPLANATION

32 This bill relates to procedures and duties of the judicial  
33 branch.

34 The amendments to Code sections 232.35, 232.37, and 331.653  
35 require the county sheriff to serve a summons, notice, or

1 subpoena in a juvenile delinquency proceeding. The amendment  
2 to Code section 232.37 also requires the sheriff to serve a  
3 summons, subpoenas, or other legal process in child in need of  
4 assistance proceedings under Code section 232.88.

5 The amendments to Code sections 232.183 and 237.20  
6 eliminate the participation of the foster care review board in  
7 voluntary foster care placements and in reviewing delinquency  
8 cases involving foster care.

9 The amendment to Code section 236.3 requires that in a  
10 contempt action for violation of a no contact domestic abuse  
11 order, the filing fee and court costs for the victim shall be  
12 waived by the court.

13 The amendments to Code chapter 255 relate to petitioning  
14 for medical treatment of indigent persons. The bill provides  
15 that the county general assistance director and not the clerk  
16 of court shall file a complaint to appoint a physician to  
17 examine an indigent person. The bill principally substitutes  
18 the county general assistance director for the clerk of court  
19 in administering a complaint for indigent care and removes the  
20 clerk from the process other than to schedule hearings and  
21 notify parties. The bill also principally substitutes the  
22 board of supervisors for the court in reviewing the case and  
23 issuing findings.

24 The amendments to Code section 321.20B relate to the  
25 criminal offense of driving a motor vehicle without liability  
26 insurance. The bill provides that an owner or driver charged  
27 with a violation of Code section 321.20B may present proof of  
28 liability coverage prior to the court date to have the charge  
29 dismissed. Current law provides that the owner or driver  
30 present proof of coverage to the clerk of court within 30 days  
31 of the issuance of the citation to obtain a dismissal.

32 The amendment to Code section 321.484 relates to parking  
33 violations. The bill provides that an owner of a vehicle  
34 which has been issued a ticket may have the ticket dismissed  
35 if the owner can furnish proof to the county attorney that a

1 lessee or renter had custody of the vehicle when the ticket  
2 was issued. The bill provides the county attorney shall issue  
3 a new parking ticket to the person who was in custody of the  
4 vehicle if the ticket against the owner was dismissed.  
5 Current law provides that the owner of a vehicle show proof of  
6 coverage to the clerk of court and the clerk issue a new  
7 ticket if the owner was not in custody of the vehicle.

8 The amendments to Code section 331.653(23A) and section  
9 331.804 relate to the disposition of the property of a person  
10 who is deceased, if no one is entitled to the property or  
11 money by law. The bill provides that the medical examiner  
12 shall send the property to the local law enforcement agency  
13 where the property was found, and the local law enforcement  
14 agency shall send an affidavit identifying the property to the  
15 county auditor for entry on the lost property book of the  
16 auditor. Current law provides that the property be deposited  
17 with the clerk of court for lawful disposal.

18 The amendment to Code section 598.21 relates to modifying a  
19 dissolution decree in a county other than the county where the  
20 original decree was entered. The bill provides that upon  
21 entering a modification in another county, the clerk shall  
22 notify by regular mail, electronic transmission, or fascimile  
23 the clerk of court in the county where the original decree was  
24 entered.

25 The amendment to Code section 602.1304 increases the  
26 maximum annual deposit into the enhanced court collections  
27 fund from \$4 million to \$6 million. Certain moneys collected  
28 by the judicial branch are deposited into the fund and the  
29 moneys are used for the Iowa court information system, for  
30 records management equipment, services, and projects, and for  
31 other court technological improvements.

32 The amendment to Code section 602.6111 requires the clerk  
33 of court to issue a personal identification number to each  
34 party to a lawsuit on any first document filed with the clerk.  
35 The bill also requires each party to submit the party's social

1 security number, if one has been issued, and the party's date  
2 of birth. The bill provides that the clerk of court shall  
3 keep the party's social security number confidential.

4 The amendment to Code section 602.8102(9) allows the clerk  
5 of court to enter in the appearance docket a memorandum of the  
6 date of filing of a new petition or order within 48 hours of  
7 the filing of the document. The bill also permits the clerk  
8 of court to complete the memorandum for all other pleadings as  
9 soon as practicable. This amendment does not change the date  
10 in which the pleading is filed. However, a pleading may not  
11 be removed from the office of the clerk of court until the  
12 memorandum is completed.

13 The amendment to Code sections 602.8102(11) and 624.20  
14 relate to entering a satisfaction of judgment by the clerk of  
15 court and court refunds. The bill permits the clerk of court  
16 to enter a satisfaction of judgment if the amount of the  
17 unsatisfied judgment is less than \$3. The bill also requires  
18 that if a party is due a refund from the clerk's office, the  
19 clerk need not refund the money if the amount of money due is  
20 less than \$3, unless the party requests a refund in writing.  
21 Current law provides that a satisfaction shall not be entered  
22 unless the dollar amount is less than \$1, and money need not  
23 be refunded to a party if the amount is less than \$1.

24 The amendment to Code section 602.8106(1)(b) changes the  
25 filing fee assessed for nonscheduled simple misdemeanors from  
26 \$25 to \$17.

27 The amendment to Code section 602.8106(1)(c) changes the  
28 filing fee assessed for certain parking violations. The bill  
29 increases the filing fees for parking violations pursuant to  
30 Code section 321.236 other than violations in subsection 1,  
31 and pursuant to Code sections 321.239, 321.358, 321.360, and  
32 321.361, from \$1 to \$8, effective January 1, 2004.

33 The amendment to Code section 602.8106(1)(d) decreases the  
34 court costs assessed in a scheduled violation case where a  
35 court appearance is required from \$25 to \$17.

1 The amendment to Code section 602.8106(1)(e) increases the  
2 amount of court costs assessed in a scheduled violation case  
3 where a court appearance is not required from \$15 to \$17.

4 The amendment to Code section 631.5 eliminates the  
5 requirement that the clerk of court notify the parties of a  
6 default judgment entered in small claims court if the amount  
7 of the judgment is not readily ascertainable by the clerk and  
8 of assignment to a magistrate.

9 The amendment to Code section 631.6 permits the clerk of  
10 court to charge a flat fee of \$8 for postage in a small claims  
11 action rather than the actual cost of the postage.

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

15 The amendment to Code section 633.301 requires the clerk of  
16 court to deliver a certified copy of a will to an executor  
17 upon the filing of the original will with the clerk of court.  
18 Current law requires the will be authenticated.

19 The amendments to Code sections 633.479, 633.480, 633.481,  
20 and 635.7 eliminate the clerk of court's responsibility to  
21 prepare a court officer's deed for the purpose of transferring  
22 real property in an estate that has been opened with or  
23 without administration. The bill provides that the heir, the  
24 heir's attorney, or the personal representative shall be  
25 responsible for preparing the documents for change of title  
26 and delivering the documents to the county recorder.

27 The amendment to Code section 668.13 provides that interest  
28 on a judgment be calculated upon the one year treasury  
29 constant maturity published by the federal reserve, plus 2  
30 percent.

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

35 The amendment to Code section 907.4 requires the judge to

1 search the deferred judgment docket rather than the state  
2 court administrator. The bill provides the deferred judgment  
3 docket shall be on a searchable database. The bill also  
4 permits the department of corrections to have access to  
5 deferred judgment records. Current law only permits the  
6 courts and the county attorney access to the records.

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

9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
29  
30  
31  
32  
33  
34  
35

## MEMORANDUM

TO: MEMBERS OF THE GENERAL ASSEMBLY  
FROM: IOWA JUDICIAL BRANCH  
DATE: FEBRUARY 7, 2003  
RE: TLSB 1209DP

The purpose of the proposed bill is to streamline and clarify certain court practices and procedures used in the clerk of district court offices.

Although most county sheriff offices serve summons, subpoenas and notices filed in juvenile proceedings, a few do not. The proposed amendments to Code sections 232.35, 232.37, and 331.653 (23A) would clarify that the county sheriff must serve a summons, subpoena or notice in a juvenile delinquency or CINA proceeding.

The Supreme Court believes that although voluntary foster care placements and delinquency matters are important, they do not require the extra layer of review provided by the foster care review board. Further, anecdotal evidence suggests that the board's review of these matters tends to be redundant and often occur too late in the process. The proposed amendments to Code sections 232.183 and 237.20 would eliminate the participation of the foster care review board in voluntary foster care placements and delinquency cases involving foster care.

Although the Code provides that fees for bringing an action for securing a no-contact order under chapter 236 shall be waived, it does not provide similar relief for the fees associated with bringing a contempt action to enforce a no-contact order. The proposed amendment to Code section 236.3 would eliminate the discrepancy by requiring that in a contempt action for violation of a no-contact order, the filing fee and court costs for the victim shall be waived by the court.

The amendments to Code chapter 255 relate to petitioning for medical treatment of indigent persons at University Hospitals. These amendments would remove the courts from the procedure for approving and overseeing medical care to indigents at county expense and treat the process as an administrative matter for the counties. This change would bring the Code in line with what has become the current practice of the counties working directly with University Hospitals to secure and pay for medical services for indigents.

The amendments to Code section 321.20B relate to the criminal offense of driving a motor vehicle without liability insurance. Current law provides that the owner or driver present proof of coverage to the clerk of court prior to the court appearance or within 30 days of the issuance of the citation, whichever is earlier, to obtain a dismissal of the charge. Most court appearances are within the 30-day time period, yet many people mistakenly believe that they have the full 30 days to show proof. The proposed amendment would require an owner or driver to present proof of liability coverage to the clerk of court before the date of the person's court appearance. This should make the law easier to understand and administer.

The proposed amendment to Code section 321.484 would provide that an owner of a vehicle, which has been issued a ticket, may have the ticket dismissed if the owner can furnish proof to the county attorney, rather than the clerk of court, that another person had custody of the vehicle when the ticket was issued. The bill would require the county attorney to issue a new parking ticket to the person who was in custody of the vehicle if the ticket against the owner was dismissed. The Court requests the amendment because the county attorneys, not the clerks of court, are responsible for prosecuting criminal charges.

The amendment to Code section 331.804 relates to the disposition of property found on a deceased person, if no one is entitled to the property or money by law. The proposed bill would provide that the medical examiner deposit the property with the law enforcement agency in the jurisdiction where the deceased person was found, who shall dispose of the property as provided by law. Current law provides that the property be deposited with the clerk of court for lawful disposal. However, clerks are not equipped to dispose of personal belongings.

The proposed amendment to Code section 598.21 relates to modifying a dissolution decree in a county other than the county where the original decree was entered. The bill would provide that a clerk give notice to the originating county that an initial dissolution decree has been modified. This change would help with the enforcement of orders and the tracking of orders and liens.

The Court recommends increasing the cap on the Enhanced Court Collections Fund, which is used to support court technology and invest in new technologies that will improve court services. The proposed amendment would increase the cap from \$4 million to \$6 million.

Code section 602.6111 requires the clerk of court to issue a personal identification number (PIN) to each party to a lawsuit in order to facilitate the use of an automated docket. This amendment would require that parties (who are not corporations or other organizations) to provide their date of birth as a means of additional personal identification. This change would help law enforcement, abstractors, and others to

distinguish individuals who have the same name (e.g., John Smith). Social security numbers cannot be used. Date of birth is a reliable identifier.

The amendments to Code sections 602.8102 (11) and 624.20 relate to entering a satisfaction of judgment by the clerk of court. Sometimes, small amounts of judgments linger unsatisfied. This usually happens because people who have citations misread the handwritten amount on the citation and do not send in the right amount of money. Enforcement of such nominal amounts is not cost effective. Several years ago, the legislature established a procedure that allows clerks to "write off" amounts of \$1 or less. This procedure has been very helpful to clerks of court. This amendment would increase the minimum amount of judgment that may remain unpaid for purposes of satisfaction of judgments from \$1 to \$3.

The proposed amendments to Code section 602.8106(1)(b), 602.8106(1)(c), 602.8106(1)(d), and 602.8102(1)(e) would change the amount of filing fees assessed for most simple misdemeanors. Presently, the Code contains four different filing fee amounts for simple misdemeanors: \$1 for parking violations; \$8 for parking violations that proceed before the court; \$15 for scheduled violation with no court appearance required; and \$25 for other simple misdemeanors and for scheduled violations when a court appearance is required. Limiting the different amounts for fees would facilitate the processing of simple misdemeanor cases, reduce the chance of errors, and reduce costs related to data entry and financial reporting. The amendments would establish two levels of filing fees for simple misdemeanors: \$8 for parking and \$17 for all other simple misdemeanors. The proposed change in fees is revenue neutral.

Section 631.5(5) requires the clerk of court to send notice of hearing in a small claims case. Section 631.5(6) requires the clerk to send notice of hearing when there is a default and the amount of damages is not readily ascertainable. The notice of hearing sent under section 631.5(5) is sufficient for the purpose of section 631.5(6). The proposed amendment would eliminate the redundant notices.

The proposed amendment to section 631.6 would permit the clerk of court to charge a flat fee of \$7 for postage in small claims cases when a plaintiff requests service by mail. This would save time by standardizing the process. It would also be easier for litigants. The typical cost under the present procedure is between \$6 and \$7.

The proposed amendment to Code section 633.47 would require that the costs of serving any notice given by the fiduciary shall be paid directly to the estate rather than taxed as court costs. The process of taxing the costs is duplicative, time consuming, and unnecessary.

The proposed amendment to Code section 633.301 would require the clerk of court to deliver a certified copy of a will, as opposed to an authenticated copy, to an

executor upon the filing of the original will with the clerk of court. This is a technical change only.

The proposed amendments to Code sections 633.479, 633.480, 633.481, and 635.7 would eliminate the practice of having clerks of court prepare a court officer's deed for the purpose of transferring real property in an estate that has been opened with or without administration. The proposed amendments would provide that the heirs or personal representative should be responsible for preparing the documents for change of title and delivering the documents to the county recorder.

In 2001 the legislature amended section 668.13 regarding interest rates after the Treasury Department stopped issuing 52-week treasury bills. That amendment, however, used incorrect terminology that has created some confusion about the legislature's intent. The proposed change attempts to clear up any confusion about the appropriate interest rate by basing it on the one-year constant maturity rate published by the federal reserve, plus two percent.

The proposed amendments to Code sections 902.4 and 903.2 would permit the clerk of court to deliver by regular mail, rather than certified mail, the court's final order from a reconsideration of sentence hearing. The change would streamline the procedure and reduce processing costs.

The proposed amend to Code section 907.4 would permit the department of corrections to have access to deferred judgment records. The proposed amendment would also update the Code to conform to current technology, authorizing online secured access to the records.

The proposed repeal of Code section 633.15 would eliminated the antiquate requirement that probate court always be open for business.