

APR 24 2003

APPROPRIATIONS CALENDAR

HOUSE FILE 694
BY COMMITTEE ON APPROPRIATIONS

(SUCCESSOR TO HF 643)
(SUCCESSOR TO HSB 161)

Passed House, Date 4/25/03 Passed Senate, Date 4/28/03
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____
Approved _____

A BILL FOR

1 An Act relating to the judicial branch including by establishing
2 a judicial district and judicial election district
3 redistricting process, making changes to the nomination,
4 appointment, and retention of judges, expanding magistrate
5 courts, eliminating the position of alternate district
6 associate judge, permitting district judgeships to be
7 apportioned or transferred to another judicial district,
8 requiring the county sheriff to serve a summons in certain
9 delinquency proceedings, eliminating the participation of the
10 foster care review board in voluntary foster care placements,
11 waiving the filing fee and court costs in certain contempt
12 actions, changing the duties of and the procedures related to
13 the clerk of the district court, providing that interest on a
14 judgment be calculated upon the one year treasury constant
15 maturity plus two percent, expanding the access of the
16 deferred judgment docket, prohibiting regional litigation
17 centers, modifying the schedule of the probate court,
18 providing for a fee, and providing for a study.

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

20
21
22

HF 694

1 Section 1. Section 46.12, unnumbered paragraph 1, Code
2 2003, is amended to read as follows:

3 When a vacancy occurs or will occur within one hundred
4 twenty days in the supreme court, the court of appeals, or
5 district court, the state commissioner of elections shall
6 forthwith so notify the chairperson of the proper judicial
7 nominating commission, unless the chief justice has ordered
8 the state commissioner of elections to delay sending the
9 notification. The chief justice may order the delay for up to
10 one hundred eighty days for budgetary reasons. The
11 chairperson shall call a meeting of the commission within ten
12 days after such notice; if the chairperson fails to do so, the
13 chief justice shall call such meeting.

14 Sec. 2. Section 46.14, Code 2003, is amended to read as
15 follows:

16 46.14 NOMINATION.

17 1. Each judicial nominating commission shall carefully
18 consider the individuals available for judge, and within sixty
19 days after receiving notice of a vacancy shall certify to the
20 governor and the chief justice the proper number of nominees,
21 in alphabetical order. Such nominees shall be chosen by the
22 affirmative vote of a majority of the full statutory number of
23 commissioners upon the basis of their qualifications and
24 without regard to political affiliation. Nominees shall be
25 members of the bar of Iowa, shall be residents of the state or
26 district of the court to which they are nominated, and shall
27 be of such age that they will be able to serve an initial and
28 one regular term of office to which they are nominated before
29 reaching the age of seventy-two years. Nominees for district
30 judge shall file a certified application form, to be provided
31 by the supreme court, with the chairperson of the district
32 judicial nominating commission. ~~No person shall be eligible~~
33 ~~for nomination by a commission as judge during the term for~~
34 ~~which the person was elected or appointed to that commission.~~
35 Absence of a commissioner or vacancy upon the commission shall

1 not invalidate a nomination. The chairperson of the
2 commission shall promptly certify the names of the nominees,
3 in alphabetical order, to the governor and the chief justice.

4 2. A commissioner shall not be eligible for nomination by
5 the commission during the term for which the commissioner was
6 elected or appointed to that commission. A commissioner shall
7 not be eligible to vote for the nomination of a family member,
8 current law partner, or current business partner. For
9 purposes of this subsection, "family member" means a spouse,
10 son, daughter, brother, sister, uncle, aunt, first cousin,
11 nephew, niece, father-in-law, mother-in-law, son-in-law,
12 daughter-in-law, brother-in-law, sister-in-law, father,
13 mother, stepfather, stepmother, stepson, stepdaughter,
14 stepbrother, stepsister, half brother, or half sister.

15 Sec. 3. Section 46.16, subsections 2 and 3, Code 2003, are
16 amended to read as follows:

17 2. Subject to removal for cause, the initial term of
18 office of a district associate judge shall be for one year
19 after appointment and until January 1 following the next
20 judicial election after expiration of such year, and the
21 regular term of office of a district associate judge retained
22 at a judicial election shall be ~~four~~ six years from the
23 expiration of the initial or previous regular term, as the
24 case may be.

25 3. Subject to removal for cause, the initial term of
26 office of a full-time associate juvenile judge or a full-time
27 associate probate judge shall be for one year after
28 appointment and until January 1 following the next judicial
29 election after expiration of such year, and the regular term
30 of office of a full-time associate juvenile judge or a full-
31 time associate probate judge retained at a judicial election
32 shall be ~~four~~ six years from the expiration of the initial or
33 previous regular term, as the case may be.

34 Sec. 4. Section 232.35, subsection 1, Code 2003, is
35 amended to read as follows:

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

8 Sec. 5. Section 232.37, subsection 4, Code 2003, is
9 amended to read as follows:

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

21 Sec. 6. Section 232.183, subsection 7, Code 2003, is
22 amended by striking the subsection.

23 Sec. 7. Section 236.3, unnumbered paragraph 2, Code 2003,
24 is amended to read as follows:

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

1 Sec. 8. Section 237.20, unnumbered paragraph 1, Code 2003,
2 is amended to read as follows:

3 A local board shall, except in delinquency cases, do the
4 following:

5 Sec. 9. Section 255.1, unnumbered paragraph 1, Code 2003,
6 is amended to read as follows:

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

16 Sec. 10. Section 255.4, Code 2003, is amended to read as
17 follows:

18 255.4 EXAMINATION BY PHYSICIAN.

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

28 Sec. 11. Section 255.5, Code 2003, is amended to read as
29 follows:

30 255.5 REPORT BY PHYSICIAN.

31 Such physician shall make a report in duplicate on blanks
32 furnished as ~~hereinafter~~ provided in this chapter, answering
33 the questions contained ~~therein~~ in the blanks and setting
34 forth the information required ~~thereby~~, giving such history of
35 the case as will be likely to aid the medical or surgical

1 treatment or hospital care of such patient, describing the
2 pregnancy, deformity, or malady in detail, and stating whether
3 or not in the physician's opinion the same pregnancy,
4 deformity, or malady can probably be improved or cured or
5 advantageously treated, which report shall be filed in the
6 office of the ~~clerk-within-such-time-as-the-clerk-may-fix~~
7 county general assistance director.

8 Sec. 12. Section 255.6, Code 2003, is amended to read as
9 follows:

10 255.6 INVESTIGATION AND REPORT.

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

22 Sec. 13. Section 255.7, Code 2003, is amended to read as
23 follows:

24 255.7 NOTICE OF HEARING -- DUTY OF COUNTY ATTORNEY.

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

34 Sec. 14. Section 255.8, Code 2003, is amended to read as
35 follows:

1 255.8 HEARING----ORDER----EMERGENCY-CASES----CANCELLATION
2 ~~OF COMMITMENTS~~ DETERMINATION BY BOARD OF SUPERVISORS.

3 ~~The county attorney and the general assistance director, or~~
4 ~~other agent of the board of supervisors of the county, shall~~
5 ~~appear at the hearing. The complainant, the county attorney,~~
6 ~~the general assistance director or other agent of the board of~~
7 ~~supervisors, and the patient, or any person representing the~~
8 ~~patient, may introduce evidence and be heard. If the court~~
9 board of supervisors finds that the patient is a legal
10 resident of Iowa and is pregnant or is suffering from a malady
11 or deformity which can probably be improved or cured or
12 advantageously treated by medical or surgical treatment or
13 hospital care, and that neither the patient nor any person
14 legally chargeable with the patient's support is able to pay
15 the expenses, then the ~~clerk of court~~ county general
16 assistance director, except in obstetrical cases and
17 orthopedic cases, shall immediately ascertain from the
18 admitting physician at the university hospital whether the
19 person can be received as a patient within a period of thirty
20 days, and if the patient can be received, the ~~court, or in the~~
21 ~~event of no actual contest, the clerk of the court,~~ board
22 shall enter an order directing direct that the patient be sent
23 to the university hospital for proper medical and surgical
24 treatment and hospital care. If the ~~court ascertain~~ board
25 ascertains, except in obstetrical cases and orthopedic cases,
26 that a person of the age or sex of the patient, or afflicted
27 by the complaint, disease, or deformity with which the person
28 is afflicted, cannot be received as a patient at the
29 university hospital within the period of thirty days, then the
30 ~~court or the clerk shall enter an order directing~~ the board of
31 supervisors of shall direct the county to provide adequate
32 treatment at county expense for the patient at home or in a
33 hospital. Obstetrical cases and orthopedic cases may be
34 committed to the university hospital without regard to the
35 limiting period of thirty days.

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

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

14 255.10 RELIGIOUS BELIEF -- DENIAL OF ORDER.

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

22 Sec. 16. Section 255.11, Code 2003, is amended to read as
23 follows:

24 255.11 ORDER IN CASE OF EMERGENCY.

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

33 Sec. 17. Section 255.12, Code 2003, is amended to read as
34 follows:

35 255.12 CERTIFIED COPY OF ORDER.

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

6 Sec. 18. Section 255.13, Code 2003, is amended to read as
7 follows:

8 255.13 ATTENDANT -- PHYSICIAN -- COMPENSATION.

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

32 Sec. 19. Section 255.14, Code 2003, is amended to read as
33 follows:

34 255.14 PAYMENT OF EXPENSES ---HOW-PAID.

35 An itemized, verified statement of all charges provided for

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

11 Sec. 20. Section 255.21, Code 2003, is amended to read as
12 follows:

13 255.21 TREATMENT OUTSIDE HOSPITAL -- ATTENDANT.

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

29 Sec. 21. Section 255.22, Code 2003, is amended to read as
30 follows:

31 255.22 TREATMENT AUTHORIZED.

32 No A minor or incompetent person shall not be treated for
33 any malady or deformity except such as is reasonably well
34 described in the order ~~of-court~~ or the report of the examining
35 physician, unless permission for such treatment is provided

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

5 Sec. 22. Section 255.27, Code 2003, is amended to read as
6 follows:

7 255.27 FACULTY TO PREPARE BLANKS -- PRINTING.

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

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

22 An owner or driver who produces to the clerk of court,
23 ~~within-thirty-days-of-the-issuance-of-the-citation-under~~
24 ~~paragraph-"a"~~ 7 or prior to the date of the individual's court
25 appearance as indicated on the citation, ~~whichever-is-earlier,~~
26 proof that financial liability coverage was in effect for the
27 motor vehicle at the time the person was stopped and cited,
28 or, if the driver is not the owner of the motor vehicle, proof
29 that liability coverage was in effect for the driver with
30 respect to the motor vehicle being driven at the time the
31 driver was stopped and cited, in the same manner as if the
32 motor vehicle were owned by the driver, shall be given a
33 receipt indicating that such proof was provided and be subject
34 to one of the following:

35 Sec. 24. Section 321.20B, subsection 4, paragraph c, Code

1 2003, is amended to read as follows:

2 c. An owner or driver cited for a violation of subsection
3 1, who produces to the clerk of court ~~within-thirty-days-of~~
4 ~~the-issuance-of-the-citation~~ prior to the date of the
5 individual's court appearance as indicated on the citation
6 proof that financial liability coverage was in effect for the
7 motor vehicle at the time the person was stopped and cited,
8 shall not be convicted of such violation and the citation
9 issued shall be dismissed.

10 Sec. 25. Section 321.20B, subsection 5, paragraph b, Code
11 2003, is amended to read as follows:

12 b. Issue a citation. An owner or driver who produces to
13 the clerk of court ~~within-thirty-days-of-the-issuance-of-the~~
14 ~~citation~~~~7-or~~ prior to the date of the individual's court
15 appearance as indicated on the citation~~7-whichever-is-earlier~~
16 proof that the financial liability coverage was in effect for
17 the motor vehicle at the time the person was stopped and
18 cited, or if the driver is not the owner of the motor vehicle,
19 proof that liability coverage was in effect for the driver
20 with respect to the motor vehicle being driven at the time the
21 driver was stopped and cited in the same manner as if the
22 motor vehicle were owned by the driver, shall be given a
23 receipt indicating that proof was provided, and the citation
24 issued shall be dismissed.

25 Sec. 26. Section 321.484, unnumbered paragraph 2, Code
26 2003, is amended to read as follows:

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

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

13 Sec. 27. Section 331.653, Code 2003, is amended by adding
14 the following new subsection:

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

18 Sec. 28. Section 598.21, Code 2003, is amended by adding
19 the following new subsection:

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

26 Sec. 29. Section 602.1215, subsection 1, Code 2003, is
27 amended to read as follows:

28 1. The Subject to the provisions of section 602.1209,
29 subsection 3, the district judges of each judicial election
30 district shall by majority vote appoint persons to serve as
31 clerks of the district court, one for each county within the
32 judicial election district. The district judges of a judicial
33 election district may appoint a person to serve as clerk of
34 the district court for more than one but not more than four
35 contiguous counties in the same judicial district. A person

1 does not qualify for appointment to the office of clerk of the
2 district court unless the person is at the time of application
3 a resident of the state. ~~Within-three-months-of-appointment~~
4 ~~the-clerk-of-the-district-court-must-establish-residence-and~~
5 ~~physically-reside-in-the-county.~~ A clerk of the district
6 court may be removed from office for cause by a majority vote
7 of the district judges of the judicial election district.
8 Before removal, the clerk of the district court shall be
9 notified of the cause for removal.

10 Sec. 30. Section 602.1501, subsection 4, Code 2003, is
11 amended to read as follows:

12 4. District associate judges shall receive the salary set
13 by the general assembly. ~~However, an alternate district~~
14 ~~associate-judge-whose-appointment-is-authorized-under-section~~
15 ~~602-6303-shall-receive-a-salary-for-each-day-of-actual-duty~~
16 ~~equal-to-a-district-associate-judge's-daily-salary.~~

17 Sec. 31. Section 602.1604, Code 2003, is amended to read
18 as follows:

19 602.1604 JUDGES SHALL NOT PRACTICE LAW.

20 While holding office, a supreme court justice, court of
21 appeals judge, district judge, or district associate judge
22 shall not practice as an attorney or counselor or give advice
23 in relation to any action pending or about to be brought in
24 any of the courts of the state. ~~A person whose appointment as~~
25 ~~an alternate district associate judge is authorized under~~
26 ~~section 602-6303 may practice law except when actually serving~~
27 ~~as a district associate judge.~~

28 Sec. 32. Section 602.1611, subsection 2, Code 2003, is
29 amended by striking the subsection.

30 Sec. 33. Section 602.6105, subsection 3, Code 2003, is
31 amended to read as follows:

32 3. a. The chief judge of a judicial district shall
33 designate times and places for magistrates to hold court to
34 ensure accessibility of magistrates at all times throughout
35 the district. The schedule of times and places of

1 availability of magistrates and any schedule changes shall be
2 disseminated by the chief judge to the peace officers within
3 the district.

4 b. The chief judge of a judicial district shall schedule a
5 magistrate to hold court in a city other than the county seat
6 if all of the following apply:

7 (1) Magistrate court was regularly scheduled in the city
8 on or after July 1, 2001.

9 (2) The population of the city is at least two times
10 greater than the population of the county seat or the
11 population of the city is at least thirty thousand.

12 (3) The city requests the chief judge to schedule
13 magistrate court.

14 In addition to paying the costs in section 602.1303,
15 subsection 1, the city requesting the magistrate court shall
16 pay any other costs for holding magistrate court in the city
17 which would not otherwise have been incurred by the judicial
18 branch.

19 Sec. 34. Section 602.6107, Code 2003, is amended by
20 striking the section and inserting in lieu thereof the
21 following:

22 602.6107 REORGANIZATION OF JUDICIAL DISTRICTS AND JUDICIAL
23 ELECTION DISTRICTS.

24 1. The supreme court shall, beginning January 1, 2012, and
25 at least every ten years thereafter, review the division of
26 the state into judicial districts and judicial election
27 districts in order to determine whether the composition or the
28 total number of the judicial districts and judicial election
29 districts is the most efficient and effective administration
30 of the district court and the judicial branch.

31 2. If the supreme court determines that the administration
32 of the district court and the judicial branch would be made
33 more efficient and effective by reorganizing the judicial
34 districts and judicial election districts, which may include
35 expanding or contracting the total number of judicial

1 districts and judicial election districts, the supreme court
2 shall develop and submit to the general assembly by November
3 15 a plan that reorganizes the judicial districts and judicial
4 election districts. The legislative service bureau shall
5 draft a bill embodying the plan for submission by the supreme
6 court to the general assembly. The general assembly shall
7 bring the bill to a vote in either the senate or the house of
8 representatives within thirty days of the bill's submission by
9 the supreme court to the general assembly, under a procedure
10 or rule permitting no amendments by either house except those
11 of a purely corrective nature. If both houses pass the bill,
12 the bill shall be presented as any other bill to the governor
13 for approval. The bill shall take effect upon the general
14 assembly passing legislation, which is approved by the
15 governor including an effective date for the reorganization of
16 the judicial districts and judicial election districts.

17 3. The composition of the judicial districts in section
18 602.6107, Code 2003, and judicial election districts in
19 section 602.6109, Code 2003, shall remain in effect until a
20 new division of the state into judicial districts and judicial
21 election districts is enacted.

22 4. It is the intent of the general assembly that the
23 supreme court prior to developing a plan pursuant to this
24 section consult with and receive input from members of the
25 general public, court employees, judges, members of the
26 general assembly, the judicial departments of correctional
27 services, county officers, officials from other interested
28 political subdivisions, and attorneys. In submitting a plan
29 pursuant to this section, the supreme court shall also submit
30 to the general assembly a report stating the reasons for
31 developing the plan and describing in detail the process used
32 in developing the plan.

33 5. Nothing in this section or other provision of the Code
34 shall be construed to preclude the general assembly or the
35 judicial branch from proposing or considering a plan

1 judicial election districts, the chief justice may authorize a
2 voluntary permanent transfer of a district judge from one
3 judicial election district to another upon approval by a
4 majority of the judicial council. After approval by the
5 judicial council, the chief justice shall notify all eligible
6 district judges of the intent to seek applicants for a
7 voluntary permanent transfer and the terms of such a transfer.
8 A district judge is not eligible for a voluntary transfer
9 unless the judge has served a regular term of office as
10 specified in section 46.16. Upon approval of the judge's
11 application, the chief justice may transfer a district judge
12 who consents to the transfer within six months of the
13 notification. The transfer of a district judge shall take
14 effect within sixty days of the official announcement of the
15 transfer by the chief justice. A district judge transferred
16 pursuant to this subsection shall have six months from the
17 date of the announcement of the transfer to establish
18 residency in the judicial election district where the district
19 judge is transferred. A district judge who has been
20 transferred shall stand for retention in the judicial election
21 district to which the district judge has been transferred as
22 provided in chapter 46. For purposes of subsection 3, the
23 judgeship shall be apportioned to the judicial election
24 district where the judge is transferred. A voluntary transfer
25 pursuant to this subsection shall not cause a vacancy of a
26 judgeship in the judicial election district from which the
27 district judge was transferred.

28 Sec. 40. Section 602.6301, Code 2003, is amended to read
29 as follows:

30 602.6301 NUMBER AND APPORTIONMENT OF DISTRICT ASSOCIATE
31 JUDGES.

32 There shall be one district associate judge in counties
33 having a population of more than thirty-five thousand and less
34 than eighty thousand; two in counties having a population of
35 eighty thousand or more and less than one hundred twenty-five

1 thousand; three in counties having a population of one hundred
2 twenty-five thousand or more and less than two hundred
3 thousand; four in counties having a population of two hundred
4 thousand or more and less than two hundred thirty-five
5 thousand; five in counties having a population of two hundred
6 thirty-five thousand or more and less than two hundred seventy
7 thousand; six in counties having a population of two hundred
8 seventy thousand or more and less than three hundred five
9 thousand; and seven in counties having a population of three
10 hundred five thousand or more. However, a county shall not
11 lose a district associate judgeship solely because of a
12 reduction in the county's population. If the formula provided
13 in this section results in the allocation of an additional
14 district associate judgeship to a county, implementation of
15 the allocation shall be subject to prior approval of the
16 supreme court and availability of funds to the judicial
17 branch. A district associate judge appointed pursuant to
18 section 602.6302 ~~or-602-6303~~ shall not be counted for purposes
19 of this section.

20 Sec. 41. Section 602.6304, subsections 1, 2, and 3, Code
21 2003, are amended to read as follows:

22 1. The district associate judges authorized by sections
23 602.6301, and 602.6302, ~~and-602-6303~~ shall be appointed by the
24 district judges of the judicial election district from persons
25 nominated by the county magistrate appointing commission. In
26 the case of a district associate judge to be appointed to more
27 than one county, the appointment shall be from persons
28 nominated by the county magistrate appointing commissions
29 acting jointly and in the case of a district associate judge
30 to be appointed to more than one judicial election district of
31 the same judicial district, the appointment shall be by a
32 majority of the district judges in each judicial election
33 district.

34 2. In November of any year in which an impending vacancy
35 is created because a district associate judge is not retained

1 reorganizing the judicial districts and judicial election
2 districts at any time.

3 Sec. 35. Section 602.6109, Code 2003, is amended by
4 striking the section and inserting in lieu thereof the
5 following:

6 602.6109 JUDICIAL ELECTION DISTRICTS AND JUDGESHIPS.

7 1. The reorganized judicial election districts established
8 pursuant to section 602.6107 shall be used solely for purposes
9 of nomination, appointment, and retention of judges of the
10 district court.

11 2. If the judicial election districts are reorganized
12 under section 602.6107, the state court administrator shall
13 reapportion the number of judgeships to which each judicial
14 election district is entitled. The reapportionment shall be
15 determined according to section 602.6201, subsection 3.

16 Sec. 36. Section 602.6111, Code 2003, is amended by
17 striking the section and inserting in lieu thereof the
18 following:

19 602.6111 IDENTIFICATION ON DOCUMENTS FILED WITH THE CLERK.

20 1. Any party, other than the state or a political
21 subdivision of the state, filing a petition or complaint,
22 answer, appearance, first motion, or any document filed with
23 the clerk of the district court which brings a new party into
24 a proceeding shall provide the clerk of the district court
25 with the following information when applicable:

26 a. An employer identification number if a number has been
27 assigned.

28 b. The birth date of the party.

29 c. The social security number of the party.

30 2. Any party, except the child support recovery unit,
31 filing a petition, complaint, answer, appearance, first
32 motion, or any document with the clerk of the district court
33 to establish or modify an order for child support under
34 chapter 236, 252A, 252K, 598, or 600B shall provide the clerk
35 of the district court with the date of birth and social

1 security number of the child.

2 3. A party shall provide the information pursuant to this
3 section in the manner required by rules or directives
4 prescribed by the supreme court. The clerk of the district
5 court shall keep a social security number provided pursuant to
6 this section confidential in accordance with the rules and
7 directives prescribed by the supreme court.

8 Sec. 37. NEW SECTION. 602.6112 REGIONAL LITIGATION
9 CENTERS -- PROHIBITION.

10 The judicial branch shall not establish regional litigation
11 centers.

12 Sec. 38. Section 602.6201, subsection 8, Code 2003, is
13 amended to read as follows:

14 ~~8. Vacancies shall not be filled in a judicial election~~
15 ~~district which becomes entitled to fewer judgeships under~~
16 ~~subsection 37, but an~~ An incumbent district judge shall not be
17 removed from office because of a reduction in the number of
18 authorized judgeships.

19 Sec. 39. Section 602.6201, Code 2003, is amended by adding
20 the following new subsections:

21 NEW SUBSECTION. 11. Notwithstanding any other provision
22 of the Code to the contrary, if a vacancy in a judgeship
23 occurs, and the chief justice of the supreme court makes a
24 finding that a substantial disparity exists in the allocation
25 of judgeships and judicial workload between judicial election
26 districts, the chief justice may apportion the judgeship from
27 the judicial election district where the vacancy occurs to
28 another judicial election district based upon the substantial
29 disparity finding. However, a judgeship shall not be
30 apportioned pursuant to this section unless a majority of the
31 judicial council approves the apportionment.

32 NEW SUBSECTION. 12. Notwithstanding any other provision
33 of the Code to the contrary, if the chief justice of the
34 supreme court determines a substantial disparity exists in the
35 allocation of judgeships and judicial workload between

1 judicial election districts, the chief justice may authorize a
2 voluntary permanent transfer of a district judge from one
3 judicial election district to another upon approval by a
4 majority of the judicial council. After approval by the
5 judicial council, the chief justice shall notify all eligible
6 district judges of the intent to seek applicants for a
7 voluntary permanent transfer and the terms of such a transfer.
8 A district judge is not eligible for a voluntary transfer
9 unless the judge has served a regular term of office as
10 specified in section 46.16. Upon approval of the judge's
11 application, the chief justice may transfer a district judge
12 who consents to the transfer within six months of the
13 notification. The transfer of a district judge shall take
14 effect within sixty days of the official announcement of the
15 transfer by the chief justice. A district judge transferred
16 pursuant to this subsection shall have six months from the
17 date of the announcement of the transfer to establish
18 residency in the judicial election district where the district
19 judge is transferred. A district judge who has been
20 transferred shall stand for retention in the judicial election
21 district to which the district judge has been transferred as
22 provided in chapter 46. For purposes of subsection 3, the
23 judgeship shall be apportioned to the judicial election
24 district where the judge is transferred. A voluntary transfer
25 pursuant to this subsection shall not cause a vacancy of a
26 judgeship in the judicial election district from which the
27 district judge was transferred.

28 Sec. 40. Section 602.6301, Code 2003, is amended to read
29 as follows:

30 602.6301 NUMBER AND APPORTIONMENT OF DISTRICT ASSOCIATE
31 JUDGES.

32 There shall be one district associate judge in counties
33 having a population of more than thirty-five thousand and less
34 than eighty thousand; two in counties having a population of
35 eighty thousand or more and less than one hundred twenty-five

1 thousand; three in counties having a population of one hundred
2 twenty-five thousand or more and less than two hundred
3 thousand; four in counties having a population of two hundred
4 thousand or more and less than two hundred thirty-five
5 thousand; five in counties having a population of two hundred
6 thirty-five thousand or more and less than two hundred seventy
7 thousand; six in counties having a population of two hundred
8 seventy thousand or more and less than three hundred five
9 thousand; and seven in counties having a population of three
10 hundred five thousand or more. However, a county shall not
11 lose a district associate judgeship solely because of a
12 reduction in the county's population. If the formula provided
13 in this section results in the allocation of an additional
14 district associate judgeship to a county, implementation of
15 the allocation shall be subject to prior approval of the
16 supreme court and availability of funds to the judicial
17 branch. A district associate judge appointed pursuant to
18 section 602.6302 ~~or-602-6303~~ shall not be counted for purposes
19 of this section.

20 Sec. 41. Section 602.6304, subsections 1, 2, and 3, Code
21 2003, are amended to read as follows:

22 1. The district associate judges authorized by sections
23 602.6301, and 602.6302, ~~and-602-6303~~ shall be appointed by the
24 district judges of the judicial election district from persons
25 nominated by the county magistrate appointing commission. In
26 the case of a district associate judge to be appointed to more
27 than one county, the appointment shall be from persons
28 nominated by the county magistrate appointing commissions
29 acting jointly and in the case of a district associate judge
30 to be appointed to more than one judicial election district of
31 the same judicial district, the appointment shall be by a
32 majority of the district judges in each judicial election
33 district.

34 2. In November of any year in which an impending vacancy
35 is created because a district associate judge is not retained

1 in office pursuant to a judicial election, the county
2 magistrate appointing commission shall publicize notice of the
3 vacancy in at least two publications in the official county
4 newspaper. The commission shall accept applications for
5 consideration for nomination as district associate judge for a
6 minimum of fifteen days prior to certifying nominations. The
7 commission shall consider the applications and shall, by
8 majority vote, certify to the chief judge of the judicial
9 district not later than December 15 of that year the names of
10 three applicants who are nominated by the commission for the
11 vacancy, unless the chief justice has ordered the commission
12 to delay the certification of the nominees to the chief judge.
13 The chief justice may order the delay of the certification for
14 up to one hundred eighty days for budgetary reasons. If there
15 are three or fewer applicants the commission shall certify all
16 applicants who meet the statutory qualifications. Nominees
17 shall be chosen solely on the basis of the qualifications of
18 the applicants, and political affiliation shall not be
19 considered.

20 3. Within thirty days after a county magistrate appointing
21 commission receives notification of an actual or impending
22 vacancy in the office of district associate judge, other than
23 a vacancy referred to in subsection 2, the commission shall
24 certify to the chief judge of the judicial district the names
25 of three applicants who are nominated by the commission for
26 the vacancy, unless the chief justice has ordered the
27 commission to delay the certification of the nominees to the
28 chief judge. The chief justice may order the delay of the
29 certification for up to one hundred eighty days for budgetary
30 reasons. The commission shall publicize notice of the vacancy
31 in at least two publications in the official county newspaper.
32 The commission shall accept applications for consideration for
33 nomination as district associate judge for a minimum of
34 fifteen days prior to certifying nominations. The commission
35 shall consider the applications and shall, by majority vote,

1 certify to the chief judge of the judicial district the names
2 of three applicants who are nominated by the commission for
3 the vacancy. If there are three or fewer applicants the
4 commission shall certify all applicants who meet the statutory
5 qualifications. Nominees shall be chosen solely on the basis
6 of the qualifications of the applicants, and political
7 affiliation shall not be considered. As used in this
8 subsection, a vacancy is created by the death, retirement,
9 resignation, or removal of a district associate judge, or by
10 an increase in the number of positions authorized.

11 Sec. 42. Section 602.6305, subsection 1, Code 2003, is
12 amended to read as follows:

13 1. District associate judges shall serve initial terms and
14 shall stand for retention in office within the judicial
15 election districts of their residences at the judicial
16 election in 1982 and every four six years thereafter, under
17 sections 46.17 to 46.24.

18 Sec. 43. Section 602.6403, subsection 3, Code 2003, is
19 amended to read as follows:

20 3. Within thirty days following receipt of notification of
21 a vacancy in the office of magistrate, the commission shall
22 appoint a person to the office to serve the remainder of the
23 unexpired term, unless the chief justice has ordered the
24 commission to delay the appointment for up to one hundred
25 eighty days for budgetary reasons. For purposes of this
26 section, vacancy means a death, resignation, retirement, or
27 removal of a magistrate, or an increase in the number of
28 positions authorized.

29 Sec. 44. Section 602.7103B, subsections 2 and 3, Code
30 2003, are amended to read as follows:

31 2. In November of any year in which an impending vacancy
32 is created because a full-time associate juvenile judge is not
33 retained in office pursuant to a judicial election, the county
34 magistrate appointing commission shall publicize notice of the
35 vacancy in at least two publications in the official county

1 newspaper. The commission shall accept applications for
2 consideration for nomination as full-time associate juvenile
3 judge for a minimum of fifteen days prior to certifying
4 nominations. The commission shall consider the applications
5 and shall, by majority vote, certify to the chief judge of the
6 judicial district not later than December 15 of that year the
7 names of three applicants who are nominated by the commission
8 for the vacancy, unless the chief justice has ordered the
9 commission to delay the certification of the nominees to the
10 chief judge. The chief justice may order the delay of the
11 certification for up to one hundred eighty days for budgetary
12 reasons. If there are three or fewer applicants, the
13 commission shall certify all applicants who meet the statutory
14 qualifications. Nominees shall be chosen solely on the basis
15 of the qualifications of the applicants, and political
16 affiliation shall not be considered.

17 3. Within thirty days after a county magistrate appointing
18 commission receives notification of an actual or impending
19 vacancy in the office of full-time associate juvenile judge,
20 other than a vacancy referred to in subsection 2, the
21 commission shall certify to the chief judge of the judicial
22 district the names of three applicants who are nominated by
23 the commission for the vacancy, unless the chief justice has
24 ordered the commission to delay the certification of the
25 nominees to the chief judge. The chief justice may order the
26 delay of the certification for up to one hundred eighty days
27 for budgetary reasons. The commission shall publicize notice
28 of the vacancy in at least two publications in the official
29 county newspaper. The commission shall accept applications
30 for consideration for nomination as full-time associate
31 juvenile judge for a minimum of fifteen days prior to
32 certifying nominations. The commission shall consider the
33 applications and shall, by majority vote, certify to the chief
34 judge of the judicial district the names of three applicants
35 who are nominated by the commission for the vacancy. If there

1 are three or fewer applicants, the commission shall certify
2 all applicants who meet the statutory qualifications.
3 Nominees shall be chosen solely on the basis of the
4 qualifications of the applicants, and political affiliation
5 shall not be considered. As used in this subsection, a
6 vacancy is created by the death, retirement, resignation, or
7 removal of a full-time associate juvenile judge, or by an
8 increase in the number of positions authorized.

9 Sec. 45. Section 602.8102, subsection 9, Code 2003, is
10 amended to read as follows:

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

29 Sec. 46. Section 602.8102, subsection 11, Code 2003, is
30 amended to read as follows:

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

33 Sec. 47. Section 602.8106, subsection 1, paragraphs b, c,
34 d, and e, Code 2003, are amended to read as follows:

35 b. For filing and docketing of a complaint or information

1 for a simple misdemeanor and a complaint or information for a
2 nonscheduled simple misdemeanor under chapter 321, twenty-five
3 seventeen dollars.

4 c. For filing and docketing a complaint or information or
5 uniform citation and complaint for parking violations under
6 sections 321.236, 321.239, 321.358, 321.360, and 321.361, one
7 dollar eight dollars, effective January 1, ~~1991~~ 2004. The
8 court costs in cases of parking meter and overtime parking
9 violations which are denied, and charged and collected
10 pursuant to section 321.236, subsection 1, or pursuant to a
11 uniform citation and complaint, are eight dollars per
12 information or complaint or per uniform citation and complaint
13 effective January 1, 1991.

14 d. The court costs in scheduled violation cases where a
15 court appearance is required ~~are twenty-five~~, seventeen
16 dollars.

17 e. For court costs in scheduled violation cases where a
18 court appearance is not required, fifteen seventeen dollars.

19 Sec. 48. Section 624.20, Code 2003, is amended to read as
20 follows:

21 624.20 SATISFACTION OF JUDGMENT.

22 Where a judgment is set aside or satisfied by execution or
23 otherwise, the clerk shall at once enter a memorandum thereof
24 on the column left for that purpose in the judgment docket.
25 However, the clerk may enter satisfaction of judgment if the
26 amount of the judgment that is unsatisfied is one-dollar three
27 dollars or less.

28 Sec. 49. Section 631.5, subsection 6, Code 2003, is
29 amended to read as follows:

30 6. DEFAULT. If a defendant fails to appear and the clerk
31 in accordance with subsection 4 determines that proper notice
32 has been given, judgment shall be rendered against the
33 defendant by the clerk if the relief is readily ascertainable.
34 If the relief is not readily ascertainable the claim shall be
35 assigned to a judicial magistrate for determination ~~and-the~~

~~1 clerk shall immediately notify the plaintiff or the
2 plaintiff's attorney and the judicial magistrate of such
3 assignment by ordinary mail.~~

4 Sec. 50. Section 631.6, subsection 1, paragraph c, Code
5 2003, is amended to read as follows:

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

8 Sec. 51. Section 633.20B, subsections 2 and 3, Code 2003,
9 are amended to read as follows:

10 2. In November of any year in which an impending vacancy
11 is created because a full-time associate probate judge is not
12 retained in office pursuant to a judicial election, the county
13 magistrate appointing commission shall publicize notice of the
14 vacancy in at least two publications in the official county
15 newspaper. The commission shall accept applications for
16 consideration for nomination as full-time associate probate
17 judge for a minimum of fifteen days prior to certifying
18 nominations. The commission shall consider the applications
19 and shall, by majority vote, certify to the chief judge of the
20 judicial district not later than December 15 of that year the
21 names of three applicants who are nominated by the commission
22 for the vacancy, unless the chief justice has ordered the
23 commission to delay the certification of the nominees to the
24 chief judge. The chief justice may order the delay of the
25 certification for up to one hundred eighty days for budgetary
26 reasons. If there are three or fewer applicants, the
27 commission shall certify all applicants who meet the statutory
28 qualifications. Nominees shall be chosen solely on the basis
29 of the qualifications of the applicants, and political
30 affiliation shall not be considered.

31 3. Within thirty days after a county magistrate appointing
32 commission receives notification of an actual or impending
33 vacancy in the office of full-time associate probate judge,
34 other than a vacancy referred to in subsection 2, the
35 commission shall certify to the chief judge of the judicial

1 district the names of three applicants who are nominated by
2 the commission for the vacancy, unless the chief justice has
3 ordered the commission to delay the certification of the
4 nominees to the chief judge. The chief justice may order the
5 delay of the certification for up to one hundred eighty days
6 for budgetary reasons. The commission shall publicize notice
7 of the vacancy in at least two publications in the official
8 county newspaper. The commission shall accept applications
9 for consideration for nomination as full-time associate
10 probate judge for a minimum of fifteen days prior to
11 certifying nominations. The commission shall consider the
12 applications and shall, by majority vote, certify to the chief
13 judge of the judicial district the names of three applicants
14 who are nominated by the commission for the vacancy. If there
15 are three or fewer applicants, the commission shall certify
16 all applicants who meet the statutory qualifications.
17 Nominees shall be chosen solely on the basis of the
18 qualifications of the applicants, and political affiliation
19 shall not be considered. As used in this subsection, a
20 vacancy is created by the death, retirement, resignation, or
21 removal of a full-time associate probate judge, or by an
22 increase in the number of positions authorized.

23 Sec. 52. Section 633.47, Code 2003, is amended to read as
24 follows:

25 633.47 PROOF OF SERVICE AND ~~TAXATION~~ PAYMENT OF COSTS.

26 Proof of service of any notice, required by this Code or by
27 order of court, including those by publication, shall be filed
28 with the clerk. The costs of serving any notice given by the
29 fiduciary shall ~~be taxed by the clerk as part of the costs of~~
30 administration in said be paid directly by the estate.

31 Sec. 53. Section 633.301, Code 2003, is amended to read as
32 follows:

33 633.301 COPY OF WILL FOR EXECUTOR.

34 When a will has been admitted to probate and certified
35 pursuant to section 633.300, the clerk shall cause an

1 authenticated a certified copy thereof to be placed in the
2 hands of the executor to whom letters are issued. The clerk
3 shall retain the will in a separate file provided for that
4 purpose until the time for contest has expired, and promptly
5 thereafter shall place it with the files of the estate.

6 Sec. 54. Section 633.479, unnumbered paragraph 2, Code
7 2003, is amended to read as follows:

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

25 Sec. 55. Section 633.480, Code 2003, is amended to read as
26 follows:

27 633.480 CERTIFICATE TO COUNTY RECORDER FOR TAX PURPOSES
28 WITH ADMINISTRATION.

29 After discharge as provided in section 633.479, ~~the clerk~~
30 ~~shall certify under chapter 558 relative to each parcel of~~
31 real estate the personal representative shall deliver to the
32 county recorder of the county in which the real estate is
33 situated a certificate pertaining to each parcel of real
34 estate described in the final report of the personal
35 representative which has not been sold by the personal

1 representative ~~and deliver the certificate to the county~~
2 ~~recorder of the county in which the real estate is situated.~~

3 The certificate shall include the name and complete mailing
4 address, as shown on the final report, of the individual or
5 entity in whose name each parcel of real estate is to be
6 taxed. The county recorder shall deliver the certificate to
7 the county auditor as provided in section 558.58.

8 Sec. 56. Section 633.481, Code 2003, is amended to read as
9 follows:

10 633.481 CERTIFICATE TO COUNTY RECORDER FOR TAX PURPOSES
11 WITHOUT ADMINISTRATION.

12 When an inventory or report is filed under section 450.22,
13 without administration of the estate of the decedent, the
14 ~~clerk~~ heir or heir's attorney shall ~~issue~~ prepare and deliver
15 to the county recorder of the county in which the real estate
16 is situated a certificate pertaining to each parcel of real
17 estate described in the inventory or report. Any fees for
18 certificates or recording fees required by this section or
19 section 633.480 shall be assessed as costs of administration.
20 The fee for recording and indexing the instrument shall be as
21 provided in section 331.604. The county recorder shall
22 deliver the certificates to the county auditor as provided in
23 section 558.58.

24 Sec. 57. Section 635.7, Code 2003, is amended to read as
25 follows:

26 635.7 REPORT AND INVENTORY -- EXCESS VALUE AND
27 TERMINATION.

28 The executor or administrator is required to file the
29 report and inventory for which provision is made in section
30 633.361. Nothing in sections 635.1 to 635.3 shall exempt the
31 executor or administrator from complying with the requirements
32 of section 422.27, 450.22, or 450.58, ~~or the clerk from~~
33 ~~complying with the requirements of section~~ 633.481. If the
34 inventory and report shows assets subject to the jurisdiction
35 of this state which exceed the total gross value of the amount

1 permitted the small estate under the applicable provision of
2 section 635.1, the clerk shall terminate the letters issued
3 under section 635.1 without prejudice to the rights of persons
4 who delivered property as permitted under section 635.3. The
5 executor or administrator shall then be required to petition
6 for administration of the estate as provided in chapter 633.

7 Sec. 58. Section 668.13, subsection 3, Code 2003, is
8 amended to read as follows:

9 3. Interest shall be calculated as of the date of judgment
10 at a rate equal to the one-year treasury constant maturity
11 ~~index~~ published by the federal reserve in the H15 report
12 settled immediately prior to the date of the judgment plus two
13 percent. The state court administrator shall distribute
14 notice monthly of that rate and any changes to that rate to
15 all district courts.

16 Sec. 59. Section 902.4, Code 2003, is amended to read as
17 follows:

18 902.4 RECONSIDERATION OF FELON'S SENTENCE.

19 For a period of one year from the date when a person
20 convicted of a felony, other than a class "A" felony or a
21 felony for which a minimum sentence of confinement is imposed,
22 begins to serve a sentence of confinement, the court, on its
23 own motion or on the recommendation of the director of the
24 Iowa department of corrections, may order the person to be
25 returned to the court, at which time the court may review its
26 previous action and reaffirm it or substitute for it any
27 sentence permitted by law. Copies of the order to return the
28 person to the court shall be provided to the attorney for the
29 state, the defendant's attorney, and the defendant. Upon a
30 request of the attorney for the state, the defendant's
31 attorney, or the defendant if the defendant has no attorney,
32 the court may, but is not required to, conduct a hearing on
33 the issue of reconsideration of sentence. The court shall not
34 disclose its decision to reconsider or not to reconsider the
35 sentence of confinement until the date reconsideration is

1 ordered or the date the one-year period expires, whichever
2 occurs first. The district court retains jurisdiction for the
3 limited purposes of conducting such review and entering an
4 appropriate order notwithstanding the timely filing of a
5 notice of appeal. The court's final order in the proceeding
6 shall be delivered to the defendant personally or by certified
7 regular mail. The court's decision to take the action or not
8 to take the action is not subject to appeal. However, for the
9 purposes of appeal, a judgment of conviction of a felony is a
10 final judgment when pronounced.

11 Sec. 60. Section 903.2, Code 2003, is amended to read as
12 follows:

13 903.2 RECONSIDERATION OF MISDEMEANANT'S SENTENCE.

14 For a period of thirty days from the date when a person
15 convicted of a misdemeanor begins to serve a sentence of
16 confinement, the court may order the person to be returned to
17 the court, at which time the court may review its previous
18 action and reaffirm it or substitute for it any sentence
19 permitted by law. The sentencing court retains jurisdiction
20 for the limited purposes of conducting such review and
21 entering an appropriate order notwithstanding the timely
22 filing of a notice of appeal or an application for
23 discretionary review. The court's final order in the
24 proceeding shall be delivered to the defendant personally or
25 by certified regular mail. Such action is discretionary with
26 the court and its decision to take the action or not to take
27 the action is not subject to appeal. The other provisions of
28 this section notwithstanding, for the purposes of appeal a
29 judgment of conviction is a final judgment when pronounced.

30 Sec. 61. Section 907.4, Code 2003, is amended to read as
31 follows:

32 907.4 DEFERRED JUDGMENT DOCKET.

33 A deferment of judgment under section 907.3 shall be
34 reported entered promptly by the clerk of the district court,
35 or the clerk's designee, ~~to-the-state-court-administrator-for~~

1 entry-in into the deferred judgment docket database of the
2 state, which shall serve as the deferred judgment docket. The
3 docket shall contain a permanent record of the deferred
4 judgment including the name and date of birth of the
5 defendant, the district court docket number, the nature of the
6 offense, and the date of the deferred judgment. Before
7 granting deferred judgment in any case, the court shall
8 ~~request-of-the-state-court-administrator-a~~ search of the
9 deferred judgment docket and shall consider any prior record
10 of a deferred judgment against the defendant. The permanent
11 record provided for in this section is a confidential record
12 exempted from public access under section 22.7 and shall be
13 available only to justices of the supreme court, judges of the
14 court of appeals, district judges, district associate judges,
15 judicial magistrates, clerks of the district court, and county
16 attorneys, and the department of corrections requesting
17 information pursuant to this section, or the designee of a
18 justice, judge, magistrate, clerk, or county attorney, or
19 department.

20 Sec. 62. Sections 602.6303 and 633.15, Code 2003, are
21 repealed.

22 Sec. 63. Section 602.6201, subsection 12, as enacted by
23 this Act, is amended by striking the subsection effective July
24 1, 2008.

25 Sec. 64. The sections of this Act amending section 46.12;
26 section 602.6304, subsections 2 and 3; and sections 602.6403,
27 602.7103B, and 633.20B are repealed on July 1, 2006.

28 Sec. 65. RETENTION OF JUDGES. The amendments in this Act
29 to section 46.16, subsections 2 and 3, apply to elections for
30 retaining a judge occurring after the effective date of this
31 Act.

32 Sec. 66. JUDICIAL DISTRICT REDISTRICTING INTERIM STUDY
33 COMMITTEE. The legislative council is requested to establish
34 an interim study committee to study the judicial district and
35 judicial election district redistricting and the allocation of

1 judicial branch resources. The committee shall review all
2 relevant matters regarding judicial district and judicial
3 election district redistricting, and the allocation of
4 judicial branch resources deemed relevant by the majority of
5 the committee including but not limited to determining whether
6 a misallocation of judicial officers exists between judicial
7 districts, the nature and history of judicial branch resources
8 and a cost analysis of current judicial branch resources, the
9 optimum allocation of resources regardless of judicial
10 district boundaries, the effect of redistricting on the
11 delivery of court services and employee morale, a cost
12 benefits analysis of implementing a redistricting plan, and
13 the recommendations of the Iowa supreme court committee on
14 redistricting. If after reviewing all relevant matters the
15 committee determines that redistricting should occur, the
16 committee shall adopt a redistricting plan and submit the plan
17 for consideration by the general assembly by December 15,
18 2003. If the committee determines redistricting should not
19 occur, the committee shall submit to the general assembly
20 other recommendations for achieving an optimum allocation of
21 judicial branch resources by December 15, 2003. The committee
22 shall consist of twenty-six members with each organization
23 selecting their member or representative as follows:

- 24 1. Three members to be selected by the supreme court.
- 25 2. One member to be selected by the speaker of the house
26 of representatives.
- 27 3. One member to be selected by the president of the
28 senate.
- 29 4. Three members of the Iowa state bar association.
- 30 5. Three members of the Iowa judges association.
- 31 6. Three members of the Iowa trial lawyers association.
- 32 7. Two members of the Iowa clerks of court association.
- 33 8. One member of the Iowa association of magistrate
34 judges.
- 35 9. One member of the Iowa defense counsel association.

- 1 10. One member of the Iowa academy of trial lawyers.
- 2 11. One member of the Iowa county attorneys association.
- 3 12. A representative of the judicial district department
- 4 of correctional services to be selected by the eight directors
- 5 of the judicial district department of correctional services.
- 6 13. One member of the Iowa sheriffs' and deputies'
- 7 association.
- 8 14. One member of the recorders affiliate of the Iowa
- 9 state association of counties.
- 10 15. One member of the Iowa court reporters association.
- 11 16. One member to be selected by the Iowa civil liberties
- 12 union.
- 13 17. One member of the supervisors affiliate of the Iowa
- 14 state association of counties.

15 EXPLANATION

16 This bill relates to procedures and duties of the judicial
17 branch.

18 The amendments to Code sections 46.12, 602.6304, 602.6403,
19 602.7103B, and 633.20B permit the chief of the supreme court
20 to delay, by up to 180 days, the nomination process of a judge
21 for appointment to the Iowa supreme court, court of appeals,
22 district court, district associate court, magistrate court,
23 juvenile court, and probate court. These amendments are
24 repealed on July 1, 2006.

25 The amendment to Code section 46.14 prohibits a member of a
26 judicial nominating commission from nominating a family
27 member, current law partner, or business partner, for a
28 judgeship.

29 The amendments to Code sections 46.16 and 602.6305 extend
30 the retention time period from four to six years for a
31 district associate judge, juvenile judge, and a probate judge.

32 The amendments to Code sections 232.35, 232.37, and 331.653
33 require the county sheriff to serve a summons, notice, or
34 subpoena in a juvenile delinquency proceeding. The amendment
35 to Code section 232.37 also requires the sheriff to serve a

1 summons, subpoenas, or other legal process in child in need of
2 assistance proceedings under Code section 232.88.

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

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

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

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

29 The amendment to Code section 321.484 relates to parking
30 violations. The bill provides that an owner of a vehicle
31 which has been issued a ticket may have the ticket dismissed
32 if the owner can furnish proof to the county attorney that a
33 lessee or renter had custody of the vehicle when the ticket
34 was issued. Current law provides that the owner of a vehicle
35 show proof of coverage to the clerk of court and the clerk

1 issue a new ticket if the owner was not in custody of the
2 vehicle.

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

10 The amendment to section 602.1215 relates to the
11 appointment of the clerk of the district court. The bill
12 provides that a clerk of the district court appointment is
13 subject to review by the state court administrator. The bill
14 also provides that a clerk of the district court may be
15 appointed to serve as clerk for up to four contiguous counties
16 in the same judicial district. The bill eliminates the
17 requirement that the clerk of the district court establish
18 residence and physically reside in the county where the clerk
19 is employed within three months of appointment. However, the
20 bill retains the provision that a person does not qualify for
21 appointment unless the person is at the time of application a
22 resident of the state.

23 The amendments to Code sections 602.1501, 602.1604,
24 602.1611, 602.6301, 602.6303, and 602.6304(1) eliminate the
25 position of alternate district associate judge. Current law
26 provides that if a county has only one district associate
27 judge, an alternate district associate judge may be appointed
28 to serve as a district associate judge on an as need basis.

29 The amendment to Code section 602.6105 relates to holding
30 magistrate court in a city other than the county seat. The
31 bill provides that magistrate court shall be scheduled in a
32 city other than the county seat, if magistrate court was held
33 in the city on or after July 1, 2001, the population of the
34 city is at least two times greater than the population of the
35 county seat or the population of the city is at least 30,000,

1 and the city requests magistrate court be held in the city.
2 The bill provides that the city requesting the magistrate
3 court shall pay the costs for holding magistrate court in the
4 city which would not otherwise have been incurred by the
5 judicial branch.

6 The amendments to Code sections 602.6107 and 602.6109
7 establish a judicial district and judicial election district
8 redistricting process. The bill provides that the supreme
9 court shall, beginning January 1, 2012, and at least every 10
10 years, review the division of the state into judicial
11 districts and judicial election districts in order to
12 determine whether the current composition of the judicial
13 districts and judicial election districts is the most
14 efficient and effective administration of the district courts
15 and the judicial branch. Under the bill, if the supreme court
16 determines that reorganizing the judicial districts and
17 judicial election districts would bring about more
18 efficiencies and be more effective for the administration of
19 the district court and judicial branch, the supreme court
20 shall develop and submit a reorganization plan to the general
21 assembly by November 15. The bill provides that the
22 legislative service bureau shall draft legislation embodying
23 the reorganization plan for submission to the general
24 assembly. The general assembly shall bring the legislation to
25 a vote within 30 days of the legislation's submission by the
26 supreme court, under a procedure or rule permitting no
27 amendments by either house except those that are of a purely
28 corrective nature. The bill must pass both houses and be
29 approved by the governor to become law. The bill provides
30 that the supreme court, prior to developing the reorganization
31 plan, shall consult and receive input from members of the
32 general public, court employees, judges, members of the
33 general assembly, the judicial departments of correctional
34 services, county officers, officials from other interested
35 political subdivisions, and attorneys. The bill provides that

1 the current composition of the judicial districts in Code
2 section 602.6107 and judicial election districts in Code
3 section 602.6109 shall remain in effect until the composition
4 of the judicial districts and judicial election districts is
5 enacted either using the procedure outlined in this bill or
6 another process for considering a reorganization of the
7 districts. The bill also creates a legislative study
8 committee to study judicial district and judicial election
9 district redistricting and the allocation of judicial branch
10 resources.

11 The amendment to Code section 602.6111 requires any party,
12 other than the state or a political subdivision of the state,
13 upon the party's first appearance in a court proceeding to
14 provide the clerk with the following information: an employer
15 identification number if one has been assigned, a social
16 security number, and the birth date of the party. The bill
17 provides that in proceedings modifying child support the clerk
18 shall be provided with the child's date of birth and social
19 security number. The bill provides that the clerk of court
20 shall keep the party's social security number confidential.

21 The bill adds new Code section 602.6112 which prohibits the
22 judicial branch from establishing regional litigation centers.

23 The amendments to Code section 602.6201 provide that if a
24 vacancy in a judgeship occurs, and the chief justice makes a
25 finding that a substantial disparity exists in the allocation
26 of judgeships and judicial workload exists between judicial
27 election districts, the chief justice may apportion the vacant
28 judgeship to another judicial election district if a majority
29 of the judicial council approves the apportionment. Under the
30 bill if the chief justice has determined that a substantial
31 disparity exists, the chief justice may also authorize a
32 voluntary permanent transfer of a district judge from one
33 judicial election district to another, upon approval of a
34 majority of the judicial council. A judge who voluntarily
35 transfers shall establish residency in the new judicial

1 election district within six months of the transfer and shall
2 stand for retention in the new judicial election district.

3 The bill provides that a district judge is not eligible for a
4 voluntary transfer unless the judge has served a regular term
5 of office. The provision of the bill providing for the
6 voluntary transfer of judges is repealed on July 1, 2008.

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

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

27 The amendment to Code section 602.8106(1)(b) changes the
28 filing fee assessed for nonscheduled simple misdemeanors from
29 \$25 to \$17.

30 The amendment to Code section 602.8106(1)(c) changes the
31 filing fee assessed for certain parking violations. The bill
32 increases the filing fees for parking violations pursuant to
33 Code section 321.236 other than violations in subsection 1,
34 and pursuant to Code sections 321.239, 321.358, 321.360, and
35 321.361, from \$1 to \$8, effective January 1, 2004.

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

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

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

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

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

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

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

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

34 The amendments to Code sections 902.4 and 903.2 permit the
35 clerk of court to deliver by regular mail the court's final

1 order from a reconsideration of sentence hearing. Current law
2 requires the final order to be mailed by certified mail.

3 The amendment to Code section 907.4 requires the judge to
4 search the deferred judgment docket rather than the state
5 court administrator. The bill provides the deferred judgment
6 docket shall be on a searchable database. The bill also
7 permits the department of corrections to have access to
8 deferred judgment records. Current law only permits the
9 courts and the county attorney access to the records.

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

12

13 HOUSE FILE 694 .

13

14 H-1477

14

1 Amend House File 694 as follows:

15

2 1. Page 32, line 22, by striking the word

16

3 "twenty-six" and inserting the following: "thirty-
4 one".

17

5 2. Page 32, by striking lines 25 through 28, and
6 inserting the following:

18

7 "___". One member to be selected by the majority
8 leader of the senate.

19

20

9 "___". One member to be selected by the minority
10 leader of the senate.

21

22

11 "___". One member to be selected by the majority
12 leader of the house of representatives.

23

24

13 "___". One member to be selected by the minority
14 leader of the house of representatives."

25

26

15 3. Page 33, by inserting after line 14, the
16 following:

27

28

17 "___". One member of the juvenile court officers'
18 association.

29

30

19 "___". One member to be selected by the American
20 federation of state, county, and municipal employees.

31

32

21 "___". One district court administrator to be
22 selected by the district court administrators of the
23 state."

33

34

24 4. By renumbering as necessary.

35

By SWAIM of Davis

36

37

WHITAKER of Van Buren

38

MERTZ of Kossuth

39

H-1477 FILED APRIL 25, 2003

ADOPTED

40

HOUSE FILE 694

H-1478

- 1 Amend House File 694 as follows:
- 2 1. Page 15, by striking lines 6 through 16 and
- 3 inserting the following: "court to the general
- 4 assembly."

By KUHN of Floyd
MERTZ of Kossuth

H-1478 FILED APRIL 25, 2003
LOST

HOUSE FILE 694

H-1479

- 1 Amend House File 694 as follows:
- 2 1. By striking page 12, line 26, through page 13,
- 3 line 9.
- 4 2. By renumbering as necessary.

By SWAIM of Davis WHITAKER of Van Buren
KUHN of Floyd MERTZ of Kossuth

H-1479 FILED APRIL 25, 2003
LOST

HOUSE FILE 694

H-1480

- 1 Amend House File 694 as follows:
- 2 1. Page 1, by striking lines 1 through 13.
- 3 2. By renumbering as necessary.

By SWAIM of Davis
WHITAKER of Van Buren
GASKILL of Wapello

H-1480 FILED APRIL 25, 2003
LOST

HOUSE FILE 694

H-1486

- 1 Amend House File 694 as follows:
- 2 1. Page 14, by striking lines 9 through 11.
- 3 2. By renumbering, redesignating, and correcting
- 4 internal references as necessary.

By D. OLSON of Boone
SHOULTZ of Black Hawk
BERRY of Black Hawk

H-1486 FILED APRIL 25, 2003
LOST

HOUSE FILE 694

H-1476

1 Amend House File 694 as follows:

2 1. Page 17, by striking lines 21 through 31 and
3 inserting the following:

4 "NEW SUBSECTION. 11. If a vacancy in a judgeship
5 occurs, the judgeship shall be apportioned to the
6 judicial election district having the greatest
7 percentage of need between authorized judgeships and
8 judgeships specified by the formula in subsection 3,
9 as calculated by the state court administrator. If
10 two or more judicial election districts have an equal
11 percentage of need between authorized judgeships and
12 judgeships specified by the formula, the judgeship
13 shall be apportioned by the state court administrator.
14 However, an apportionment under this section shall not
15 occur if the results of the apportionment would cause
16 the judicial election district in which the vacancy
17 occurs to have a greater percentage of need between
18 authorized judgeships and judgeships specified under
19 the formula as calculated by the state court
20 administrator, than would the judicial election
21 district which would receive the apportioned
22 judgeship."

23 2. By striking page 17, line 32, through page 18,
24 line 27, and inserting the following:

25 "NEW SUBSECTION. 12. Notwithstanding any other
26 provision of the Code to the contrary, if the chief
27 justice of the supreme court determines an inequity
28 exists in the allocation of judgeships and judicial
29 workload between judicial election districts, the
30 chief justice may authorize a voluntary permanent
31 transfer of a district judge from one judicial
32 election district to another. The chief justice shall
33 notify all eligible district judges of the intent to
34 authorize a voluntary permanent transfer and the terms
35 of such a transfer. The chief justice may transfer a
36 district judge who consents to the transfer within six
37 months of the notification. The transfer of a
38 district judge shall take effect within sixty days of
39 the official announcement of the transfer by the chief
40 justice. A district judge transferred pursuant to
41 this subsection shall have six months from the date of
42 the announcement of the transfer to establish
43 residency in the judicial election district where the
44 district judge is transferred. A district judge who
45 has been transferred shall stand for retention in the
46 judicial election district to which the district judge
47 has been transferred as provided in chapter 46. For
48 purposes of subsection 3, the judgeship shall be
49 apportioned to the judicial election district where
50 the judge is transferred. A voluntary transfer

H-1476

H-1476

Page 2

1 pursuant to this subsection shall not cause a vacancy
2 of a judgeship in the judicial election district from
3 which the district judge was transferred. A transfer
4 under this section shall not occur if the results of
5 the transfer would cause the judicial election
6 district from which the district judge would be
7 transferred to have a greater percentage of need
8 between authorized judgeships and judgeships specified
9 under the formula as calculated by the state court
10 administrator, than would the judicial election
11 district to which the district judge would be
12 transferred."

13 3. By renumbering as necessary.

By SWAIM of Davis

KUHN of Floyd

MERTZ of Kossuth

WHITAKER of Van Buren

GASKILL of Wapello

REASONER of Union

H-1476 FILED APRIL 25, 2003

LOST

HOUSE FILE 694
BY COMMITTEE ON APPROPRIATIONS

(SUCCESSOR TO HF 643)
(SUCCESSOR TO HSB 161)

(AS AMENDED AND PASSED BY THE HOUSE APRIL 25, 2003)

Passed House, Date 4/25/03 Passed Senate, Date 4/28/03
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____
Approved 5/23/03

A BILL FOR

1 An Act relating to the judicial branch including by establishing
2 a judicial district and judicial election district
3 redistricting process, making changes to the nomination,
4 appointment, and retention of judges, expanding magistrate
5 courts, eliminating the position of alternate district
6 associate judge, permitting district judgeships to be
7 apportioned or transferred to another judicial district,
8 requiring the county sheriff to serve a summons in certain
9 delinquency proceedings, eliminating the participation of the
10 foster care review board in voluntary foster care placements,
11 waiving the filing fee and court costs in certain contempt
12 actions, changing the duties of and the procedures related to
13 the clerk of the district court, providing that interest on a
14 judgment be calculated upon the one year treasury constant
15 maturity plus two percent, expanding the access of the
16 deferred judgment docket, prohibiting regional litigation
17 centers, modifying the schedule of the probate court,
18 providing for a fee, and providing for a study.

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

20
21
22

House Amendments _____

1 Section 1. Section 46.12, unnumbered paragraph 1, Code
2 2003, is amended to read as follows:

3 When a vacancy occurs or will occur within one hundred
4 twenty days in the supreme court, the court of appeals, or
5 district court, the state commissioner of elections shall
6 forthwith so notify the chairperson of the proper judicial
7 nominating commission, unless the chief justice has ordered
8 the state commissioner of elections to delay sending the
9 notification. The chief justice may order the delay for up to
10 one hundred eighty days for budgetary reasons. The
11 chairperson shall call a meeting of the commission within ten
12 days after such notice; if the chairperson fails to do so, the
13 chief justice shall call such meeting.

14 Sec. 2. Section 46.14, Code 2003, is amended to read as
15 follows:

16 46.14 NOMINATION.

17 1. Each judicial nominating commission shall carefully
18 consider the individuals available for judge, and within sixty
19 days after receiving notice of a vacancy shall certify to the
20 governor and the chief justice the proper number of nominees,
21 in alphabetical order. Such nominees shall be chosen by the
22 affirmative vote of a majority of the full statutory number of
23 commissioners upon the basis of their qualifications and
24 without regard to political affiliation. Nominees shall be
25 members of the bar of Iowa, shall be residents of the state or
26 district of the court to which they are nominated, and shall
27 be of such age that they will be able to serve an initial and
28 one regular term of office to which they are nominated before
29 reaching the age of seventy-two years. Nominees for district
30 judge shall file a certified application form, to be provided
31 by the supreme court, with the chairperson of the district
32 judicial nominating commission. ~~No person shall be eligible~~
33 ~~for nomination by a commission as judge during the term for~~
34 ~~which the person was elected or appointed to that commission.~~
35 Absence of a commissioner or vacancy upon the commission shall

1 not invalidate a nomination. The chairperson of the
2 commission shall promptly certify the names of the nominees,
3 in alphabetical order, to the governor and the chief justice.

4 2. A commissioner shall not be eligible for nomination by
5 the commission during the term for which the commissioner was
6 elected or appointed to that commission. A commissioner shall
7 not be eligible to vote for the nomination of a family member,
8 current law partner, or current business partner. For
9 purposes of this subsection, "family member" means a spouse,
10 son, daughter, brother, sister, uncle, aunt, first cousin,
11 nephew, niece, father-in-law, mother-in-law, son-in-law,
12 daughter-in-law, brother-in-law, sister-in-law, father,
13 mother, stepfather, stepmother, stepson, stepdaughter,
14 stepbrother, stepsister, half brother, or half sister.

15 Sec. 3. Section 46.16, subsections 2 and 3, Code 2003, are
16 amended to read as follows:

17 2. Subject to removal for cause, the initial term of
18 office of a district associate judge shall be for one year
19 after appointment and until January 1 following the next
20 judicial election after expiration of such year, and the
21 regular term of office of a district associate judge retained
22 at a judicial election shall be ~~four~~ six years from the
23 expiration of the initial or previous regular term, as the
24 case may be.

25 3. Subject to removal for cause, the initial term of
26 office of a full-time associate juvenile judge or a full-time
27 associate probate judge shall be for one year after
28 appointment and until January 1 following the next judicial
29 election after expiration of such year, and the regular term
30 of office of a full-time associate juvenile judge or a full-
31 time associate probate judge retained at a judicial election
32 shall be ~~four~~ six years from the expiration of the initial or
33 previous regular term, as the case may be.

34 Sec. 4. Section 232.35, subsection 1, Code 2003, is
35 amended to read as follows:

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

8 Sec. 5. Section 232.37, subsection 4, Code 2003, is
9 amended to read as follows:

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

21 Sec. 6. Section 232.183, subsection 7, Code 2003, is
22 amended by striking the subsection.

23 Sec. 7. Section 236.3, unnumbered paragraph 2, Code 2003,
24 is amended to read as follows:

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

1 Sec. 8. Section 237.20, unnumbered paragraph 1, Code 2003,
2 is amended to read as follows:

3 A local board shall, except in delinquency cases, do the
4 following:

5 Sec. 9. Section 255.1, unnumbered paragraph 1, Code 2003,
6 is amended to read as follows:

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

16 Sec. 10. Section 255.4, Code 2003, is amended to read as
17 follows:

18 255.4 EXAMINATION BY PHYSICIAN.

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

28 Sec. 11. Section 255.5, Code 2003, is amended to read as
29 follows:

30 255.5 REPORT BY PHYSICIAN.

31 Such physician shall make a report in duplicate on blanks
32 furnished as hereinafter provided in this chapter, answering
33 the questions contained therein in the blanks and setting
34 forth the information required thereby, giving such history of
35 the case as will be likely to aid the medical or surgical

1 treatment or hospital care of such patient, describing the
2 pregnancy, deformity, or malady in detail, and stating whether
3 or not in the physician's opinion the same pregnancy,
4 deformity, or malady can probably be improved or cured or
5 advantageously treated, which report shall be filed in the
6 office of the ~~clerk-within-such-time-as-the-clerk-may-fix~~
7 county general assistance director.

8 Sec. 12. Section 255.6, Code 2003, is amended to read as
9 follows:

10 255.6 INVESTIGATION AND REPORT.

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

22 Sec. 13. Section 255.7, Code 2003, is amended to read as
23 follows:

24 255.7 NOTICE OF HEARING -- DUTY OF COUNTY ATTORNEY.

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

34 Sec. 14. Section 255.8, Code 2003, is amended to read as
35 follows:

1 255.8 HEARING----ORDER----EMERGENCY-CASES----CANCELLATION
2 OF-COMMITMENTS DETERMINATION BY BOARD OF SUPERVISORS.

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

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

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

14 255.10 RELIGIOUS BELIEF -- DENIAL OF ORDER.

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

22 Sec. 16. Section 255.11, Code 2003, is amended to read as
23 follows:

24 255.11 ORDER IN CASE OF EMERGENCY.

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

33 Sec. 17. Section 255.12, Code 2003, is amended to read as
34 follows:

35 255.12 CERTIFIED COPY OF ORDER.

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

6 Sec. 18. Section 255.13, Code 2003, is amended to read as
7 follows:

8 255.13 ATTENDANT -- PHYSICIAN -- COMPENSATION.

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

32 Sec. 19. Section 255.14, Code 2003, is amended to read as
33 follows:

34 255.14 PAYMENT OF EXPENSES ---HOW-PAID.

35 An itemized, verified statement of all charges provided for

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

11 Sec. 20. Section 255.21, Code 2003, is amended to read as
12 follows:

13 255.21 TREATMENT OUTSIDE HOSPITAL -- ATTENDANT.
14 If, in the judgment of the physician or surgeon to whom the
15 patient has been assigned for treatment, continuous residence
16 of the patient in the hospital is unnecessary, such patient
17 may, by the hospital authorities, be sent to the patient's
18 home or other appropriate place, and be required to return to
19 the hospital when and for such length of time as may be for
20 the patient's benefit. The hospital authorities may, if
21 necessary, appoint an attendant to accompany such patient and
22 discharged patients, and the compensation of such attendant
23 shall be fixed by the state board of regents and charged by
24 the hospital as part of the costs of transporting patients.
25 The compensation paid to and the expenses of the attendant
26 shall be audited and paid in the same manner as is provided by
27 law for the compensation of an attendant appointed by the
28 ~~court~~ board of supervisors.

29 Sec. 21. Section 255.22, Code 2003, is amended to read as
30 follows:

31 255.22 TREATMENT AUTHORIZED.
32 ~~No~~ A minor or incompetent person shall not be treated for
33 any malady or deformity except such as is reasonably well
34 described in the order ~~of court~~ or the report of the examining
35 physician, unless permission for such treatment is provided

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

5 Sec. 22. Section 255.27, Code 2003, is amended to read as
6 follows:

7 255.27 FACULTY TO PREPARE BLANKS -- PRINTING.

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

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

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

35 Sec. 24. Section 321.20B, subsection 4, paragraph c, Code

1 2003, is amended to read as follows:

2 c. An owner or driver cited for a violation of subsection
3 1, who produces to the clerk of court ~~within-thirty-days-of~~
4 ~~the-issuance-of-the-citation~~ prior to the date of the
5 individual's court appearance as indicated on the citation
6 proof that financial liability coverage was in effect for the
7 motor vehicle at the time the person was stopped and cited,
8 shall not be convicted of such violation and the citation
9 issued shall be dismissed.

10 Sec. 25. Section 321.20B, subsection 5, paragraph b, Code
11 2003, is amended to read as follows:

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

25 Sec. 26. Section 321.484, unnumbered paragraph 2, Code
26 2003, is amended to read as follows:

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

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

13 Sec. 27. Section 331.653, Code 2003, is amended by adding
14 the following new subsection:

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

18 Sec. 28. Section 598.21, Code 2003, is amended by adding
19 the following new subsection:

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

26 Sec. 29. Section 602.1215, subsection 1, Code 2003, is
27 amended to read as follows:

28 1. The Subject to the provisions of section 602.1209,
29 subsection 3, the district judges of each judicial election
30 district shall by majority vote appoint persons to serve as
31 clerks of the district court, ~~one for each county~~ within the
32 judicial election district. The district judges of a judicial
33 election district may appoint a person to serve as clerk of
34 the district court for more than one but not more than four
35 contiguous counties in the same judicial district. A person

1 does not qualify for appointment to the office of clerk of the
2 district court unless the person is at the time of application
3 a resident of the state. ~~Within three months of appointment~~
4 ~~the clerk of the district court must establish residence and~~
5 ~~physically reside in the county.~~ A clerk of the district
6 court may be removed from office for cause by a majority vote
7 of the district judges of the judicial election district.
8 Before removal, the clerk of the district court shall be
9 notified of the cause for removal.

10 Sec. 30. Section 602.1501, subsection 4, Code 2003, is
11 amended to read as follows:

12 4. District associate judges shall receive the salary set
13 by the general assembly. ~~However, an alternate district~~
14 ~~associate judge whose appointment is authorized under section~~
15 ~~602.6303 shall receive a salary for each day of actual duty~~
16 ~~equal to a district associate judge's daily salary.~~

17 Sec. 31. Section 602.1604, Code 2003, is amended to read
18 as follows:

19 602.1604 JUDGES SHALL NOT PRACTICE LAW.

20 While holding office, a supreme court justice, court of
21 appeals judge, district judge, or district associate judge
22 shall not practice as an attorney or counselor or give advice
23 in relation to any action pending or about to be brought in
24 any of the courts of the state. ~~A person whose appointment as~~
25 ~~an alternate district associate judge is authorized under~~
26 ~~section 602.6303 may practice law except when actually serving~~
27 ~~as a district associate judge.~~

28 Sec. 32. Section 602.1611, subsection 2, Code 2003, is
29 amended by striking the subsection.

30 Sec. 33. Section 602.6105, subsection 3, Code 2003, is
31 amended to read as follows:

32 3. a. The chief judge of a judicial district shall
33 designate times and places for magistrates to hold court to
34 ensure accessibility of magistrates at all times throughout
35 the district. The schedule of times and places of

1 availability of magistrates and any schedule changes shall be
2 disseminated by the chief judge to the peace officers within
3 the district.

4 b. The chief judge of a judicial district shall schedule a
5 magistrate to hold court in a city other than the county seat
6 if all of the following apply:

7 (1) Magistrate court was regularly scheduled in the city
8 on or after July 1, 2001.

9 (2) The population of the city is at least two times
10 greater than the population of the county seat or the
11 population of the city is at least thirty thousand.

12 (3) The city requests the chief judge to schedule
13 magistrate court.

14 In addition to paying the costs in section 602.1303,
15 subsection 1, the city requesting the magistrate court shall
16 pay any other costs for holding magistrate court in the city
17 which would not otherwise have been incurred by the judicial
18 branch.

19 Sec. 34. Section 602.6107, Code 2003, is amended by
20 striking the section and inserting in lieu thereof the
21 following:

22 602.6107 REORGANIZATION OF JUDICIAL DISTRICTS AND JUDICIAL
23 ELECTION DISTRICTS.

24 1. The supreme court shall, beginning January 1, 2012, and
25 at least every ten years thereafter, review the division of
26 the state into judicial districts and judicial election
27 districts in order to determine whether the composition or the
28 total number of the judicial districts and judicial election
29 districts is the most efficient and effective administration
30 of the district court and the judicial branch.

31 2. If the supreme court determines that the administration
32 of the district court and the judicial branch would be made
33 more efficient and effective by reorganizing the judicial
34 districts and judicial election districts, which may include
35 expanding or contracting the total number of judicial

1 districts and judicial election districts, the supreme court
2 shall develop and submit to the general assembly by November
3 15 a plan that reorganizes the judicial districts and judicial
4 election districts. The legislative service bureau shall
5 draft a bill embodying the plan for submission by the supreme
6 court to the general assembly. The general assembly shall
7 bring the bill to a vote in either the senate or the house of
8 representatives within thirty days of the bill's submission by
9 the supreme court to the general assembly, under a procedure
10 or rule permitting no amendments by either house except those
11 of a purely corrective nature. If both houses pass the bill,
12 the bill shall be presented as any other bill to the governor
13 for approval. The bill shall take effect upon the general
14 assembly passing legislation, which is approved by the
15 governor including an effective date for the reorganization of
16 the judicial districts and judicial election districts.

17 3. The composition of the judicial districts in section
18 602.6107, Code 2003, and judicial election districts in
19 section 602.6109, Code 2003, shall remain in effect until a
20 new division of the state into judicial districts and judicial
21 election districts is enacted.

22 4. It is the intent of the general assembly that the
23 supreme court prior to developing a plan pursuant to this
24 section consult with and receive input from members of the
25 general public, court employees, judges, members of the
26 general assembly, the judicial departments of correctional
27 services, county officers, officials from other interested
28 political subdivisions, and attorneys. In submitting a plan
29 pursuant to this section, the supreme court shall also submit
30 to the general assembly a report stating the reasons for
31 developing the plan and describing in detail the process used
32 in developing the plan.

33 5. Nothing in this section or other provision of the Code
34 shall be construed to preclude the general assembly or the
35 judicial branch from proposing or considering a plan

1 reorganizing the judicial districts and judicial election
2 districts at any time.

3 Sec. 35. Section 602.6109, Code 2003, is amended by
4 striking the section and inserting in lieu thereof the
5 following:

6 602.6109 JUDICIAL ELECTION DISTRICTS AND JUDGESHIPS.

7 1. The reorganized judicial election districts established
8 pursuant to section 602.6107 shall be used solely for purposes
9 of nomination, appointment, and retention of judges of the
10 district court.

11 2. If the judicial election districts are reorganized
12 under section 602.6107, the state court administrator shall
13 reapportion the number of judgeships to which each judicial
14 election district is entitled. The reapportionment shall be
15 determined according to section 602.6201, subsection 3.

16 Sec. 36. Section 602.6111, Code 2003, is amended by
17 striking the section and inserting in lieu thereof the
18 following:

19 602.6111 IDENTIFICATION ON DOCUMENTS FILED WITH THE CLERK.

20 1. Any party, other than the state or a political
21 subdivision of the state, filing a petition or complaint,
22 answer, appearance, first motion, or any document filed with
23 the clerk of the district court which brings a new party into
24 a proceeding shall provide the clerk of the district court
25 with the following information when applicable:

26 a. An employer identification number if a number has been
27 assigned.

28 b. The birth date of the party.

29 c. The social security number of the party.

30 2. Any party, except the child support recovery unit,
31 filing a petition, complaint, answer, appearance, first
32 motion, or any document with the clerk of the district court
33 to establish or modify an order for child support under
34 chapter 236, 252A, 252K, 598, or 600B shall provide the clerk
35 of the district court with the date of birth and social

1 security number of the child.

2 3. A party shall provide the information pursuant to this
3 section in the manner required by rules or directives
4 prescribed by the supreme court. The clerk of the district
5 court shall keep a social security number provided pursuant to
6 this section confidential in accordance with the rules and
7 directives prescribed by the supreme court.

8 Sec. 37. NEW SECTION. 602.6112 REGIONAL LITIGATION
9 CENTERS -- PROHIBITION.

10 The judicial branch shall not establish regional litigation
11 centers.

12 Sec. 38. Section 602.6201, subsection 8, Code 2003, is
13 amended to read as follows:

14 ~~8. Vacancies shall not be filled in a judicial election~~
15 ~~district which becomes entitled to fewer judgeships under~~
16 ~~subsection 37, but an~~ An incumbent district judge shall not be
17 removed from office because of a reduction in the number of
18 authorized judgeships.

19 Sec. 39. Section 602.6201, Code 2003, is amended by adding
20 the following new subsections:

21 NEW SUBSECTION. 11. Notwithstanding any other provision
22 of the Code to the contrary, if a vacancy in a judgeship
23 occurs, and the chief justice of the supreme court makes a
24 finding that a substantial disparity exists in the allocation
25 of judgeships and judicial workload between judicial election
26 districts, the chief justice may apportion the judgeship from
27 the judicial election district where the vacancy occurs to
28 another judicial election district based upon the substantial
29 disparity finding. However, a judgeship shall not be
30 apportioned pursuant to this section unless a majority of the
31 judicial council approves the apportionment.

32 NEW SUBSECTION. 12. Notwithstanding any other provision
33 of the Code to the contrary, if the chief justice of the
34 supreme court determines a substantial disparity exists in the
35 allocation of judgeships and judicial workload between

1 judicial election districts, the chief justice may authorize a
2 voluntary permanent transfer of a district judge from one
3 judicial election district to another upon approval by a
4 majority of the judicial council. After approval by the
5 judicial council, the chief justice shall notify all eligible
6 district judges of the intent to seek applicants for a
7 voluntary permanent transfer and the terms of such a transfer.
8 A district judge is not eligible for a voluntary transfer
9 unless the judge has served a regular term of office as
10 specified in section 46.16. Upon approval of the judge's
11 application, the chief justice may transfer a district judge
12 who consents to the transfer within six months of the
13 notification. The transfer of a district judge shall take
14 effect within sixty days of the official announcement of the
15 transfer by the chief justice. A district judge transferred
16 pursuant to this subsection shall have six months from the
17 date of the announcement of the transfer to establish
18 residency in the judicial election district where the district
19 judge is transferred. A district judge who has been
20 transferred shall stand for retention in the judicial election
21 district to which the district judge has been transferred as
22 provided in chapter 46. For purposes of subsection 3, the
23 judgeship shall be apportioned to the judicial election
24 district where the judge is transferred. A voluntary transfer
25 pursuant to this subsection shall not cause a vacancy of a
26 judgeship in the judicial election district from which the
27 district judge was transferred.

28 Sec. 40. Section 602.6301, Code 2003, is amended to read
29 as follows:

30 602.6301 NUMBER AND APPORTIONMENT OF DISTRICT ASSOCIATE
31 JUDGES.

32 There shall be one district associate judge in counties
33 having a population of more than thirty-five thousand and less
34 than eighty thousand; two in counties having a population of
35 eighty thousand or more and less than one hundred twenty-five

1 thousand; three in counties having a population of one hundred
2 twenty-five thousand or more and less than two hundred
3 thousand; four in counties having a population of two hundred
4 thousand or more and less than two hundred thirty-five
5 thousand; five in counties having a population of two hundred
6 thirty-five thousand or more and less than two hundred seventy
7 thousand; six in counties having a population of two hundred
8 seventy thousand or more and less than three hundred five
9 thousand; and seven in counties having a population of three
10 hundred five thousand or more. However, a county shall not
11 lose a district associate judgeship solely because of a
12 reduction in the county's population. If the formula provided
13 in this section results in the allocation of an additional
14 district associate judgeship to a county, implementation of
15 the allocation shall be subject to prior approval of the
16 supreme court and availability of funds to the judicial
17 branch. A district associate judge appointed pursuant to
18 section 602.6302 ~~or-602-6303~~ shall not be counted for purposes
19 of this section.

20 Sec. 41. Section 602.6304, subsections 1, 2, and 3, Code
21 2003, are amended to read as follows:

22 1. The district associate judges authorized by sections
23 602.6301~~7~~ and 602.6302~~7-and-602-6303~~ shall be appointed by the
24 district judges of the judicial election district from persons
25 nominated by the county magistrate appointing commission. In
26 the case of a district associate judge to be appointed to more
27 than one county, the appointment shall be from persons
28 nominated by the county magistrate appointing commissions
29 acting jointly and in the case of a district associate judge
30 to be appointed to more than one judicial election district of
31 the same judicial district, the appointment shall be by a
32 majority of the district judges in each judicial election
33 district.

34 2. In November of any year in which an impending vacancy
35 is created because a district associate judge is not retained

1 in office pursuant to a judicial election, the county
2 magistrate appointing commission shall publicize notice of the
3 vacancy in at least two publications in the official county
4 newspaper. The commission shall accept applications for
5 consideration for nomination as district associate judge for a
6 minimum of fifteen days prior to certifying nominations. The
7 commission shall consider the applications and shall, by
8 majority vote, certify to the chief judge of the judicial
9 district not later than December 15 of that year the names of
10 three applicants who are nominated by the commission for the
11 vacancy, unless the chief justice has ordered the commission
12 to delay the certification of the nominees to the chief judge.
13 The chief justice may order the delay of the certification for
14 up to one hundred eighty days for budgetary reasons. If there
15 are three or fewer applicants the commission shall certify all
16 applicants who meet the statutory qualifications. Nominees
17 shall be chosen solely on the basis of the qualifications of
18 the applicants, and political affiliation shall not be
19 considered.

20 3. Within thirty days after a county magistrate appointing
21 commission receives notification of an actual or impending
22 vacancy in the office of district associate judge, other than
23 a vacancy referred to in subsection 2, the commission shall
24 certify to the chief judge of the judicial district the names
25 of three applicants who are nominated by the commission for
26 the vacancy, unless the chief justice has ordered the
27 commission to delay the certification of the nominees to the
28 chief judge. The chief justice may order the delay of the
29 certification for up to one hundred eighty days for budgetary
30 reasons. The commission shall publicize notice of the vacancy
31 in at least two publications in the official county newspaper.
32 The commission shall accept applications for consideration for
33 nomination as district associate judge for a minimum of
34 fifteen days prior to certifying nominations. The commission
35 shall consider the applications and shall, by majority vote,

1 certify to the chief judge of the judicial district the names
2 of three applicants who are nominated by the commission for
3 the vacancy. If there are three or fewer applicants the
4 commission shall certify all applicants who meet the statutory
5 qualifications. Nominees shall be chosen solely on the basis
6 of the qualifications of the applicants, and political
7 affiliation shall not be considered. As used in this
8 subsection, a vacancy is created by the death, retirement,
9 resignation, or removal of a district associate judge, or by
10 an increase in the number of positions authorized.

11 Sec. 42. Section 602.6305, subsection 1, Code 2003, is
12 amended to read as follows:

13 1. District associate judges shall serve initial terms and
14 shall stand for retention in office within the judicial
15 election districts of their residences at the judicial
16 election in 1982 and every ~~four~~ six years thereafter, under
17 sections 46.17 to 46.24.

18 Sec. 43. Section 602.6403, subsection 3, Code 2003, is
19 amended to read as follows:

20 3. Within thirty days following receipt of notification of
21 a vacancy in the office of magistrate, the commission shall
22 appoint a person to the office to serve the remainder of the
23 unexpired term, unless the chief justice has ordered the
24 commission to delay the appointment for up to one hundred
25 eighty days for budgetary reasons. For purposes of this
26 section, vacancy means a death, resignation, retirement, or
27 removal of a magistrate, or an increase in the number of
28 positions authorized.

29 Sec. 44. Section 602.7103B, subsections 2 and 3, Code
30 2003, are amended to read as follows:

31 2. In November of any year in which an impending vacancy
32 is created because a full-time associate juvenile judge is not
33 retained in office pursuant to a judicial election, the county
34 magistrate appointing commission shall publicize notice of the
35 vacancy in at least two publications in the official county

1 newspaper. The commission shall accept applications for
2 consideration for nomination as full-time associate juvenile
3 judge for a minimum of fifteen days prior to certifying
4 nominations. The commission shall consider the applications
5 and shall, by majority vote, certify to the chief judge of the
6 judicial district not later than December 15 of that year the
7 names of three applicants who are nominated by the commission
8 for the vacancy, unless the chief justice has ordered the
9 commission to delay the certification of the nominees to the
10 chief judge. The chief justice may order the delay of the
11 certification for up to one hundred eighty days for budgetary
12 reasons. If there are three or fewer applicants, the
13 commission shall certify all applicants who meet the statutory
14 qualifications. Nominees shall be chosen solely on the basis
15 of the qualifications of the applicants, and political
16 affiliation shall not be considered.

17 3. Within thirty days after a county magistrate appointing
18 commission receives notification of an actual or impending
19 vacancy in the office of full-time associate juvenile judge,
20 other than a vacancy referred to in subsection 2, the
21 commission shall certify to the chief judge of the judicial
22 district the names of three applicants who are nominated by
23 the commission for the vacancy, unless the chief justice has
24 ordered the commission to delay the certification of the
25 nominees to the chief judge. The chief justice may order the
26 delay of the certification for up to one hundred eighty days
27 for budgetary reasons. The commission shall publicize notice
28 of the vacancy in at least two publications in the official
29 county newspaper. The commission shall accept applications
30 for consideration for nomination as full-time associate
31 juvenile judge for a minimum of fifteen days prior to
32 certifying nominations. The commission shall consider the
33 applications and shall, by majority vote, certify to the chief
34 judge of the judicial district the names of three applicants
35 who are nominated by the commission for the vacancy. If there

1 are three or fewer applicants, the commission shall certify
2 all applicants who meet the statutory qualifications.
3 Nominees shall be chosen solely on the basis of the
4 qualifications of the applicants, and political affiliation
5 shall not be considered. As used in this subsection, a
6 vacancy is created by the death, retirement, resignation, or
7 removal of a full-time associate juvenile judge, or by an
8 increase in the number of positions authorized.

9 Sec. 45. Section 602.8102, subsection 9, Code 2003, is
10 amended to read as follows:

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

29 Sec. 46. Section 602.8102, subsection 11, Code 2003, is
30 amended to read as follows:

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

33 Sec. 47. Section 602.8106, subsection 1, paragraphs b, c,
34 d, and e, Code 2003, are amended to read as follows:

35 b. For filing and docketing of a complaint or information

1 for a simple misdemeanor and a complaint or information for a
2 nonscheduled simple misdemeanor under chapter 321, ~~twenty-five~~
3 seventeen dollars.

4 c. For filing and docketing a complaint or information or
5 uniform citation and complaint for parking violations under
6 sections 321.236, 321.239, 321.358, 321.360, and 321.361, ~~one~~
7 dollar eight dollars, effective January 1, ~~1991~~ 2004. The
8 court costs in cases of parking meter and overtime parking
9 violations which are denied, and charged and collected
10 pursuant to section 321.236, subsection 1, or pursuant to a
11 uniform citation and complaint, are eight dollars per
12 information or complaint or per uniform citation and complaint
13 effective January 1, 1991.

14 d. The court costs in scheduled violation cases where a
15 court appearance is required ~~are-twenty-five~~, seventeen
16 dollars.

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

19 Sec. 48. Section 624.20, Code 2003, is amended to read as
20 follows:

21 624.20 SATISFACTION OF JUDGMENT.

22 Where a judgment is set aside or satisfied by execution or
23 otherwise, the clerk shall at once enter a memorandum thereof
24 on the column left for that purpose in the judgment docket.
25 However, the clerk may enter satisfaction of judgment if the
26 amount of the judgment that is unsatisfied is ~~one-dollar~~ three
27 dollars or less.

28 Sec. 49. Section 631.5, subsection 6, Code 2003, is
29 amended to read as follows:

30 6. DEFAULT. If a defendant fails to appear and the clerk
31 in accordance with subsection 4 determines that proper notice
32 has been given, judgment shall be rendered against the
33 defendant by the clerk if the relief is readily ascertainable.
34 If the relief is not readily ascertainable the claim shall be
35 assigned to a judicial magistrate for determination ~~and-the~~

~~1 clerk shall immediately notify the plaintiff or the~~
~~2 plaintiff's attorney and the judicial magistrate of such~~
~~3 assignment by ordinary mail.~~

4 Sec. 50. Section 631.6, subsection 1, paragraph c, Code
5 2003, is amended to read as follows:

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

8 Sec. 51. Section 633.20B, subsections 2 and 3, Code 2003,
9 are amended to read as follows:

10 2. In November of any year in which an impending vacancy
11 is created because a full-time associate probate judge is not
12 retained in office pursuant to a judicial election, the county
13 magistrate appointing commission shall publicize notice of the
14 vacancy in at least two publications in the official county
15 newspaper. The commission shall accept applications for
16 consideration for nomination as full-time associate probate
17 judge for a minimum of fifteen days prior to certifying
18 nominations. The commission shall consider the applications
19 and shall, by majority vote, certify to the chief judge of the
20 judicial district not later than December 15 of that year the
21 names of three applicants who are nominated by the commission
22 for the vacancy, unless the chief justice has ordered the
23 commission to delay the certification of the nominees to the
24 chief judge. The chief justice may order the delay of the
25 certification for up to one hundred eighty days for budgetary
26 reasons. If there are three or fewer applicants, the
27 commission shall certify all applicants who meet the statutory
28 qualifications. Nominees shall be chosen solely on the basis
29 of the qualifications of the applicants, and political
30 affiliation shall not be considered.

31 3. Within thirty days after a county magistrate appointing
32 commission receives notification of an actual or impending
33 vacancy in the office of full-time associate probate judge,
34 other than a vacancy referred to in subsection 2, the
35 commission shall certify to the chief judge of the judicial

1 district the names of three applicants who are nominated by
2 the commission for the vacancy, unless the chief justice has
3 ordered the commission to delay the certification of the
4 nominees to the chief judge. The chief justice may order the
5 delay of the certification for up to one hundred eighty days
6 for budgetary reasons. The commission shall publicize notice
7 of the vacancy in at least two publications in the official
8 county newspaper. The commission shall accept applications
9 for consideration for nomination as full-time associate
10 probate judge for a minimum of fifteen days prior to
11 certifying nominations. The commission shall consider the
12 applications and shall, by majority vote, certify to the chief
13 judge of the judicial district the names of three applicants
14 who are nominated by the commission for the vacancy. If there
15 are three or fewer applicants, the commission shall certify
16 all applicants who meet the statutory qualifications.
17 Nominees shall be chosen solely on the basis of the
18 qualifications of the applicants, and political affiliation
19 shall not be considered. As used in this subsection, a
20 vacancy is created by the death, retirement, resignation, or
21 removal of a full-time associate probate judge, or by an
22 increase in the number of positions authorized.

23 Sec. 52. Section 633.47, Code 2003, is amended to read as
24 follows:

25 633.47 PROOF OF SERVICE AND ~~TAXATION~~ PAYMENT OF COSTS.

26 Proof of service of any notice, required by this Code or by
27 order of court, including those by publication, shall be filed
28 with the clerk. The costs of serving any notice given by the
29 fiduciary shall ~~be taxed by the clerk as part of the costs of~~
30 administration-in-said be paid directly by the estate.

31 Sec. 53. Section 633.301, Code 2003, is amended to read as
32 follows:

33 633.301 COPY OF WILL FOR EXECUTOR.

34 When a will has been admitted to probate and certified
35 pursuant to section 633.300, the clerk shall cause an

1 ~~authenticated~~ a certified copy thereof to be placed in the
2 hands of the executor to whom letters are issued. The clerk
3 shall retain the will in a separate file provided for that
4 purpose until the time for contest has expired, and promptly
5 thereafter shall place it with the files of the estate.

6 Sec. 54. Section 633.479, unnumbered paragraph 2, Code
7 2003, is amended to read as follows:

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

25 Sec. 55. Section 633.480, Code 2003, is amended to read as
26 follows:

27 633.480 CERTIFICATE TO COUNTY RECORDER FOR TAX PURPOSES
28 WITH ADMINISTRATION.

29 After discharge as provided in section 633.479, ~~the clerk~~
30 ~~shall certify under chapter 558 relative to each parcel of~~
31 ~~real estate~~ the personal representative shall deliver to the
32 county recorder of the county in which the real estate is
33 situated a certificate pertaining to each parcel of real
34 estate described in the final report of the personal
35 representative which has not been sold by the personal

1 ~~representative, and deliver the certificate to the county~~
2 ~~recorder of the county in which the real estate is situated.~~
3 The certificate shall include the name and complete mailing
4 address, as shown on the final report, of the individual or
5 entity in whose name each parcel of real estate is to be
6 taxed. The county recorder shall deliver the certificate to
7 the county auditor as provided in section 558.58.

8 Sec. 56. Section 633.481, Code 2003, is amended to read as
9 follows:

10 633.481 CERTIFICATE TO COUNTY RECORDER FOR TAX PURPOSES
11 WITHOUT ADMINISTRATION.

12 When an inventory or report is filed under section 450.22,
13 without administration of the estate of the decedent, the
14 ~~clerk~~ heir or heir's attorney shall ~~issue~~ prepare and deliver
15 to the county recorder of the county in which the real estate
16 is situated a certificate pertaining to each parcel of real
17 estate described in the inventory or report. Any fees for
18 certificates or recording fees required by this section or
19 section 633.480 shall be assessed as costs of administration.
20 The fee for recording and indexing the instrument shall be as
21 provided in section 331.604. The county recorder shall
22 deliver the certificates to the county auditor as provided in
23 section 558.58.

24 Sec. 57. Section 635.7, Code 2003, is amended to read as
25 follows:

26 635.7 REPORT AND INVENTORY -- EXCESS VALUE AND
27 TERMINATION.

28 The executor or administrator is required to file the
29 report and inventory for which provision is made in section
30 633.361. Nothing in sections 635.1 to 635.3 shall exempt the
31 executor or administrator from complying with the requirements
32 of section 422.27, 450.22, or 450.58, ~~or the clerk from~~
33 ~~complying with the requirements of section~~ 633.481. If the
34 inventory and report shows assets subject to the jurisdiction
35 of this state which exceed the total gross value of the amount

1 permitted the small estate under the applicable provision of
2 section 635.1, the clerk shall terminate the letters issued
3 under section 635.1 without prejudice to the rights of persons
4 who delivered property as permitted under section 635.3. The
5 executor or administrator shall then be required to petition
6 for administration of the estate as provided in chapter 633.

7 Sec. 58. Section 668.13, subsection 3, Code 2003, is
8 amended to read as follows:

9 3. Interest shall be calculated as of the date of judgment
10 at a rate equal to the one-year treasury constant maturity
11 ~~index~~ published by the federal reserve in the H15 report
12 settled immediately prior to the date of the judgment plus two
13 percent. The state court administrator shall distribute
14 notice monthly of that rate and any changes to that rate to
15 all district courts.

16 Sec. 59. Section 902.4, Code 2003, is amended to read as
17 follows:

18 902.4 RECONSIDERATION OF FELON'S SENTENCE.

19 For a period of one year from the date when a person
20 convicted of a felony, other than a class "A" felony or a
21 felony for which a minimum sentence of confinement is imposed,
22 begins to serve a sentence of confinement, the court, on its
23 own motion or on the recommendation of the director of the
24 Iowa department of corrections, may order the person to be
25 returned to the court, at which time the court may review its
26 previous action and reaffirm it or substitute for it any
27 sentence permitted by law. Copies of the order to return the
28 person to the court shall be provided to the attorney for the
29 state, the defendant's attorney, and the defendant. Upon a
30 request of the attorney for the state, the defendant's
31 attorney, or the defendant if the defendant has no attorney,
32 the court may, but is not required to, conduct a hearing on
33 the issue of reconsideration of sentence. The court shall not
34 disclose its decision to reconsider or not to reconsider the
35 sentence of confinement until the date reconsideration is

1 ordered or the date the one-year period expires, whichever
2 occurs first. The district court retains jurisdiction for the
3 limited purposes of conducting such review and entering an
4 appropriate order notwithstanding the timely filing of a
5 notice of appeal. The court's final order in the proceeding
6 shall be delivered to the defendant personally or by certified
7 regular mail. The court's decision to take the action or not
8 to take the action is not subject to appeal. However, for the
9 purposes of appeal, a judgment of conviction of a felony is a
10 final judgment when pronounced.

11 Sec. 60. Section 903.2, Code 2003, is amended to read as
12 follows:

13 903.2 RECONSIDERATION OF MISDEMEANANT'S SENTENCE.

14 For a period of thirty days from the date when a person
15 convicted of a misdemeanor begins to serve a sentence of
16 confinement, the court may order the person to be returned to
17 the court, at which time the court may review its previous
18 action and reaffirm it or substitute for it any sentence
19 permitted by law. The sentencing court retains jurisdiction
20 for the limited purposes of conducting such review and
21 entering an appropriate order notwithstanding the timely
22 filing of a notice of appeal or an application for
23 discretionary review. The court's final order in the
24 proceeding shall be delivered to the defendant personally or
25 by certified regular mail. Such action is discretionary with
26 the court and its decision to take the action or not to take
27 the action is not subject to appeal. The other provisions of
28 this section notwithstanding, for the purposes of appeal a
29 judgment of conviction is a final judgment when pronounced.

30 Sec. 61. Section 907.4, Code 2003, is amended to read as
31 follows:

32 907.4 DEFERRED JUDGMENT DOCKET.

33 A deferment of judgment under section 907.3 shall be
34 reported entered promptly by the clerk of the district court,
35 or the clerk's designee, ~~to the state court administrator for~~

1 entry-in into the deferred judgment docket database of the
2 state, which shall serve as the deferred judgment docket. The
3 docket shall contain a permanent record of the deferred
4 judgment including the name and date of birth of the
5 defendant, the district court docket number, the nature of the
6 offense, and the date of the deferred judgment. Before
7 granting deferred judgment in any case, the court shall
8 ~~request-of-the-state-court-administrator-a~~ search of the
9 deferred judgment docket and shall consider any prior record
10 of a deferred judgment against the defendant. The permanent
11 record provided for in this section is a confidential record
12 exempted from public access under section 22.7 and shall be
13 available only to justices of the supreme court, judges of the
14 court of appeals, district judges, district associate judges,
15 judicial magistrates, clerks of the district court, and county
16 attorneys, and the department of corrections requesting
17 information pursuant to this section, or the designee of a
18 justice, judge, magistrate, clerk, or county attorney, or
19 department.

20 Sec. 62. Sections 602.6303 and 633.15, Code 2003, are
21 repealed.

22 Sec. 63. Section 602.6201, subsection 12, as enacted by
23 this Act, is amended by striking the subsection effective July
24 1, 2008.

25 Sec. 64. The sections of this Act amending section 46.12;
26 section 602.6304, subsections 2 and 3; and sections 602.6403,
27 602.7103B, and 633.20B are repealed on July 1, 2006.

28 Sec. 65. RETENTION OF JUDGES. The amendments in this Act
29 to section 46.16, subsections 2 and 3, apply to elections for
30 retaining a judge occurring after the effective date of this
31 Act.

32 Sec. 66. JUDICIAL DISTRICT REDISTRICTING INTERIM STUDY
33 COMMITTEE. The legislative council is requested to establish
34 an interim study committee to study the judicial district and
35 judicial election district redistricting and the allocation of

1 judicial branch resources. The committee shall review all
2 relevant matters regarding judicial district and judicial
3 election district redistricting, and the allocation of
4 judicial branch resources deemed relevant by the majority of
5 the committee including but not limited to determining whether
6 a misallocation of judicial officers exists between judicial
7 districts, the nature and history of judicial branch resources
8 and a cost analysis of current judicial branch resources, the
9 optimum allocation of resources regardless of judicial
10 district boundaries, the effect of redistricting on the
11 delivery of court services and employee morale, a cost
12 benefits analysis of implementing a redistricting plan, and
13 the recommendations of the Iowa supreme court committee on
14 redistricting. If after reviewing all relevant matters the
15 committee determines that redistricting should occur, the
16 committee shall adopt a redistricting plan and submit the plan
17 for consideration by the general assembly by December 15,
18 2003. If the committee determines redistricting should not
19 occur, the committee shall submit to the general assembly
20 other recommendations for achieving an optimum allocation of
21 judicial branch resources by December 15, 2003. The committee
22 shall consist of thirty-one members with each organization
23 selecting their member or representative as follows:

- 24 1. Three members to be selected by the supreme court.
25 2. One member to be selected by the majority leader of the
26 senate.
27 3. One member to be selected by the minority leader of the
28 senate.
29 4. One member to be selected by the majority leader of the

HOUSE FILE 694**S-3335**

1 Amend House File 694, as amended, passed, and
2 reprinted by the House, as follows:
3 1. Page 13, by striking lines 3 through 5, and
4 inserting the following: "a resident of the state.
5 Within three months of appointment the clerk of the
6 district court must establish residence and physically
7 reside in the a county where the person serves as
8 clerk. A clerk of the district".

By KEITH A. KREIMAN

- 1 9. Two members of the Iowa clerks of court association.
- 2 10. One member of the Iowa association of magistrate
- 3 judges.
- 4 11. One member of the Iowa defense counsel association.
- 5 12. One member of the Iowa academy of trial lawyers.
- 6 13. One member of the Iowa county attorneys association.
- 7 14. A representative of the judicial district department
- 8 of correctional services to be selected by the eight directors
- 9 of the judicial district department of correctional services.
- 10 15. One member of the Iowa sheriffs' and deputies'
- 11 association.
- 12 16. One member of the recorders affiliate of the Iowa
- 13 state association of counties.
- 14 17. One member of the Iowa court reporters association.
- 15 18. One member to be selected by the Iowa civil liberties
- 16 union.
- 17 19. One member of the supervisors affiliate of the Iowa
- 18 state association of counties.
- 19 20. One member of the juvenile court officers'
- 20 association.
- 21 21. One member to be selected by the American federation
- 22 of state, county, and municipal employees.
- 23 22. One district court administrator to be selected by the
- 24 district court administrators of the state.

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Eichhorn, Ch
Van Fossen
Swaim

Succeeded By
OF 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:

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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 facsimile
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.

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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 the estate rather than taxed as court costs. The process of taxing the costs is duplicitous, 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.

AN ACT

RELATING TO THE JUDICIAL BRANCH INCLUDING BY ESTABLISHING A JUDICIAL DISTRICT AND JUDICIAL ELECTION DISTRICT REDISTRICTING PROCESS, MAKING CHANGES TO THE NOMINATION, APPOINTMENT, AND RETENTION OF JUDGES, EXPANDING MAGISTRATE COURTS, ELIMINATING THE POSITION OF ALTERNATE DISTRICT ASSOCIATE JUDGE, PERMITTING DISTRICT JUDGESHIPS TO BE APPORTIONED OR TRANSFERRED TO ANOTHER JUDICIAL DISTRICT, REQUIRING THE COUNTY SHERIFF TO SERVE A SUMMONS IN CERTAIN DELINQUENCY PROCEEDINGS, ELIMINATING THE PARTICIPATION OF THE FOSTER CARE REVIEW BOARD IN VOLUNTARY FOSTER CARE PLACEMENTS, WAIVING THE FILING FEE AND COURT COSTS IN CERTAIN CONTEMPT ACTIONS, CHANGING THE DUTIES OF AND THE PROCEDURES RELATED TO THE CLERK OF THE DISTRICT COURT, PROVIDING THAT INTEREST ON A JUDGMENT BE CALCULATED UPON THE ONE YEAR TREASURY CONSTANT MATURITY PLUS TWO PERCENT, EXPANDING THE ACCESS OF THE DEFERRED JUDGMENT DOCKET, PROHIBITING REGIONAL LITIGATION CENTERS, MODIFYING THE SCHEDULE OF THE PROBATE COURT, PROVIDING FOR A FEE, AND PROVIDING FOR A STUDY.

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

Section 1. Section 46.12, unnumbered paragraph 1, Code 2003, is amended to read as follows:

When a vacancy occurs or will occur within one hundred twenty days in the supreme court, the court of appeals, or district court, the state commissioner of elections shall forthwith so notify the chairperson of the proper judicial nominating commission, unless the chief justice has ordered the state commissioner of elections to delay sending the notification. The chief justice may order the delay for up to one hundred eighty days for budgetary reasons. The chairperson shall call a meeting of the commission within ten days after such notice; if the chairperson fails to do so, the chief justice shall call such meeting.

Sec. 2. Section 46.14, Code 2003, is amended to read as follows:

46.14 NOMINATION.

1. Each judicial nominating commission shall carefully consider the individuals available for judge, and within sixty days after receiving notice of a vacancy shall certify to the governor and the chief justice the proper number of nominees, in alphabetical order. Such nominees shall be chosen by the affirmative vote of a majority of the full statutory number of commissioners upon the basis of their qualifications and without regard to political affiliation. Nominees shall be members of the bar of Iowa, shall be residents of the state or district of the court to which they are nominated, and shall be of such age that they will be able to serve an initial and one regular term of office to which they are nominated before reaching the age of seventy-two years. Nominees for district judge shall file a certified application form, to be provided

by the supreme court, with the chairperson of the district judicial nominating commission. ~~No person shall be eligible for nomination by a commission as judge during the term for which the person was elected or appointed to that commission.~~ Absence of a commissioner or vacancy upon the commission shall not invalidate a nomination. The chairperson of the commission shall promptly certify the names of the nominees, in alphabetical order, to the governor and the chief justice.

2. A commissioner shall not be eligible for nomination by the commission during the term for which the commissioner was elected or appointed to that commission. A commissioner shall not be eligible to vote for the nomination of a family member, current law partner, or current business partner. For purposes of this subsection, "family member" means a spouse, son, daughter, brother, sister, uncle, aunt, first cousin, nephew, niece, father-in-law, mother-in-law, son-in-law, daughter-in-law, brother-in-law, sister-in-law, father, mother, stepfather, stepmother, stepson, stepdaughter, stepbrother, stepsister, half brother, or half sister.

Sec. 3. Section 46.16, subsections 2 and 3, Code 2003, are amended to read as follows:

2. Subject to removal for cause, the initial term of office of a district associate judge shall be for one year after appointment and until January 1 following the next judicial election after expiration of such year, and the regular term of office of a district associate judge retained at a judicial election shall be ~~four~~ six years from the expiration of the initial or previous regular term, as the case may be.

3. Subject to removal for cause, the initial term of office of a full-time associate juvenile judge or a full-time associate probate judge shall be for one year after appointment and until January 1 following the next judicial election after expiration of such year, and the regular term of office of a full-time associate juvenile judge or a full-time associate probate judge retained at a judicial election shall be ~~four~~ six years from the expiration of the initial or previous regular term, as the case may be.

Sec. 4. Section 232.35, subsection 1, Code 2003, is amended to read as follows:

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

Sec. 5. Section 232.37, subsection 4, Code 2003, is amended to read as follows:

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

Sec. 6. Section 232.183, subsection 7, Code 2003, is amended by striking the subsection.

Sec. 7. Section 236.3, unnumbered paragraph 2, Code 2003, is amended to read as follows:

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

Sec. 8. Section 237.20, unnumbered paragraph 1, Code 2003, is amended to read as follows:

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

Sec. 9. Section 255.1, unnumbered paragraph 1, Code 2003, is amended to read as follows:

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

Sec. 10. Section 255.4, Code 2003, is amended to read as follows:

255.4 EXAMINATION BY PHYSICIAN.

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

Sec. 11. Section 255.5, Code 2003, is amended to read as follows:

255.5 REPORT BY PHYSICIAN.

Such physician shall make a report in duplicate on blanks furnished as ~~hereinafter~~ provided in this chapter, answering the questions contained ~~therein~~ in the blanks and setting forth the information required ~~thereby~~, giving such history of the case as will be likely to aid the medical or surgical treatment or hospital care of such patient, describing the pregnancy, deformity, or malady in detail, and stating whether or not in the physician's opinion the ~~same~~ pregnancy, deformity, or malady can probably be improved or cured or advantageously treated, which report shall be filed in the office of the ~~clerk-within-such-time-as-the-clerk-may-fix~~ county general assistance director.

Sec. 12. Section 255.6, Code 2003, is amended to read as follows:

255.6 INVESTIGATION AND REPORT.

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

Sec. 13. Section 255.7, Code 2003, is amended to read as follows:

255.7 NOTICE OF HEARING -- DUTY OF COUNTY ATTORNEY.

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

Sec. 14. Section 255.8, Code 2003, is amended to read as follows:

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

~~The county attorney and the general assistance director, or other agent of the board of supervisors of the county, shall appear at the hearing. The complainant, the county attorney,~~

~~the-general-assistance-director-or-other-agent-of-the-board-of supervisors, and the patient, or any person representing the patient, may introduce evidence and be heard.~~ If the court board of supervisors finds that the patient is a legal resident of Iowa and is pregnant or is suffering from a malady or deformity which can probably be improved or cured or advantageously treated by medical or surgical treatment or hospital care, and that neither the patient nor any person legally chargeable with the patient's support is able to pay the expenses, then the clerk-of-court county general assistance director, except in obstetrical cases and orthopedic cases, shall immediately ascertain from the admitting physician at the university hospital whether the person can be received as a patient within a period of thirty days, and if the patient can be received, the ~~court, or in the event of no actual contest, the clerk of the court,~~ board shall ~~enter an order directing~~ direct that the patient be sent to the university hospital for proper medical and surgical treatment and hospital care. If the ~~court ascertain~~ board ascertains, except in obstetrical cases and orthopedic cases, that a person of the age or sex of the patient, or afflicted by the complaint, disease, or deformity with which the person is afflicted, cannot be received as a patient at the university hospital within the period of thirty days, ~~then the court or the clerk shall enter an order directing~~ the board of supervisors ~~of~~ shall direct the county to provide adequate treatment at county expense for the patient at home or in a hospital. Obstetrical cases and orthopedic cases may be committed to the university hospital without regard to the limiting period of thirty days.

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

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

255.10 RELIGIOUS BELIEF -- DENIAL OF ORDER.

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

Sec. 16. Section 255.11, Code 2003, is amended to read as follows:

255.11 ORDER IN CASE OF EMERGENCY.

In cases of great emergency, when the ~~court-or-judge~~ board of supervisors is satisfied that delay would be seriously injurious to the patient, the ~~court-or-judge~~ board of supervisors may make such order with the consent of the patient, if an adult, or of the parent or parents, guardian, or person having the legal custody of ~~said~~ the patient, if a

minor or incompetent, without examination, report, notice, or hearing.

Sec. 17. Section 255.12, Code 2003, is amended to read as follows:

255.12 CERTIFIED COPY OF ORDER.

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

Sec. 18. Section 255.13, Code 2003, is amended to read as follows:

255.13 ATTENDANT -- PHYSICIAN -- COMPENSATION.

If the physician appointed to examine the patient ~~shall~~ certify certifies that an attendant to accompany the patient to the ~~said~~ hospital is necessary, and the university hospital attendant and ambulance service is not available, ~~then-the~~ court-or-judge-or-clerk-of-the-court the county general assistance director may appoint an attendant who shall receive not exceeding two dollars per day for the time thus necessarily employed and actual necessary traveling expenses by the most feasible route to ~~said~~ the hospital whether by ambulance, train, or automobile; but if such appointee is a relative of the patient or a member of the patient's immediate family, or receives a salary or other compensation from the public for the appointee's services, no such per diem compensation shall be paid. The physician appointed ~~by-the~~ court-or-clerk to make the examination and report shall receive ~~therefor~~ three dollars for each examination and report so made and the physician's actual necessary expenses incurred

in making such examination, but if ~~said~~ the physician receives a salary or other compensation from the public for the physician's full-time services, then no such examination fee shall be paid. The actual, necessary expenses of transporting and caring for the patient shall be paid as hereinafter provided in this chapter.

Sec. 19. Section 255.14, Code 2003, is amended to read as follows:

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

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

Sec. 20. Section 255.21, Code 2003, is amended to read as follows:

255.21 TREATMENT OUTSIDE HOSPITAL -- ATTENDANT.

If, in the judgment of the physician or surgeon to whom the patient has been assigned for treatment, continuous residence of the patient in the hospital is unnecessary, such patient may, by the hospital authorities, be sent to the patient's home or other appropriate place, and be required to return to the hospital when and for such length of time as may be for the patient's benefit. The hospital authorities may, if

necessary, appoint an attendant to accompany such patient and discharged patients, and the compensation of such attendant shall be fixed by the state board of regents and charged by the hospital as part of the costs of transporting patients. The compensation paid to and the expenses of the attendant shall be audited and paid in the same manner as is provided by law for the compensation of an attendant appointed by the court board of supervisors.

Sec. 21. Section 255.22, Code 2003, is amended to read as follows:

255.22 TREATMENT AUTHORIZED.

No A minor or incompetent person shall not be treated for any malady or deformity except such as is reasonably well described in the order ~~of-court~~ or the report of the examining physician, unless permission for such treatment is provided for in the order ~~of-court~~, or is granted by the person's parents or guardian; but the physician in charge may administer such treatment or perform such surgical operations as are usually required in cases of emergency.

Sec. 22. Section 255.27, Code 2003, is amended to read as follows:

255.27 FACULTY TO PREPARE BLANKS -- PRINTING.

The medical faculty of the state university hospital shall from time to time prepare blanks containing questions and requiring information that it finds necessary and proper to be obtained by the physician who examines a patient under order of court the board of supervisors. The blanks shall be printed by the state, and a sufficient supply shall be furnished by the state printing administrator to the ~~clerk-of~~ each-juvenile-court-in-the-state county general assistance

director. The cost of printing the blanks shall be audited, allowed, and paid in the same manner as other bills for public printing.

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

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

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

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

Sec. 25. Section 321.20B, subsection 5, paragraph b, Code 2003, is amended to read as follows:

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

Sec. 26. Section 321.484, unnumbered paragraph 2, Code 2003, is amended to read as follows:

The owner of a vehicle shall not be held responsible for a violation of a provision regulating the stopping, standing, or parking of a vehicle, whether the provision is contained in this chapter, or chapter 321L, or an ordinance or other regulation or rule, if the owner establishes that at the time of the violation the vehicle was in the custody of an identified person other than the owner pursuant to a lease as defined in chapter 321F or pursuant to a rental agreement as defined in section 516D.3. The furnishing to the ~~clerk-of-the-district-court~~ county attorney where the charge is pending of a copy of the lease prescribed by section 321F.6 or rental agreement that was in effect for the vehicle at the time of the alleged violation shall be prima facie evidence that the

vehicle was in the custody of an identified person other than the owner within the meaning of this paragraph, ~~and the charge against the owner shall be dismissed. The clerk of the district court then shall cause a uniform citation and complaint to be issued against the lessee or renter of the vehicle, and the citation shall be served upon the defendant by ordinary mail directed to the defendant at the address shown in the lease or rental agreement.~~

Sec. 27. Section 331.653, Code 2003, is amended by adding the following new subsection:

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

Sec. 28. Section 598.21, Code 2003, is amended by adding the following new subsection:

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

Sec. 29. Section 602.1215, subsection 1, Code 2003, is amended to read as follows:

1. The Subject to the provisions of section 602.1209, subsection 3, the district judges of each judicial election district shall by majority vote appoint persons to serve as clerks of the district court, one for each county within the judicial election district. The district judges of a judicial election district may appoint a person to serve as clerk of the district court for more than one but not more than four

contiguous counties in the same judicial district. A person does not qualify for appointment to the office of clerk of the district court unless the person is at the time of application a resident of the state. ~~Within-three-months-of-appointment the-clerk-of-the-district-court-must-establish-residence-and physically-reside-in-the-county.~~ A clerk of the district court may be removed from office for cause by a majority vote of the district judges of the judicial election district. Before removal, the clerk of the district court shall be notified of the cause for removal.

Sec. 30. Section 602.1501, subsection 4, Code 2003, is amended to read as follows:

4. District associate judges shall receive the salary set by the general assembly. ~~However, an-alternate-district associate-judge-whose-appointment-is-authorized-under-section 602-6303-shall-receive-a-salary-for-each-day-of-actual-duty equal-to-a-district-associate-judge's-daily-salary.~~

Sec. 31. Section 602.1604, Code 2003, is amended to read as follows:

602.1604 JUDGES SHALL NOT PRACTICE LAW.

While holding office, a supreme court justice, court of appeals judge, district judge, or district associate judge shall not practice as an attorney or counselor or give advice in relation to any action pending or about to be brought in any of the courts of the state. ~~A-person-whose-appointment-as an-alternate-district-associate-judge-is-authorized-under section-602-6303-may-practice-law-except-when-actually-serving as-a-district-associate-judge.~~

Sec. 32. Section 602.1611, subsection 2, Code 2003, is amended by striking the subsection.

Sec. 33. Section 602.6105, subsection 3, Code 2003, is amended to read as follows:

3. a. The chief judge of a judicial district shall designate times and places for magistrates to hold court to ensure accessibility of magistrates at all times throughout the district. The schedule of times and places of availability of magistrates and any schedule changes shall be disseminated by the chief judge to the peace officers within the district.

b. The chief judge of a judicial district shall schedule a magistrate to hold court in a city other than the county seat if all of the following apply:

(1) Magistrate court was regularly scheduled in the city on or after July 1, 2001.

(2) The population of the city is at least two times greater than the population of the county seat or the population of the city is at least thirty thousand.

(3) The city requests the chief judge to schedule magistrate court.

In addition to paying the costs in section 602.1303, subsection 1, the city requesting the magistrate court shall pay any other costs for holding magistrate court in the city which would not otherwise have been incurred by the judicial branch.

Sec. 34. Section 602.6107, Code 2003, is amended by striking the section and inserting in lieu thereof the following:

602.6107 REORGANIZATION OF JUDICIAL DISTRICTS AND JUDICIAL ELECTION DISTRICTS.

1. The supreme court shall, beginning January 1, 2012, and at least every ten years thereafter, review the division of the state into judicial districts and judicial election districts in order to determine whether the composition or the total number of the judicial districts and judicial election districts is the most efficient and effective administration of the district court and the judicial branch.

2. If the supreme court determines that the administration of the district court and the judicial branch would be made more efficient and effective by reorganizing the judicial districts and judicial election districts, which may include expanding or contracting the total number of judicial districts and judicial election districts, the supreme court shall develop and submit to the general assembly by November 15 a plan that reorganizes the judicial districts and judicial election districts. The legislative service bureau shall draft a bill embodying the plan for submission by the supreme court to the general assembly. The general assembly shall bring the bill to a vote in either the senate or the house of representatives within thirty days of the bill's submission by the supreme court to the general assembly, under a procedure or rule permitting no amendments by either house except those of a purely corrective nature. If both houses pass the bill, the bill shall be presented as any other bill to the governor for approval. The bill shall take effect upon the general assembly passing legislation, which is approved by the governor including an effective date for the reorganization of the judicial districts and judicial election districts.

3. The composition of the judicial districts in section 602.6107, Code 2003, and judicial election districts in

section 602.6109, Code 2003, shall remain in effect until a new division of the state into judicial districts and judicial election districts is enacted.

4. It is the intent of the general assembly that the supreme court prior to developing a plan pursuant to this section consult with and receive input from members of the general public, court employees, judges, members of the general assembly, the judicial departments of correctional services, county officers, officials from other interested political subdivisions, and attorneys. In submitting a plan pursuant to this section, the supreme court shall also submit to the general assembly a report stating the reasons for developing the plan and describing in detail the process used in developing the plan.

5. Nothing in this section or other provision of the Code shall be construed to preclude the general assembly or the judicial branch from proposing or considering a plan reorganizing the judicial districts and judicial election districts at any time.

Sec. 35. Section 602.6109, Code 2003, is amended by striking the section and inserting in lieu thereof the following:

602.6109 JUDICIAL ELECTION DISTRICTS AND JUDGESHIPS.

1. The reorganized judicial election districts established pursuant to section 602.6107 shall be used solely for purposes of nomination, appointment, and retention of judges of the district court.

2. If the judicial election districts are reorganized under section 602.6107, the state court administrator shall reapportion the number of judgeships to which each judicial

election district is entitled. The reapportionment shall be determined according to section 602.6201, subsection 3.

Sec. 36. Section 602.6111, Code 2003, is amended by striking the section and inserting in lieu thereof the following:

602.6111 IDENTIFICATION ON DOCUMENTS FILED WITH THE CLERK.

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

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

b. The birth date of the party.

c. The social security number of the party.

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

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

Sec. 37. NEW SECTION. 602.6112 REGIONAL LITIGATION CENTERS -- PROHIBITION.

The judicial branch shall not establish regional litigation centers.

Sec. 38. Section 602.6201, subsection 8, Code 2003, is amended to read as follows:

~~8. Vacancies shall not be filled in a judicial election district which becomes entitled to fewer judgeships under subsection 37, but an~~ An incumbent district judge shall not be removed from office because of a reduction in the number of authorized judgeships.

Sec. 39. Section 602.6201, Code 2003, is amended by adding the following new subsections:

NEW SUBSECTION. 11. Notwithstanding any other provision of the Code to the contrary, if a vacancy in a judgeship occurs, and the chief justice of the supreme court makes a finding that a substantial disparity exists in the allocation of judgeships and judicial workload between judicial election districts, the chief justice may apportion the judgeship from the judicial election district where the vacancy occurs to another judicial election district based upon the substantial disparity finding. However, a judgeship shall not be apportioned pursuant to this section unless a majority of the judicial council approves the apportionment.

NEW SUBSECTION. 12. Notwithstanding any other provision of the Code to the contrary, if the chief justice of the supreme court determines a substantial disparity exists in the allocation of judgeships and judicial workload between judicial election districts, the chief justice may authorize a voluntary permanent transfer of a district judge from one

judicial election district to another upon approval by a majority of the judicial council. After approval by the judicial council, the chief justice shall notify all eligible district judges of the intent to seek applicants for a voluntary permanent transfer and the terms of such a transfer. A district judge is not eligible for a voluntary transfer unless the judge has served a regular term of office as specified in section 46.16. Upon approval of the judge's application, the chief justice may transfer a district judge who consents to the transfer within six months of the notification. The transfer of a district judge shall take effect within sixty days of the official announcement of the transfer by the chief justice. A district judge transferred pursuant to this subsection shall have six months from the date of the announcement of the transfer to establish residency in the judicial election district where the district judge is transferred. A district judge who has been transferred shall stand for retention in the judicial election district to which the district judge has been transferred as provided in chapter 46. For purposes of subsection 3, the judgeship shall be apportioned to the judicial election district where the judge is transferred. A voluntary transfer pursuant to this subsection shall not cause a vacancy of a judgeship in the judicial election district from which the district judge was transferred.

Sec. 40. Section 602.6301, Code 2003, is amended to read as follows:

602.6301 NUMBER AND APPORTIONMENT OF DISTRICT ASSOCIATE JUDGES.

There shall be one district associate judge in counties having a population of more than thirty-five thousand and less than eighty thousand; two in counties having a population of eighty thousand or more and less than one hundred twenty-five thousand; three in counties having a population of one hundred twenty-five thousand or more and less than two hundred thousand; four in counties having a population of two hundred thousand or more and less than two hundred thirty-five thousand; five in counties having a population of two hundred thirty-five thousand or more and less than two hundred seventy thousand; six in counties having a population of two hundred seventy thousand or more and less than three hundred five thousand; and seven in counties having a population of three hundred five thousand or more. However, a county shall not lose a district associate judgeship solely because of a reduction in the county's population. If the formula provided in this section results in the allocation of an additional district associate judgeship to a county, implementation of the allocation shall be subject to prior approval of the supreme court and availability of funds to the judicial branch. A district associate judge appointed pursuant to section 602.6302 ~~or-602-6303~~ shall not be counted for purposes of this section.

Sec. 41. Section 602.6304, subsections 1, 2, and 3, Code 2003, are amended to read as follows:

1. The district associate judges authorized by sections 602.6301, and 602.6302, ~~and-602-6303~~ shall be appointed by the district judges of the judicial election district from persons nominated by the county magistrate appointing commission. In the case of a district associate judge to be appointed to more

than one county, the appointment shall be from persons nominated by the county magistrate appointing commissions acting jointly and in the case of a district associate judge to be appointed to more than one judicial election district of the same judicial district, the appointment shall be by a majority of the district judges in each judicial election district.

2. In November of any year in which an impending vacancy is created because a district associate judge is not retained in office pursuant to a judicial election, the county magistrate appointing commission shall publicize notice of the vacancy in at least two publications in the official county newspaper. The commission shall accept applications for consideration for nomination as district associate judge for a minimum of fifteen days prior to certifying nominations. The commission shall consider the applications and shall, by majority vote, certify to the chief judge of the judicial district not later than December 15 of that year the names of three applicants who are nominated by the commission for the vacancy, unless the chief justice has ordered the commission to delay the certification of the nominees to the chief judge. The chief justice may order the delay of the certification for up to one hundred eighty days for budgetary reasons. If there are three or fewer applicants the commission shall certify all applicants who meet the statutory qualifications. Nominees shall be chosen solely on the basis of the qualifications of the applicants, and political affiliation shall not be considered.

3. Within thirty days after a county magistrate appointing commission receives notification of an actual or impending

vacancy in the office of district associate judge, other than a vacancy referred to in subsection 2, the commission shall certify to the chief judge of the judicial district the names of three applicants who are nominated by the commission for the vacancy, unless the chief justice has ordered the commission to delay the certification of the nominees to the chief judge. The chief justice may order the delay of the certification for up to one hundred eighty days for budgetary reasons. The commission shall publicize notice of the vacancy in at least two publications in the official county newspaper. The commission shall accept applications for consideration for nomination as district associate judge for a minimum of fifteen days prior to certifying nominations. The commission shall consider the applications and shall, by majority vote, certify to the chief judge of the judicial district the names of three applicants who are nominated by the commission for the vacancy. If there are three or fewer applicants the commission shall certify all applicants who meet the statutory qualifications. Nominees shall be chosen solely on the basis of the qualifications of the applicants, and political affiliation shall not be considered. As used in this subsection, a vacancy is created by the death, retirement, resignation, or removal of a district associate judge, or by an increase in the number of positions authorized.

Sec. 42. Section 602.6305, subsection 1, Code 2003, is amended to read as follows:

1. District associate judges shall serve initial terms and shall stand for retention in office within the judicial election districts of their residences at the judicial election in 1982 and every ~~four~~ six years thereafter, under sections 46.17 to 46.24.

Sec. 43. Section 602.6403, subsection 3, Code 2003, is amended to read as follows:

3. Within thirty days following receipt of notification of a vacancy in the office of magistrate, the commission shall appoint a person to the office to serve the remainder of the unexpired term, unless the chief justice has ordered the commission to delay the appointment for up to one hundred eighty days for budgetary reasons. For purposes of this section, vacancy means a death, resignation, retirement, or removal of a magistrate, or an increase in the number of positions authorized.

Sec. 44. Section 602.7103B, subsections 2 and 3, Code 2003, are amended to read as follows:

2. In November of any year in which an impending vacancy is created because a full-time associate juvenile judge is not retained in office pursuant to a judicial election, the county magistrate appointing commission shall publicize notice of the vacancy in at least two publications in the official county newspaper. The commission shall accept applications for consideration for nomination as full-time associate juvenile judge for a minimum of fifteen days prior to certifying nominations. The commission shall consider the applications and shall, by majority vote, certify to the chief judge of the judicial district not later than December 15 of that year the names of three applicants who are nominated by the commission for the vacancy, unless the chief justice has ordered the commission to delay the certification of the nominees to the chief judge. The chief justice may order the delay of the certification for up to one hundred eighty days for budgetary reasons. If there are three or fewer applicants, the

commission shall certify all applicants who meet the statutory qualifications. Nominees shall be chosen solely on the basis of the qualifications of the applicants, and political affiliation shall not be considered.

3. Within thirty days after a county magistrate appointing commission receives notification of an actual or impending vacancy in the office of full-time associate juvenile judge, other than a vacancy referred to in subsection 2, the commission shall certify to the chief judge of the judicial district the names of three applicants who are nominated by the commission for the vacancy, unless the chief justice has ordered the commission to delay the certification of the nominees to the chief judge. The chief justice may order the delay of the certification for up to one hundred eighty days for budgetary reasons. The commission shall publicize notice of the vacancy in at least two publications in the official county newspaper. The commission shall accept applications for consideration for nomination as full-time associate juvenile judge for a minimum of fifteen days prior to certifying nominations. The commission shall consider the applications and shall, by majority vote, certify to the chief judge of the judicial district the names of three applicants who are nominated by the commission for the vacancy. If there are three or fewer applicants, the commission shall certify all applicants who meet the statutory qualifications. Nominees shall be chosen solely on the basis of the qualifications of the applicants, and political affiliation shall not be considered. As used in this subsection, a vacancy is created by the death, retirement, resignation, or removal of a full-time associate juvenile judge, or by an increase in the number of positions authorized.

Sec. 45. Section 602.8102, subsection 9, Code 2003, is amended to read as follows:

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

Sec. 46. Section 602.8102, subsection 11, Code 2003, is amended to read as follows:

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

Sec. 47. Section 602.8106, subsection 1, paragraphs b, c, d, and e, Code 2003, are amended to read as follows:

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

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

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

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

Sec. 48. Section 624.20, Code 2003, is amended to read as follows:

624.20 SATISFACTION OF JUDGMENT.

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

Sec. 49. Section 631.5, subsection 6, Code 2003, is amended to read as follows:

6. DEFAULT. If a defendant fails to appear and the clerk in accordance with subsection 4 determines that proper notice has been given, judgment shall be rendered against the defendant by the clerk if the relief is readily ascertainable.

If the relief is not readily ascertainable the claim shall be assigned to a judicial magistrate for determination ~~and the clerk shall immediately notify the plaintiff or the plaintiff's attorney and the judicial magistrate of such assignment by ordinary mail.~~

Sec. 50. Section 631.6, subsection 1, paragraph c, Code 2003, is amended to read as follows:

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

Sec. 51. Section 633.20B, subsections 2 and 3, Code 2003, are amended to read as follows:

2. In November of any year in which an impending vacancy is created because a full-time associate probate judge is not retained in office pursuant to a judicial election, the county magistrate appointing commission shall publicize notice of the vacancy in at least two publications in the official county newspaper. The commission shall accept applications for consideration for nomination as full-time associate probate judge for a minimum of fifteen days prior to certifying nominations. The commission shall consider the applications and shall, by majority vote, certify to the chief judge of the judicial district not later than December 15 of that year the names of three applicants who are nominated by the commission for the vacancy, unless the chief justice has ordered the commission to delay the certification of the nominees to the chief judge. The chief justice may order the delay of the certification for up to one hundred eighty days for budgetary reasons. If there are three or fewer applicants, the commission shall certify all applicants who meet the statutory qualifications. Nominees shall be chosen solely on the basis

of the qualifications of the applicants, and political affiliation shall not be considered.

3. Within thirty days after a county magistrate appointing commission receives notification of an actual or impending vacancy in the office of full-time associate probate judge, other than a vacancy referred to in subsection 2, the commission shall certify to the chief judge of the judicial district the names of three applicants who are nominated by the commission for the vacancy, unless the chief justice has ordered the commission to delay the certification of the nominees to the chief judge. The chief justice may order the delay of the certification for up to one hundred eighty days for budgetary reasons. The commission shall publicize notice of the vacancy in at least two publications in the official county newspaper. The commission shall accept applications for consideration for nomination as full-time associate probate judge for a minimum of fifteen days prior to certifying nominations. The commission shall consider the applications and shall, by majority vote, certify to the chief judge of the judicial district the names of three applicants who are nominated by the commission for the vacancy. If there are three or fewer applicants, the commission shall certify all applicants who meet the statutory qualifications. Nominees shall be chosen solely on the basis of the qualifications of the applicants, and political affiliation shall not be considered. As used in this subsection, a vacancy is created by the death, retirement, resignation, or removal of a full-time associate probate judge, or by an increase in the number of positions authorized.

Sec. 52. Section 633.47, Code 2003, is amended to read as follows:

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

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

Sec. 53. Section 633.301, Code 2003, is amended to read as follows:

633.301 COPY OF WILL FOR EXECUTOR.

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

Sec. 54. Section 633.479, unnumbered paragraph 2, Code 2003, is amended to read as follows:

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

fulfilled and receipts and certificates are on file. In those instances final order shall not be required and the prayer of the final report shall be considered as granted and shall have the same force and effect as an order of discharge of the personal representative and an order approving the final report. ~~The clerk shall comply with section 633.480 with respect to issuing a change of title.~~

Sec. 55. Section 633.480, Code 2003, is amended to read as follows:

633.480 CERTIFICATE TO COUNTY RECORDER FOR TAX PURPOSES WITH ADMINISTRATION.

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

Sec. 56. Section 633.481, Code 2003, is amended to read as follows:

633.481 CERTIFICATE TO COUNTY RECORDER FOR TAX PURPOSES WITHOUT ADMINISTRATION.

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

Sec. 57. Section 635.7, Code 2003, is amended to read as follows:

635.7 REPORT AND INVENTORY -- EXCESS VALUE AND TERMINATION.

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

Sec. 58. Section 668.13, subsection 3, Code 2003, is amended to read as follows:

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

Sec. 59. Section 902.4, Code 2003, is amended to read as follows:

902.4 RECONSIDERATION OF FELON'S SENTENCE.

For a period of one year from the date when a person convicted of a felony, other than a class "A" felony or a felony for which a minimum sentence of confinement is imposed, begins to serve a sentence of confinement, the court, on its own motion or on the recommendation of the director of the Iowa department of corrections, may order the person to be returned to the court, at which time the court may review its previous action and reaffirm it or substitute for it any sentence permitted by law. Copies of the order to return the person to the court shall be provided to the attorney for the state, the defendant's attorney, and the defendant. Upon a request of the attorney for the state, the defendant's attorney, or the defendant if the defendant has no attorney, the court may, but is not required to, conduct a hearing on the issue of reconsideration of sentence. The court shall not disclose its decision to reconsider or not to reconsider the sentence of confinement until the date reconsideration is ordered or the date the one-year period expires, whichever

occurs first. The district court retains jurisdiction for the limited purposes of conducting such review and entering an appropriate order notwithstanding the timely filing of a notice of appeal. The court's final order in the proceeding shall be delivered to the defendant personally or by certified regular mail. The court's decision to take the action or not to take the action is not subject to appeal. However, for the purposes of appeal, a judgment of conviction of a felony is a final judgment when pronounced.

Sec. 60. Section 903.2, Code 2003, is amended to read as follows:

903.2 RECONSIDERATION OF MISDEMEANANT'S SENTENCE.

For a period of thirty days from the date when a person convicted of a misdemeanor begins to serve a sentence of confinement, the court may order the person to be returned to the court, at which time the court may review its previous action and reaffirm it or substitute for it any sentence permitted by law. The sentencing court retains jurisdiction for the limited purposes of conducting such review and entering an appropriate order notwithstanding the timely filing of a notice of appeal or an application for discretionary review. The court's final order in the proceeding shall be delivered to the defendant personally or by certified regular mail. Such action is discretionary with the court and its decision to take the action or not to take the action is not subject to appeal. The other provisions of this section notwithstanding, for the purposes of appeal a judgment of conviction is a final judgment when pronounced.

Sec. 61. Section 907.4, Code 2003, is amended to read as follows:

907.4 DEFERRED JUDGMENT DOCKET.

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

Sec. 62. Sections 602.6303 and 633.15, Code 2003, are repealed.

Sec. 63. Section 602.6201, subsection 12, as enacted by this Act, is amended by striking the subsection effective July 1, 2008.

Sec. 64. The sections of this Act amending section 46.12; section 602.6304, subsections 2 and 3; and sections 602.6403, 602.7103B, and 633.20B are repealed on July 1, 2006.

Sec. 65. RETENTION OF JUDGES. The amendments in this Act to section 46.16, subsections 2 and 3, apply to elections for retaining a judge occurring after the effective date of this Act.

Sec. 66. JUDICIAL DISTRICT REDISTRICTING INTERIM STUDY COMMITTEE. The legislative council is requested to establish an interim study committee to study the judicial district and judicial election district redistricting and the allocation of judicial branch resources. The committee shall review all relevant matters regarding judicial district and judicial election district redistricting, and the allocation of judicial branch resources deemed relevant by the majority of the committee including but not limited to determining whether a misallocation of judicial officers exists between judicial districts, the nature and history of judicial branch resources and a cost analysis of current judicial branch resources, the optimum allocation of resources regardless of judicial district boundaries, the effect of redistricting on the delivery of court services and employee morale, a cost benefits analysis of implementing a redistricting plan, and the recommendations of the Iowa supreme court committee on redistricting. If after reviewing all relevant matters the committee determines that redistricting should occur, the committee shall adopt a redistricting plan and submit the plan for consideration by the general assembly by December 15, 2003. If the committee determines redistricting should not occur, the committee shall submit to the general assembly other recommendations for achieving an optimum allocation of judicial branch resources by December 15, 2003. The committee shall consist of thirty-one members with each organization selecting their member or representative as follows:

1. Three members to be selected by the supreme court.
2. One member to be selected by the majority leader of the senate.
3. One member to be selected by the minority leader of the senate.
4. One member to be selected by the majority leader of the house of representatives.
5. One member to be selected by the minority leader of the house of representatives.
6. Three members of the Iowa state bar association.
7. Three members of the Iowa judges association.
8. Three members of the Iowa trial lawyers association.
9. Two members of the Iowa clerks of court association.
10. One member of the Iowa association of magistrate judges.
11. One member of the Iowa defense counsel association.
12. One member of the Iowa academy of trial lawyers.
13. One member of the Iowa county attorneys association.
14. A representative of the judicial district department of correctional services to be selected by the eight directors of the judicial district department of correctional services.
15. One member of the Iowa sheriffs' and deputies' association.
16. One member of the recorders affiliate of the Iowa state association of counties.
17. One member of the Iowa court reporters association.
18. One member to be selected by the Iowa civil liberties union.
19. One member of the supervisors affiliate of the Iowa state association of counties.

20. One member of the juvenile court officers' association.

21. One member to be selected by the American federation of state, county, and municipal employees.

22. One district court administrator to be selected by the district court administrators of the state.

CHRISTOPHER C. RANTS
Speaker of the House

MARY E. KRAMER
President of the Senate

I hereby certify that this bill originated in the House and is known as House File 694, Eightieth General Assembly.

MARGARET THOMSON
Chief Clerk of the House

Approved _____, 2003

THOMAS J. VILSACK
Governor