Senate Study Bill 3105

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

A BILL FOR

1 An Act relating to the appointment of district associate judges
2   and magistrates.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
4 TLSB 5366DP 81
5 jm/je/5

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1 1   Section 1. Section 602.6301, Code 2005, is amended to read
1 2 as follows:
1 3   602.6301 NUMBER AND APPORTIONMENT OF DISTRICT ASSOCIATE
1 4 JUDGES.
1 5   There shall be one district associate judge in counties
1 6 having a population of more than thirty=five thousand and less
1 7 than eighty thousand; two in counties having a population of
1 8 eighty thousand or more and less than one hundred twenty=five
1 9 thousand; three in counties having a population of one hundred
1 10 twenty=five thousand or more and less than ~~two~~ one hundred
1 11 seventy thousand; four in counties having a population of ~~two~~
1 12 one hundred seventy thousand or more and less than two hundred
1 13 ~~thirty=five~~ fifteen thousand; five in counties having a
1 14 population of two hundred ~~thirty=five~~ fifteen thousand or more
1 15 and less than two hundred ~~seventy~~ sixty thousand; six in
1 16 counties having a population of two hundred ~~seventy~~ sixty
1 17 thousand or more and less than three hundred five thousand;
1 18 and seven in counties having a population of three hundred
1 19 five thousand or more and less than three hundred fifty
1 20 thousand; eight in counties having a population of three
1 21 hundred fifty thousand or more and less than three hundred
1 22 ninety=five thousand; nine in counties having a population of
1 23 three hundred ninety=five thousand or more and less than four
1 24 hundred forty thousand; ten in counties having a population of
1 25 four hundred forty thousand or more and less than four hundred
1 26 eighty=five thousand; and one additional judge for every
1 27 population increment of thirty=five thousand which is over
1 28 four hundred eighty=five thousand in such counties. However,
1 29 a county shall not lose a district associate judgeship solely
1 30 because of a reduction in the county's population. If the
1 31 formula provided in this section results in the allocation of
1 32 an additional district associate judgeship to a county,
1 33 implementation of the allocation shall be subject to prior
1 34 approval of the supreme court and availability of funds to the
1 35 judicial branch. A district associate judge appointed
2 1 pursuant to section 602.6302 shall not be counted for purposes
2 2 of this section and the reduction of a district associate
2 3 judge pursuant to section 602.6303 also shall not be counted
2 4 for purposes of this section.
2 5   Sec. 2. NEW SECTION. 602.6303 APPOINTMENT OF MAGISTRATES
2 6 IN LIEU OF DISTRICT ASSOCIATE JUDGE.
2 7   1. The chief judge of the judicial district may designate
2 8 by order of substitution that three magistrates be appointed
2 9 pursuant to this section in lieu of the appointment of a
2 10 district associate judge under section 602.6304, subject to
2 11 the following limitations:
2 12   a. The substitution shall not result in the judicial
2 13 district receiving more magistrates than are authorized under
2 14 the magistrate formula in section 602.6401.
2 15   b. The substitution shall be approved by the supreme
2 16 court.
2 17   c. A majority of district judges in that judicial election

2 18 district, or in the case of an appointment involving more than
2 19 one judicial election district in the same judicial district,
2 20 a majority of the district judges in each judicial election
2 21 district, must vote in favor of the substitution and find that
2 22 the substitution will provide more timely and efficient
2 23 performance of judicial business within that judicial election
2 24 district.
2 25   2.   An order of substitution shall not take effect unless a
2 26 copy of the order is received by the chairperson of the county
2 27 magistrate appointing commission or commissions no later than
2 28 May 31 of the year in which the substitution is to take
2 29 effect.   The order shall designate the county of appointment
2 30 for each magistrate.   A copy of the order shall also be sent
2 31 to the state court administrator.
2 32   3.   For a county in which a substitution order is in
2 33 effect, the number of district associate judges actually
2 34 appointed pursuant to section 602.6304 shall be reduced by one
2 35 for each substitution order in effect.
3 1   4.   Except as provided in subsections 1 through 3, a
3 2 substitution shall not increase or decrease the number of
3 3 district associate judges authorized by this article.
3 4   5.   If a majority of the district judges in a judicial
3 5 election district determine that a substitution is no longer
3 6 desirable, then all three magistrate positions shall be
3 7 terminated.   However, a reversion pursuant to this subsection
3 8 shall not take effect until the terms of the three magistrates
3 9 expire.   Upon the termination of the magistrate positions
3 10 created under this section, an appointment shall be made to
3 11 reestablish the term of office for a district associate judge
3 12 as provided in sections 602.6304 and 602.6305.
3 13   Sec. 3.   Section 602.6401, subsection 1, Code Supplement
3 14 2005, is amended to read as follows:
3 15   1.   Two hundred six magistrates shall be apportioned among
3 16 the counties as provided in this section.   Magistrates
3 17 appointed pursuant to section 602.6303 or 602.6402 shall not
3 18 be counted for purposes of this section.
3 19   Sec. 4.   Section 602.6403, subsection 1, Code 2005, is
3 20 amended to read as follows:
3 21   1.   By June 1 of each year in which magistrates' terms
3 22 expire, the county magistrate appointing commission shall
3 23 appoint, except as otherwise provided in section 602.6302, the
3 24 number of magistrates apportioned to the county by the state
3 25 court administrator under section 602.6401, the number of
3 26 magistrates required pursuant to substitution orders in effect
3 27 under section 602.6303, and may appoint an additional
3 28 magistrate when allowed by section 602.6402.   The commission
3 29 shall not appoint more magistrates than are authorized for the
3 30 county by this article.
3 31   EXPLANATION
3 32   This bill relates to the appointment of district associate
3 33 judges and magistrates.
3 34   The bill increases the number of district associate judges
3 35 eligible to be appointed in a county based upon the population
4 1 of that county as provided in Code section 602.6301.
4 2   The bill provides that the chief judge of the judicial
4 3 election district may designate by order of substitution that
4 4 three magistrates be appointed in lieu of the appointment of a
4 5 vacant district associate judgeship.   The appointment of the
4 6 three magistrates pursuant to the bill is subject to the
4 7 following limitations: the substitution shall not result in
4 8 the judicial district receiving more magistrates than are
4 9 authorized under the magistrate formula; the substitution is
4 10 approved by the supreme court; and a majority of district
4 11 judges in the judicial election district, or if the
4 12 appointments involve more than one judicial election district,
4 13 a majority of district judges in each election district, vote
4 14 to approve the substitution of three magistrates for one
4 15 district associate judgeship.
4 16   The bill requires a copy of the order of substitution be
4 17 received by the chairperson of the county magistrate
4 18 appointing commission or commissions no later than May 31 of
4 19 the year the order is to take effect.   The bill also requires
4 20 the substitution order to designate the county of appointment
4 21 for each magistrate.
4 22   The bill provides that if a majority of district judges in
4 23 a judicial election district determines that a substitution
4 24 order is no longer desirable, then the substitution order
4 25 shall terminate.   After the substitution order terminates
4 26 under the bill, and the terms of the magistrate positions
4 27 expire, an appointment shall be made to reestablish the term
4 28 of office for a district associate judge.

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4 29 LSB 5366DP 81
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