House File 2368 - Introduced

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

A BILL FOR

1 An Act relating to the uniform bond schedule used for the release
2   of an arrested person when the court is not in session.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
4 TLSB 6285YH 82
5 jm/rj/5

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1 1   Section 1. Section 602.4201, subsection 3, Code 2007, is
1 2 amended by adding the following new paragraph:
1 3   NEW PARAGRAPH. i. Uniform bond schedule as provided in
1 4 section 805.21.
1 5   Sec. 2. Section 804.21, subsection 5, Code 2007, is
1 6 amended to read as follows:
1 7   5. a. The ~~judicial council~~ supreme court shall ~~promulgate~~
1 8 prescribe rules ~~and~~ relating to the bond levels to be
1 9 contained within a bond schedule for the release of an
1 10 arrested person under the rulemaking procedures in section
1 11 602.4202.
1 12   b. The bond schedule shall not be used unless both of the
1 13 following conditions are met:
1 14   (1) The person was arrested for a crime other than a
1 15 forcible felony~~, and~~.
1 16   (2) The courts are not in session.
1 17   Sec. 3. BOND SCHEDULES. The bond schedule filed February
1 18 19, 1999, with the clerk of the supreme court shall be the
1 19 bond schedule utilized until such time the court prescribes a
1 20 new rule relating to the bond schedule under the rulemaking
1 21 procedures in section 602.4202. The bond schedule filed with
1 22 the clerk of the supreme court on August 2, 2007, is void.
1 23   EXPLANATION
1 24   This bill relates to the uniform bond schedule used when
1 25 the court is not in session for the release of a person
1 26 arrested for a crime other than a forcible felony.
1 27   The bill provides that the supreme court shall prescribe by
1 28 rule the bond levels to be contained within the bond schedule
1 29 under rulemaking procedures set out in Code section 602.4202.
1 30 Under current law, the judicial council promulgates by rule
1 31 the bond levels to be contained in the bond schedule without
1 32 requiring the rule to be subject to the procedures set out in
1 33 Code section 602.4202.
1 34   The rulemaking procedures under Code section 602.4202
1 35 require that a proposed rule be submitted to the legislative
2 1 council and the chairpersons and ranking members of the senate
2 2 and house committees on judiciary. Upon filing the proposed
2 3 rule containing the bond schedule with the legislative
2 4 council, the Code would provide that the rule takes effect 60
2 5 days after submission to the legislative council or at a later
2 6 date specified by the supreme court, unless the legislative
2 7 council by majority vote delays the effective date of the
2 8 rule. If the legislative council delays the effective date of
2 9 the rule, the rule in some cases can be delayed from becoming
2 10 effective until May 1 of the following calendar year. If the
2 11 general assembly enacts a bill changing the rule, the general
2 12 assembly's enactment supersedes a conflicting provision in the
2 13 rule as submitted by the supreme court.
2 14   The bill also provides the bond schedule filed February 19,
2 15 1999, with the clerk of the supreme court shall be the bond
2 16 schedule utilized until such time as the court files a new
2 17 proposed bond schedule under the rulemaking procedures in Code
2 18 section 602.4202. The bond schedule filed with the clerk of
2 19 the supreme court on August 2, 2007, is voided by the bill.
2 20 LSB 6285YH 82