

House Study Bill 36

HOUSE FILE _____
BY (PROPOSED COMMITTEE ON
JUDICIARY BILL BY
CHAIRPERSON SWAIM)

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

A BILL FOR

1 An Act relating to elections or appointments to a county
2 magistrate appointing commission.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
4 TLSB 1465HC 83
5 jm/rj/14

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1 1 Section 1. Section 602.6502, Code 2009, is amended to read
1 2 as follows:
1 3 602.6502 PROHIBITIONS TO APPOINTMENT.
1 4 A member of a county magistrate appointing commission shall
1 5 not be appointed to the office of magistrate, and shall not be
1 6 nominated for or appointed to the office of district associate
1 7 judge, office of associate juvenile judge, or office of
1 8 associate probate judge. A member of the commission shall not
1 9 be eligible to vote for the appointment or nomination of a
1 10 family member, current law partner, ~~or~~ current business
1 11 partner, ~~or current member of the same office.~~ For purposes
1 12 of this section, "family member" means a spouse, son,
1 13 daughter, brother, sister, uncle, aunt, first cousin, nephew,
1 14 niece, father-in-law, mother-in-law, son-in-law,
1 15 daughter-in-law, brother-in-law, sister-in-law, father,
1 16 mother, stepfather, stepmother, stepson, stepdaughter,
1 17 stepbrother, stepsister, half brother, or half sister.
1 18 Sec. 2. Section 602.6503, subsection 2, Code 2009, is
1 19 amended by striking the subsection.
1 20 Sec. 3. Section 602.6504, subsection 2, Code 2009, is
1 21 amended to read as follows:
1 22 2. ~~* Notwithstanding section 39.11 or any other law or~~
1 23 ~~rule to the contrary, a county attorney shall not may be~~
1 24 elected to the commission.

EXPLANATION

1 25 This bill relates to the election or appointment to a
1 26 county magistrate appointing commission.
1 27 The bill strikes a provision in Code chapter 602
1 28 prohibiting the board of supervisors from appointing an
1 29 attorney or an active law enforcement officer to serve as a
1 30 commissioner on a magistrate appointing commission.
1 31 The bill also provides that a county attorney may be
1 32 elected to serve on a county magistrate appointing commission.
1 33 Current law prohibits a county attorney from being elected to
1 34 the commission.
2 1 The bill makes a commissioner of a county magistrate
2 2 appointment commission ineligible to vote for the appointment
2 3 or nomination of a current member of the commissioner's same
2 4 office. Current law provides that a commissioner is
2 5 ineligible to vote for the appointment or nomination of a
2 6 family member, current law partner, or current business
2 7 partner.
2 8 A county magistrate commission appoints the magistrates
2 9 authorized for each county pursuant to Code section 602.6403.
2 10 A county magistrate commission consists of a district judge,
2 11 three commissioners appointed by the county supervisors, and
2 12 two commissioners elected by the attorneys residing in the
2 13 county.
2 14 LSB 1465HC 83
2 15 jm/rj/14