

House Study Bill 39 - Introduced

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

A BILL FOR

1 An Act relating to a magistrate acting as counsel for clients
2 within the jurisdiction of the magistrate.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 602.1605, subsection 2, Code 2011, is
2 amended to read as follows:

3 2. If a magistrate who practices law appears as counsel
4 for a client in a matter that is within the jurisdiction of a
5 the magistrate, that matter shall be heard only by a district
6 judge or a district associate judge. A disqualification
7 under this section shall be had upon motion of the magistrate
8 or of any party, either orally or in writing, and the clerk
9 of the district court shall reassign the matter to a proper
10 judicial officer. If the matter involves a criminal or
11 juvenile delinquency proceeding the disqualification shall be
12 as provided in subsection 3.

13 Sec. 2. Section 602.1605, Code 2011, is amended by adding
14 the following new subsections:

15 NEW SUBSECTION. 3. A magistrate shall be disqualified from
16 appearing as counsel in any criminal or delinquency proceeding
17 in any court within the jurisdiction of the magistrate.

18 NEW SUBSECTION. 4. As used in this section, "*jurisdiction*
19 *of the magistrate*" means the magistrate's county of appointment
20 and any other county in which the magistrate regularly holds
21 court.

22 EXPLANATION

23 This bill relates to a magistrate acting as counsel for
24 clients within the jurisdiction of the magistrate.

25 The bill disqualifies a magistrate from appearing as counsel
26 in any criminal or delinquency proceeding in any court within
27 the jurisdiction of the magistrate.

28 The bill defines "*jurisdiction of the magistrate*" to mean
29 the magistrate's county of appointment and any other county in
30 which the magistrate regularly holds court.