

Senate File 2100 - Introduced

SENATE FILE 2100
BY COMMITTEE ON JUDICIARY

(SUCCESSOR TO SSB 3032)

A BILL FOR

1 An Act relating to the nomination and appointment of district
2 judges and associate juvenile judges.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 46.14, Code 2011, is amended to read as
2 follows:

3 **46.14 Nomination — residence.**

4 1. Each judicial nominating commission shall carefully
5 consider the individuals available for judge, and within sixty
6 days after receiving notice of a vacancy shall certify to the
7 governor and the chief justice the proper number of nominees,
8 in alphabetical order. Such nominees shall be chosen by the
9 affirmative vote of a majority of the full statutory number
10 of commissioners upon the basis of their qualifications and
11 without regard to political affiliation. Nominees shall be
12 members of the bar of Iowa, shall be residents of the state ~~or~~
13 ~~district of the court to which they are nominated,~~ and shall
14 be of such age that they will be able to serve an initial and
15 one regular term of office to which they are nominated before
16 reaching the age of seventy-two years. ~~Nominees for district~~
17 ~~judge shall file a certified application form, to be provided~~
18 ~~by the supreme court, with the chairperson of the district~~
19 ~~judicial nominating commission.~~ Absence of a commissioner or
20 vacancy upon the commission shall not invalidate a nomination.
21 The chairperson of the commission shall promptly certify the
22 names of the nominees, in alphabetical order, to the governor
23 and the chief justice.

24 2. An applicant for district judge shall file a certified
25 application form, to be provided by the supreme court, with the
26 chairperson of the district judicial nominating commission. A
27 district judge appointee shall be a resident of the judicial
28 district before assuming office or, if the judicial district
29 is divided into judicial election districts, the appointee
30 shall be a resident of the judicial election district where the
31 nomination occurred before assuming office.

32 ~~2.~~ 3. A commissioner shall not be eligible for nomination
33 by the commission during the term for which the commissioner
34 was elected or appointed to that commission. A commissioner
35 shall not be eligible to vote for the nomination of a family

1 member, current law partner, or current business partner. For
2 purposes of this subsection, "family member" means a spouse,
3 son, daughter, brother, sister, uncle, aunt, first cousin,
4 nephew, niece, father-in-law, mother-in-law, son-in-law,
5 daughter-in-law, brother-in-law, sister-in-law, father, mother,
6 stepfather, stepmother, stepson, stepdaughter, stepbrother,
7 stepsister, half brother, or half sister.

8 Sec. 2. Section 602.7103C, subsections 2 and 3, Code 2011,
9 are amended to read as follows:

10 2. A person does not qualify for appointment to the office
11 of full-time associate juvenile judge unless the person is
12 at the time of appointment a resident of the ~~county~~ judicial
13 election district in which the vacancy exists, licensed
14 to practice law in Iowa, and will be able, measured by the
15 person's age at the time of appointment, to complete the
16 initial term of office prior to reaching age seventy-two. An
17 applicant for full-time associate juvenile judge shall file
18 a certified application form, to be provided by the supreme
19 court, with the chairperson of the county magistrate appointing
20 commission.

21 3. A full-time associate juvenile judge must be a resident
22 of ~~a county~~ the judicial election district in which the
23 office is held during the entire term of office. A full-time
24 associate juvenile judge shall serve within the judicial
25 district in which appointed, as directed by the chief judge,
26 and is subject to reassignment under section 602.6108.

27 EXPLANATION

28 This bill relates to the nomination and qualifications of
29 district judges and associate juvenile judges.

30 The bill specifies that a district judge appointee shall
31 be a resident of the judicial district where the nomination
32 occurred before assuming office. If the judicial district is
33 divided into judicial election districts, the bill specifies
34 the appointee shall be a resident of the judicial election
35 district where the nomination occurred before assuming office.

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1 The bill modifies the residency requirements of a full-time
2 associate juvenile judge. Under the bill, a full-time
3 associate juvenile judge is required at the time of appointment
4 to reside in the judicial election district where the vacancy
5 exists. The bill also requires a full-time associate juvenile
6 judge to reside in the judicial election district in which the
7 office is held during the entire term of office.

8 Current law requires a full-time magistrate at the time of
9 appointment to reside in the county in which the vacancy exists
10 and to reside in the county in which the office is held during
11 the entire term of office.