

Senate Study Bill 3035 - Introduced

SENATE FILE _____
BY (PROPOSED COMMITTEE
ON JUDICIARY BILL BY
CHAIRPERSON HOGG)

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 2014, 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 under
7 this section shall be had upon motion of the magistrate or of
8 any party, either orally or in writing, and the clerk of the
9 district court shall reassign the matter to a proper judicial
10 officer. If the matter involves a criminal or juvenile
11 delinquency proceeding the disqualification of a magistrate who
12 practices law shall be as provided in subsection 3.

13 Sec. 2. Section 602.1605, Code 2014, 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 The inclusion of this explanation does not constitute agreement with
24 the explanation's substance by the members of the general assembly.

25 This bill relates to a magistrate acting as counsel for
26 clients within the geographical jurisdiction of the magistrate.

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

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