

Senate Study Bill 3036 - Introduced

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

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:

1 Section 1. Section 602.6502, Code 2014, is amended to read
2 as follows:

3 **602.6502 Prohibitions to appointment.**

4 A member of a county magistrate appointing commission
5 shall not be appointed to the office of magistrate, and shall
6 not be nominated for or appointed to the office of district
7 associate judge, office of associate juvenile judge, or office
8 of associate probate judge. A member of the commission shall
9 not be eligible to vote for the appointment or nomination of
10 a family member, current law partner, ~~or~~ current business
11 partner, or current member of the same office. For purposes
12 of this section, "*family member*" means a spouse, son, daughter,
13 brother, sister, uncle, aunt, first cousin, nephew, niece,
14 father-in-law, mother-in-law, son-in-law, daughter-in-law,
15 brother-in-law, sister-in-law, father, mother, stepfather,
16 stepmother, stepson, stepdaughter, stepbrother, stepsister,
17 half brother, or half sister.

18 Sec. 2. Section 602.6503, subsection 2, Code 2014, is
19 amended to read as follows:

20 2. The board of supervisors shall not appoint an attorney ~~or~~
21 ~~an active law enforcement officer~~ to serve as a commissioner.

22 Sec. 3. Section 602.6504, subsection 2, Code 2014, is
23 amended to read as follows:

24 2. A Notwithstanding section 39.11 or any other law or rule
25 to the contrary, a county attorney shall not may be elected to
26 the commission.

27

EXPLANATION

28 The inclusion of this explanation does not constitute agreement with
29 the explanation's substance by the members of the general assembly.

30 This bill relates to the election or appointment to a county
31 magistrate appointing commission.

32 The bill allows the board of supervisors to appoint an
33 active law enforcement officer to serve as a commissioner
34 on a magistrate appointing commission. Currently, such an
35 appointment is prohibited.

1 The bill also provides that a county attorney may be elected
2 to serve on a county magistrate appointing commission. Current
3 law prohibits a county attorney from being elected to the
4 commission.

5 The bill makes a commissioner of a county magistrate
6 appointment commission ineligible to vote for the appointment
7 or nomination of a current member of the commissioner's same
8 office. Current law provides that a commissioner is ineligible
9 to vote for the appointment or nomination of a family member,
10 current law partner, or current business partner.

11 A county magistrate commission appoints the magistrates
12 authorized for each county pursuant to Code section 602.6403.
13 A county magistrate commission consists of a district judge,
14 three commissioners appointed by the county supervisors, and
15 two commissioners elected by the attorneys residing in the
16 county.