

Senate File 2394 - Introduced

SENATE FILE 2394
BY COMMITTEE ON GOVERNMENT
OVERSIGHT

(SUCCESSOR TO SSB 3098)

A BILL FOR

1 An Act relating to the custody and control of courthouses and
2 to physical facilities provided by a city or county to the
3 district court.

4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 331.382, subsection 7, Code 2020, is
2 amended to read as follows:

3 7. If a law library is provided in the county courthouse,
4 ~~judges of the district court of the county shall supervise and~~
5 ~~control the law library~~ the board shall supervise and control
6 the law library in a manner that aids judicial operations.

7 Sec. 2. Section 331.502, subsection 1, Code 2020, is amended
8 to read as follows:

9 1. Have ~~general~~ custody and control of the courthouse,
10 subject to the direction of the board.

11 Sec. 3. Section 602.1303, subsection 1, Code 2020, is
12 amended by adding the following new paragraph:

13 NEW PARAGRAPH. *d.* The physical facilities provided by a
14 county or city pursuant to this subsection shall remain the
15 sole property of the county or city, and shall be subject
16 to the exclusive control of the county or city. The county
17 or city shall provide physical security for, and shall
18 control physical access to, such facilities in a manner that
19 aids judicial operations. The county board of supervisors
20 or the city council's determination of the adequacy and
21 reasonableness of the security and accessibility of the
22 physical facilities shall be nonjusticiable, and a court shall
23 not have jurisdiction to adjudicate such a dispute.

24 Sec. 4. Section 602.1303, subsection 8, Code 2020, is
25 amended to read as follows:

26 8. If a county board of supervisors, ~~with the approval~~
27 ~~of the supreme court,~~ elects not to maintain space for the
28 district court, the county may enter into an agreement with a
29 contiguous county in the same judicial district to share the
30 costs under **subsections 1 through 7**. For the purposes of this
31 subsection, two counties are contiguous if they share a common
32 boundary, including a corner.

33

EXPLANATION

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

1 This bill relates to the custody and control of courthouses
2 and to physical facilities provided by a city or county to the
3 district court.

4 Currently, the county auditor has general custody and
5 control of the courthouse, subject to the direction of the
6 county board of supervisors. The bill strikes the "general
7 custody and control" provision and makes the county auditor
8 the person who has custody and control of a courthouse,
9 subject to the direction of the county board of supervisors.
10 The bill provides that if a law library is provided in the
11 county courthouse, the board of supervisors shall supervise
12 and control the law library in a manner that aids judicial
13 operations.

14 Currently, Code section 602.1303 provides that a county or
15 city shall provide for the district court of the county with
16 physical facilities, which in the judgment of the governing
17 body are suitable for the district court. Furthermore, the
18 Code section provides that if the county board of supervisors
19 decides not to keep space for the district court, subject to
20 the approval of the supreme court, the county may enter into
21 an agreement with a contiguous county in the same judicial
22 district to share costs in providing physical facilities for
23 a district court.

24 The bill provides that the physical facilities remain the
25 sole property of the county or city and shall be subject to
26 the exclusive control of the county or city, and that the
27 county or city shall provide physical security for, and shall
28 control physical access to, such facilities in a manner that
29 aids judicial operations. The bill provides that the county
30 board of supervisors or the city council's determination of the
31 adequacy and reasonableness of the security and accessibility
32 of the physical facilities shall be nonjusticiable, and that a
33 court does not have jurisdiction to hear a matter involving the
34 adequacy or reasonableness of the facilities.

35 The bill provides that a county board of supervisors does not

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1 need the approval of the supreme court to elect not to maintain
2 court space and to enter into an agreement with a contiguous
3 county to share court costs.