

**House File 2706 - Introduced**

HOUSE FILE 2706  
BY COMMITTEE ON JUDICIARY

(SUCCESSOR TO HSB 722)

(COMPANION TO SF 2401 BY  
COMMITTEE ON JUDICIARY)

**A BILL FOR**

1 An Act relating to judicial officers, including magistrate  
2 appointments in judicial election districts, senior  
3 magistrates, and judicial officer compensation, and including  
4 effective date provisions.

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

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
29  
30  
31  
32  
33  
34  
35

DIVISION I

MAGISTRATE APPOINTMENTS IN JUDICIAL ELECTION DISTRICTS

Section 1. Section 331.321, subsection 1, paragraph v, Code 2026, is amended to read as follows:

v. ~~Members~~ A member of the ~~county~~ judicial election district magistrate appointing commission in accordance with section 602.6503.

Sec. 2. Section 331.502, subsection 30, Code 2026, is amended to read as follows:

30. ~~Certify to the clerk of the district court administrator the names, addresses~~ name, address, and expiration date of the ~~terms~~ term of office of ~~persons~~ the person appointed to the ~~county~~ judicial election district magistrate appointing commission as provided in section 602.6503.

Sec. 3. Section 331.653, subsection 4, Code 2026, is amended to read as follows:

4. Provide bailiff and other law enforcement service to the district judges, district associate judges, ~~and~~ associate juvenile judges, and judicial magistrates ~~of~~ in the county upon request.

Sec. 4. Section 556F.14, Code 2026, is amended to read as follows:

**556F.14 Costs, charges, and care — assessment.**

The owner shall also be required to pay the finder all such costs and charges as may have been paid by the finder for services rendered as aforesaid, including the cost of publication, together with reasonable charges for keeping and taking care of such property, which last mentioned charge, in case the finder and the owner cannot agree, shall be assessed by two disinterested householders of the neighborhood, to be appointed by some magistrate judge ~~of~~ in the proper county, whose decision, when made, shall be binding and conclusive on all parties.

Sec. 5. Section 602.1214, Code 2026, is amended by adding the following new subsection:

1 NEW SUBSECTION. 7. The district court administrator shall  
2 maintain a record of the name, address, and term of office  
3 of each member of the judicial election district magistrate  
4 appointing commission as provided in section 602.6501, and  
5 certify to the state court administrator the names and addresses  
6 of the magistrates appointed by the commission as provided in  
7 section 602.6403.

8 Sec. 6. Section 602.1303, subsection 2, Code 2026, is amended  
9 to read as follows:

10 2. ~~A county~~ The counties comprising the judicial election  
11 district shall pay the expenses of the members of the ~~county~~  
12 judicial election district magistrate appointing commission based  
13 on the county of residence of the member, as provided in section  
14 602.6501.

15 Sec. 7. Section 602.1501, subsection 6, Code 2026, is amended  
16 to read as follows:

17 6. Magistrates shall receive the salary set by the general  
18 assembly, ~~subject to section 602.6402.~~

19 Sec. 8. Section 602.2301, subsection 3, Code 2026, is amended  
20 to read as follows:

21 3. Notwithstanding section 602.6403, subsection 3, if a  
22 magistrate position is vacant due to a death, resignation,  
23 retirement, an increase in the number of positions authorized,  
24 or ~~to the~~ removal of a magistrate, the chief justice may  
25 order any ~~county~~ judicial election district magistrate appointing  
26 commission to delay, for budgetary reasons, the appointment of a  
27 magistrate to serve the remainder of an unexpired term.

28 Sec. 9. Section 602.6302, Code 2026, is amended to read as  
29 follows:

30 **602.6302 Appointment of district associate judge in lieu of**  
31 **magistrates.**

32 1. The chief judge of the judicial district may designate  
33 by order of substitution that a district associate judge be  
34 appointed pursuant to this section in lieu of magistrates  
35 appointed under section 602.6403, subject to the following

1 limitations:

2 ~~a. The county in which the district associate judge is to be~~  
3 ~~appointed, or the counties in which the district associate judge~~  
4 ~~is to be appointed in combination, must have an apportionment of~~  
5 ~~three or more magistrates.~~

6 ~~b. The substitution must not result in a lack of a resident~~  
7 ~~district associate judge or magistrate in one or more of the~~  
8 ~~counties.~~

9 ~~c. The substitution must be approved by the supreme court.~~

10 ~~d. b.~~ A majority of district judges in that judicial  
11 election district, or in the case of an appointment involving  
12 more than one judicial election district in the same judicial  
13 district, a majority of the district judges in each judicial  
14 election district, must vote in favor of the substitution and  
15 find that the substitution will provide more timely and efficient  
16 performance of judicial business within that judicial election  
17 district.

18 2. An order of substitution shall not take effect unless a  
19 copy of the order is received by the chairperson of the ~~county~~  
20 judicial election district magistrate appointing commission or  
21 commissions and the governor no later than May 31 of the year  
22 in which the substitution is to take effect. A copy of the order  
23 shall also be sent to the state court administrator.

24 3. For a ~~county~~ judicial election district in which a  
25 substitution order is in effect, the number of magistrates  
26 ~~actually~~ appointed pursuant to section 602.6403 shall be reduced  
27 ~~by three~~ for each district associate judge substituted under  
28 this section. ~~However, if the substitution order is for a~~  
29 ~~district associate judge appointed to more than one county, the~~  
30 ~~reduction of three magistrates shall be as provided in the order~~  
31 ~~of the chief judge of the judicial district. Upon a subsequent~~  
32 ~~reduction in the apportionment of magistrates to the county~~  
33 ~~or counties, the magistrate appointing commission shall further~~  
34 ~~reduce the number of magistrates appointed.~~

35 4. ~~a. Except as provided in subsections 1 through 3, a~~

1 ~~substitution shall not increase or decrease the number of~~  
2 ~~magistrates authorized by this article.~~

3 ~~b. A substitution shall not be made where the apportionment~~  
4 ~~of magistrates to a county is insufficient to permit the~~  
5 ~~full reduction in appointments of magistrates as required by~~  
6 ~~subsection 3.~~

7 ~~5. 4. If an apportionment by the state court administrator~~  
8 ~~pursuant to section 602.6401 reduces the number of magistrates in~~  
9 ~~the county or counties to less than the number required to be~~  
10 ~~apportioned to allow a substitution order pursuant to subsection~~  
11 ~~1, or if a majority of the district judges in the judicial~~  
12 ~~election district or districts determines that a substitution~~  
13 ~~is no longer desirable, then the substituted office shall be~~  
14 ~~terminated. However, a reversion pursuant to this subsection,~~  
15 ~~irrespective of cause, shall not take effect until the substitute~~  
16 ~~district associate judge fails to be retained in office at a~~  
17 ~~judicial election or otherwise leaves office, whether voluntarily~~  
18 ~~or involuntarily. Upon the termination of office of that~~  
19 ~~district associate judge, appointments shall be made pursuant to~~  
20 ~~section 602.6403 as necessary to reestablish terms of office as~~  
21 ~~provided in section 602.6403, subsection 4.~~

22 Sec. 10. Section 602.6303, subsection 1, unnumbered paragraph  
23 1, Code 2026, is amended to read as follows:

24 The chief judge of the judicial district may designate  
25 by order of substitution that ~~three~~ magistrates be appointed  
26 pursuant to this section in lieu of the appointment of a district  
27 associate judge under section 602.6304, subject to the following  
28 limitations:

29 Sec. 11. Section 602.6303, subsections 2, 4, and 5, Code  
30 2026, are amended to read as follows:

31 2. An order of substitution shall not take effect unless a  
32 copy of the order is received by the chairperson of the ~~county~~  
33 judicial election district magistrate appointing commission or  
34 commissions and the governor no later than May 31 of the year  
35 in which the substitution is to take effect. ~~The order shall~~

1 ~~designate the county of appointment for each magistrate.~~ A copy  
2 of the order shall also be sent to the state court administrator.

3 4. Except as provided in subsections 1 ~~through 3~~ and 2,  
4 a substitution shall not increase or decrease the number of  
5 district associate judges authorized by this article.

6 5. If a majority of the district judges in a judicial  
7 election district determines that a substitution is no longer  
8 desirable, then ~~all three~~ the associated substituted magistrate  
9 positions shall be terminated. However, a reversion pursuant  
10 to this subsection shall not take effect until the terms of the  
11 ~~three~~ magistrates expire. Upon the termination of the magistrate  
12 positions created under this section, an appointment shall be  
13 made to reestablish the term of office for a district associate  
14 judge as provided in sections 602.6304 and 602.6305.

15 Sec. 12. Section 602.6303, subsection 3, Code 2026, is  
16 amended by striking the subsection.

17 Sec. 13. Section 602.6401, Code 2026, is amended to read as  
18 follows:

19 **602.6401 Number and apportionment.**

20 1. ~~Two hundred six magistrates shall be apportioned among~~  
21 ~~the counties as provided in this section. Magistrates appointed~~  
22 ~~pursuant to section 602.6303 or 602.6402 shall not be counted~~  
23 ~~for purposes of this section~~ The supreme court shall prescribe  
24 a formula for the state court administrator to determine the  
25 number of magistrates who will serve in each judicial election  
26 district, pursuant to subsection 2. The formula must be based  
27 on a model that measures and applies an estimated case-related  
28 workload formula of magistrates, and must account for travel time  
29 and other judicial duties not related to a specific case.

30 2. By February of each year in which magistrates' terms  
31 expire, the state court administrator shall ~~apportion magistrate~~  
32 ~~offices among the counties in accordance with the following~~  
33 ~~criteria:~~

34 ~~α. The existence of either permanent, temporary, or seasonal~~  
35 ~~populations not included in the current census figures.~~

1 ~~b. The geographical area to be served.~~

2 ~~c. Any inordinate number of cases over which magistrates have~~  
3 ~~jurisdiction that were pending at the end of the preceding year.~~

4 ~~d. The number and types of juvenile proceedings handled by~~  
5 ~~district associate judges apply the formula prescribed pursuant~~  
6 ~~to subsection 1 to calculate the number of magistrates and~~  
7 ~~apportion magistrates among the judicial districts.~~

8 ~~3. Notwithstanding subsection 2, each county shall be~~  
9 ~~allotted at least one resident magistrate.~~

10 4. 3. By March 31 of each year in which magistrates' terms  
11 expire, the state court administrator shall give notice to the  
12 clerks of the district court, district court administrators, and  
13 ~~to the~~ chief judges of the judicial districts of the number  
14 of magistrates to which each county judicial election district  
15 is entitled. If the state court administrator does not give  
16 the notice as required in this subsection by March 31 of each  
17 year in which magistrates' terms expire, the existing magistrate  
18 apportionment in effect shall remain in effect through the  
19 succeeding magistrates' terms, and any apportionment performed  
20 pursuant to subsection 2 is void until such succeeding terms  
21 expire.

22 Sec. 14. Section 602.6403, subsections 1, 2, 3, 4, 5, 7, and  
23 9, Code 2026, are amended to read as follows:

24 1. By June 1 of each year in which magistrates' terms expire,  
25 the county judicial election district magistrate appointing  
26 commission shall appoint, except as otherwise provided in section  
27 602.6302, the number of magistrates apportioned to the county  
28 judicial election district by the state court administrator under  
29 section 602.6401, and the number of magistrates required pursuant  
30 to substitution orders in effect under section 602.6303, ~~and~~  
31 ~~may appoint an additional magistrate when allowed by section~~  
32 ~~602.6402. The commission shall not appoint more magistrates than~~  
33 ~~are authorized for the county by this article.~~

34 2. The magistrate appointing commission for each county  
35 supreme court shall prescribe the contents of an application, ~~in~~

1 ~~addition to any application form provided by the supreme court,~~  
2 for an appointment pursuant to this section. The commission  
3 ~~shall publicize notice of any vacancy to be filled in at least~~  
4 ~~two publications in all official county newspapers in the county.~~  
5 The commission shall accept applications for a minimum of fifteen  
6 days prior to making an appointment, and shall make available  
7 during that period of time any printed application forms the  
8 commission ~~prescribes~~ provides based on the supreme court's  
9 prescribed application contents.

10 3. Within thirty days following receipt of notification of a  
11 vacancy in the office of magistrate, the commission shall appoint  
12 a person to the office to serve the remainder of the unexpired  
13 term. For purposes of this section, ~~vacaney~~ "vacancy" means a  
14 death, resignation, retirement, or removal of a magistrate, or an  
15 increase in the number of positions authorized.

16 4. The term of office of a magistrate is four years,  
17 commencing August 1, ~~1989~~ 2027. However, the terms of all  
18 magistrates in a ~~county~~ judicial election district are deemed to  
19 expire if a substitution under section 602.6302 or the allocation  
20 under section 602.6401 results in a reduction in the number of  
21 magistrates in a ~~county~~ judicial election district where the  
22 magistrates hold office.

23 5. The commission shall promptly certify the names and  
24 addresses of appointees to the ~~clerk of the district court~~  
25 administrator and to the chief judge of the judicial district.  
26 ~~The clerk of the district court~~ administrator shall certify to  
27 the state court administrator the names and addresses of these  
28 appointees.

29 7. Before the commencement of the term of a magistrate, the  
30 members of the judicial election district magistrate appointing  
31 commission may reconsider the appointment. Written notification  
32 of the reasons for reconsideration and time and place for the  
33 meeting must be sent to the magistrate appointee and the ~~clerk of~~  
34 ~~the district court~~ administrator. The commission may reconvene  
35 and decertify the magistrate appointee for good cause. Notice

1 of the decertification and a statement of the reasons justifying  
2 the decertification shall be promptly sent to the ~~clerk of the~~  
3 district court administrator, the chief judge of the judicial  
4 district, and the state court administrator.

5 9. A magistrate who seeks to resign from the office of  
6 magistrate shall notify in writing the chief judge of the  
7 judicial district as to the magistrate's intention to resign  
8 and the effective date of the resignation. The chief judge of  
9 the judicial district, upon receipt of the notice, shall notify  
10 the ~~county~~ judicial election district magistrate appointing  
11 commission and the state court administrator of the vacancy in  
12 the office of magistrate due to resignation.

13 Sec. 15. Section 602.6403, Code 2026, is amended by adding  
14 the following new subsection:

15 NEW SUBSECTION. 10. a. Notwithstanding section 602.6401,  
16 subsection 3, if a vacancy occurs as described in subsection  
17 3 of this section, that cannot be filled, the chief judge of  
18 the judicial district may assign one or more magistrates serving  
19 in the judicial district to serve the remainder of the term  
20 in the county with the vacancy. A magistrate shall serve the  
21 county with the vacancy to which the magistrate is assigned  
22 in addition to the county to which the magistrate is appointed  
23 if the combined weighted workload does not exceed thirty-three  
24 percent of one full-time position.

25 b. This subsection is repealed August 1, 2027.

26 Sec. 16. Section 602.6404, subsection 2, Code 2026, is  
27 amended to read as follows:

28 2. A person is not qualified for appointment as a magistrate  
29 unless the person files a certified application form, to be  
30 provided by the supreme court, with the chairperson of the ~~county~~  
31 judicial election district magistrate appointing commission. A  
32 person is not qualified for appointment as a magistrate if at the  
33 time of appointment the person has reached age seventy-eight.

34 Sec. 17. Section 602.6501, Code 2026, is amended to read as  
35 follows:

1     **602.6501   Composition of county judicial election district**  
2 **magistrate appointing commissions.**

3     1. A magistrate appointing commission is established in each  
4 county judicial election district. The commission shall be  
5 composed of the following members:

6     a. A district judge designated by the chief judge of the  
7 judicial district to serve until a successor is designated.

8     ~~b. Three members appointed by the board of supervisors, or~~  
9 ~~the lesser number provided in section 602.6503, subsection 1~~  
10 One person from each county in the judicial election district,  
11 appointed by the board of supervisors of the county.

12     ~~c. Two~~ A number of attorneys elected by the attorneys in  
13 the county, or the lesser number provided in section 602.6504,  
14 subsection 1 judicial election district and the counties  
15 contiguous with the judicial election district equal to one fewer  
16 than the number of persons appointed pursuant to paragraph "b".  
17 If there are an insufficient number of attorneys to serve on the  
18 commission, the number of persons appointed pursuant to paragraph  
19 "b" shall not be increased or decreased.

20     2. ~~The clerk of the district court administrator or the~~  
21 administrator's designee shall maintain a permanent record of the  
22 name, address, and term of office of each commissioner.

23     3. A member of a magistrate appointing commission shall be  
24 reimbursed for actual and necessary expenses reasonably incurred  
25 in the performance of official duties. Reimbursements are  
26 payable by the county in which the member ~~serves~~ resides, upon  
27 certification of the expenses to the county auditor by the clerk  
28 of the district court. The district judges of each judicial  
29 district may prescribe rules for the administration of this  
30 subsection.

31     Sec. 18. Section 602.6502, Code 2026, is amended to read as  
32 follows:

33     **602.6502   Prohibitions to appointment.**

34     A member of a county judicial election district magistrate  
35 appointing commission shall not be appointed to the office

1 of magistrate. A member of the commission shall not be  
2 eligible to vote for the appointment or nomination of a family  
3 member, current law partner, or current business partner. For  
4 purposes of this section, "family member" means a spouse, son,  
5 daughter, brother, sister, uncle, aunt, first cousin, nephew,  
6 niece, father-in-law, mother-in-law, son-in-law, daughter-in-law,  
7 brother-in-law, sister-in-law, father, mother, stepfather,  
8 stepmother, stepson, stepdaughter, stepbrother, stepsister, half  
9 brother, or half sister.

10 Sec. 19. Section 602.6503, subsections 1 and 3, Code 2026,  
11 are amended to read as follows:

12 1. The board of supervisors of each county in the judicial  
13 election district shall appoint ~~three electors~~ one person from  
14 the county to the magistrate appointing commission for the ~~county~~  
15 judicial election district for six-year terms beginning January  
16 1, ~~1979~~ 2027, and each sixth year thereafter. ~~However, if there~~  
17 ~~is only one attorney elected pursuant to section 602.6504, the~~  
18 ~~county board of supervisors shall only appoint two commissioners,~~  
19 ~~and if no attorney is elected, the board of supervisors shall~~  
20 ~~only appoint one commissioner.~~

21 3. The county auditor shall certify to ~~the clerk of the~~  
22 district court administrator the name, address, and expiration  
23 date of term for all ~~appointees of~~ the person appointed to the  
24 commission by the board of supervisors.

25 Sec. 20. Section 602.6504, subsections 1, 3, 4, and 5, Code  
26 2026, are amended to read as follows:

27 1. The ~~resident~~ attorneys of each ~~county~~ judicial election  
28 district and the counties contiguous with the judicial election  
29 district shall elect ~~two resident attorneys of the county~~ a  
30 number of attorneys equal to one fewer than the number of  
31 persons appointed pursuant to section 602.6501, subsection 1,  
32 paragraph "b", to the magistrate appointing commission for  
33 six-year terms beginning on January 1, ~~1979~~ 2027, and each sixth  
34 year thereafter. An election shall be held in December preceding  
35 the commencement of new terms. ~~The attorneys in a county may~~

1 ~~elect only one commissioner if~~ If there is only one are an  
2 insufficient number of attorneys who is are qualified and willing  
3 to serve and ~~if there are no resident attorneys in a county~~  
4 ~~or none is willing to serve as a commissioner, none shall be~~  
5 elected, the attorneys of each judicial election district and  
6 the counties contiguous with the judicial election district may  
7 elect a number of attorneys that is less than the maximum number  
8 authorized in this subsection.

9 3. An attorney is eligible to vote in elections of magistrate  
10 appointing commissioners within a county judicial election  
11 district or the counties contiguous with the judicial election  
12 district if eligible to vote under sections 46.7 and 46.8, and if  
13 a resident of the county judicial election district or a county  
14 contiguous with the judicial election district.

15 4. In order to be placed on the ballot for county a judicial  
16 election district magistrate appointing commission, an eligible  
17 attorney elector shall file a nomination petition in the office  
18 of ~~the~~ a clerk of court in the district on or before November 30  
19 of the year in which the election for attorney positions is to  
20 occur. This subsection does not preclude write-in votes at the  
21 time of the election.

22 5. When an election of magistrate appointing commissioners  
23 is to be held, the clerk of the district court for each county  
24 in the judicial election district and a county contiguous with  
25 the judicial election district shall cause to be mailed to each  
26 eligible attorney a ballot that is in substantially the following  
27 form:

28 **BALLOT**  
29 County Judicial Election District Magistrate Appointing  
30 Commission  
31 To be cast by the resident members of the bar of judicial  
32 election district ..... county or a county contiguous with the  
33 judicial election district.  
34 Vote for (state number) for ..... county judicial  
35 election district magistrate appointing commissioner(s) for term

1 commencing .....

2 .....

3 .....

4 To be counted, this ballot must be completed and mailed or  
5 delivered to a clerk of the district court in the judicial  
6 election district, ....., or a county contiguous with the  
7 judicial election district, no later than December 31, ... (year)  
8 (or the appropriate date in case of an election to fill a  
9 vacancy).

10 Sec. 21. Section 602.8102, subsections 88 and 89, Code 2026,  
11 are amended by striking the subsections.

12 Sec. 22. Section 602.8102, subsection 90, Code 2026, is  
13 amended to read as follows:

14 90. Furnish an individual or centralized docket for the  
15 magistrates of the judicial election district serving in the  
16 county as provided in section 602.6604.

17 Sec. 23. Section 806.2, Code 2026, is amended to read as  
18 follows:

19 **806.2 Procedure following arrest.**

20 If an arrest is made in this state by an officer of another  
21 state in accordance with the provisions of section 806.1, the  
22 officer shall without unnecessary delay take the person arrested  
23 before a magistrate of in the county in which the arrest was  
24 made, who shall conduct a hearing for the purpose of determining  
25 the lawfulness of the arrest. If the magistrate determines that  
26 the arrest was lawful, the magistrate shall commit the person  
27 arrested to await for a reasonable time the issuance of an  
28 extradition warrant by the governor of this state or admit the  
29 person to bail for such purpose. If the magistrate determines  
30 that the arrest was unlawful, the magistrate shall discharge the  
31 person arrested.

32 Sec. 24. REPEAL. Section 602.6402, Code 2026, is repealed.

33 Sec. 25. EFFECTIVE DATE.

34 1. Except as provided in subsection 2, this division of this  
35 Act takes effect November 1, 2026.

1 2. The section of this Act enacting section 602.6403,  
2 subsection 10, being deemed of immediate importance, takes effect  
3 upon enactment.

4 DIVISION II

5 SENIOR MAGISTRATES

6 Sec. 26. Section 602.1101, Code 2026, is amended by adding  
7 the following new subsection:

8 NEW SUBSECTION. 10A. "*Senior magistrate*" means a person who  
9 qualifies as a senior magistrate under section 602.9302.

10 Sec. 27. Section 602.1610, subsection 1, Code 2026, is  
11 amended by adding the following new paragraph:

12 NEW PARAGRAPH. c. Notwithstanding paragraph "b", a judicial  
13 magistrate who attains the age of seventy-eight years and has  
14 less than fifty percent of the magistrate's current term of  
15 appointment left to serve shall have the right to elect to serve  
16 the remainder of the magistrate's current term but shall not be  
17 eligible for reappointment.

18 Sec. 28. NEW SECTION. **602.9301 Definitions.**

19 As used in this part, unless the context otherwise requires:

20 1. "*Retired magistrate*" means a magistrate that has retired  
21 as a magistrate after serving not less than eight years and has  
22 attained the age of sixty-two, or a magistrate who has served at  
23 least twenty years prior to the effective date of this division  
24 of this Act. "*Retired magistrate*" does not include magistrates  
25 who are seeking reappointment.

26 2. "*Roster of senior magistrates*" means a roster maintained  
27 by the clerk of the supreme court under section 602.9302,  
28 subsection 5.

29 3. "*Senior magistrate*" means a magistrate who meets the  
30 requirements of section 602.9302 and who has not been retired  
31 or removed from the roster of senior magistrates under section  
32 602.9305 or 602.9306.

33 4. "*Senior magistrate retirement age*" means eighty-four years  
34 of age, or if the senior magistrate is reappointed as a  
35 senior magistrate for an additional one-year term upon attaining

1 eighty-four years of age, and then to a succeeding one-year term,  
2 pursuant to section 602.9302, eighty-six years of age.

3 5. "Twelve-month period" means each successive one-year  
4 period commencing on the date a retired magistrate becomes a  
5 senior magistrate and while the magistrate continues to be a  
6 senior magistrate.

7 Sec. 29. NEW SECTION. **602.9302 Senior magistrate**  
8 **requirements — appointment and term.**

9 1. A magistrate who qualifies under subsection 2 may become a  
10 senior magistrate by filing with the clerk of the supreme court  
11 a written election in the form specified by the supreme court.  
12 The election shall be filed within six months of the date of  
13 retirement.

14 2. A magistrate referred to in subsection 1 may be appointed,  
15 at the discretion of the supreme court, for a two-year term as  
16 senior magistrate if the magistrate meets all of the following  
17 requirements:

18 a. Retires from office on or after the effective date of this  
19 division of this Act, regardless of whether the magistrate is of  
20 mandatory retirement age.

21 b. Agrees in writing on a form prescribed by the supreme  
22 court to be available as long as the magistrate is a senior  
23 magistrate to perform judicial duties as assigned by the supreme  
24 court or chief judge of the senior magistrate's judicial district  
25 for service not to exceed an aggregate period of five weeks out  
26 of each successive twelve-month period.

27 c. Submits evidence to the satisfaction of the supreme court  
28 that, as of the date of retirement, the magistrate does not  
29 suffer from a permanent physical or mental disability which would  
30 substantially interfere with the performance of duties agreed to  
31 under paragraph "b".

32 3. Prior to submitting an application to become a senior  
33 magistrate, the magistrate, the chief judge of the judicial  
34 district, the district court administrator, and the state court  
35 administrator may meet and discuss the magistrate's potential

1 assignment together with the scope and parameters of the senior  
2 magistrate's service. If the magistrate decides to apply for  
3 senior magistrate, the magistrate can request the supreme court  
4 to give a preliminary determination as to whether the supreme  
5 court will approve the magistrate's application.

6 4. The supreme court, in ruling on an application for  
7 senior magistrate, including reappointment of an applicant to an  
8 additional term, may consider any of the following factors:

9 a. A demonstration of the applicant's willingness and  
10 ability to undertake and complete all assigned work during the  
11 applicant's service as a senior magistrate.

12 b. A recommendation of the chief judge and court  
13 administrator made in consultation with other judges from  
14 the judicial election district where the applicant served as  
15 magistrate.

16 c. The Iowa state bar association's most recent judicial  
17 performance review for the applicant.

18 d. The applicant's monthly reports submitted pursuant to Iowa  
19 court rule 22.10.

20 e. The applicant's agreement to perform duties as scheduled  
21 and assigned by the chief judge of the judicial district or by  
22 the state court administrator.

23 f. The applicant's plans, if any, to regularly spend time or  
24 reside out of state.

25 g. The applicant's work or plans to work as an attorney,  
26 or as a mediator, arbitrator, or provider of other alternative  
27 dispute resolution services.

28 5. The clerk of the supreme court shall maintain a book  
29 entitled "Roster of Senior Magistrates", and shall enter in  
30 the book the name of each magistrate who files a timely  
31 election under subsection 1, qualifies under subsection 2, and  
32 is appointed by the supreme court. A person shall be a senior  
33 magistrate upon entry of the person's name in the roster of  
34 senior magistrates and until the person becomes a retired senior  
35 magistrate as provided in section 602.9305, or until the person's

1 name is stricken from the roster of senior magistrates as  
2 provided in section 602.9306, or until the person dies.

3 6. a. A senior magistrate may be reappointed to additional  
4 two-year terms, at the discretion of the supreme court, if the  
5 judicial officer meets the requirements of subsection 2.

6 b. A senior magistrate may be reappointed to a one-year term  
7 upon attaining eighty-four years of age and to a succeeding  
8 one-year term, at the discretion of the supreme court, if the  
9 judicial officer meets the requirements of subsection 2.

10 Sec. 30. NEW SECTION. **602.9303 Senior magistrate**  
11 **salaries.**

12 1. A magistrate who retires on or after the effective date  
13 of this division of this Act, and who is appointed a senior  
14 magistrate under section 602.9302, shall be paid a salary as  
15 determined by the general assembly.

16 2. The senior magistrate shall be reimbursed for costs for  
17 which actively serving magistrates are reimbursed at the same  
18 rate.

19 3. The state shall provide and pay for medical insurance  
20 for senior magistrates at the same rate as is applicable to  
21 actively serving magistrates. A senior magistrate who elects  
22 to participate in medical insurance through the judicial branch  
23 shall make appropriate arrangements for the payment of the senior  
24 magistrate's share of medical insurance costs.

25 Sec. 31. NEW SECTION. **602.9304 Practice of law.**

26 A senior magistrate may practice law as provided under the  
27 Iowa code of judicial conduct.

28 Sec. 32. NEW SECTION. **602.9305 Retirement of senior**  
29 **magistrate.**

30 A senior magistrate shall cease to be a senior magistrate upon  
31 completion of the twelve-month period during which the magistrate  
32 attains senior magistrate retirement age. The clerk of the  
33 supreme court shall make a notation of the retirement of a senior  
34 magistrate in the roster of senior magistrates, at which time the  
35 senior magistrate shall become a retired senior magistrate.

1     Sec. 33. NEW SECTION.   **602.9306 Relinquishment of status as**  
2 **senior magistrate — removal for cause.**

3     1. A senior magistrate, at any time prior to the end of the  
4 twelve-month period during which the magistrate attains senior  
5 magistrate retirement age, may submit to the clerk of the supreme  
6 court a written request that the magistrate’s name be stricken  
7 from the roster of senior magistrates. Upon the receipt of the  
8 request, the clerk shall strike the name of the person from the  
9 roster of senior magistrates, at which time the person shall  
10 cease to be a senior magistrate.

11    2. A senior magistrate is subject to removal under article 2,  
12 part 1, for the causes specified in section 602.2106, subsection  
13 3, paragraph “a”. When a person is removed as a senior  
14 magistrate as provided in this subsection, the clerk of the  
15 supreme court shall strike the name of the person from the roster  
16 of senior magistrates, at which time the person shall cease to be  
17 a senior magistrate.

18     Sec. 34. NEW SECTION.   **602.9307 Rules.**

19     The supreme court shall prescribe rules to implement this  
20 part.

21     Sec. 35. 2025 Iowa Acts, chapter 158, section 6, subsection  
22 2, is amended by adding the following new paragraph:

23     NEW PARAGRAPH. 1. Each senior magistrate:  
24 ..... \$           4,234

25                                   DIVISION III

26                                   JUDICIAL OFFICER SALARIES

27     Sec. 36. **SALARIES — STATE COURT JUSTICES, JUDGES, AND**  
28 **MAGISTRATES.**

29     1. The salary rates for judicial officers, other than  
30 judicial magistrates, in effect on July 1, 2026, as specified  
31 in 2025 Iowa Acts, chapter 158, section 6, or a subsequent Act  
32 of the general assembly specifying salary rates for judicial  
33 officers for the fiscal year beginning July 1, 2026, shall be  
34 increased by five percent effective with the pay period beginning  
35 June 18, 2027.

1 2. Effective with the pay period beginning June 18, 2027,  
2 the salary rate for judicial magistrates shall be forty percent  
3 of the salary rate of a district associate judge as adjusted  
4 pursuant to subsection 1.

5 3. Salary rate increases required by this section shall be  
6 paid from moneys appropriated to the judicial branch.

7 Sec. 37. EFFECTIVE DATE. This division of this Act takes  
8 effect June 18, 2027.

9

EXPLANATION

10

The inclusion of this explanation does not constitute agreement with

11

the explanation's substance by the members of the general assembly.

12

This bill relates to judicial officers, including magistrate  
13 appointments in judicial election districts, senior magistrates,  
14 and judicial officer compensation.

15

MAGISTRATES APPOINTED IN JUDICIAL ELECTION DISTRICTS. The bill  
16 provides for the appointment and service of magistrates in  
17 judicial election districts rather than individual counties and  
18 makes conforming changes.

19

The bill changes county judicial magistrate appointing  
20 commissions to judicial election district magistrate appointing  
21 commissions, provides for appointment to such commissions,  
22 and provides for commission appointee certification to and  
23 maintenance of appointee records by district court administrators  
24 rather than clerks of district court. The bill alters  
25 the composition of a commission to include a district judge  
26 designated by the chief judge of the judicial district, one  
27 person from each county in the judicial election district  
28 appointed by the board of supervisors of the county, and a number  
29 of attorneys elected by the attorneys in the judicial election  
30 district and the counties contiguous with the judicial election  
31 district equal to one fewer than the number of persons appointed  
32 by the boards of supervisors. Under current law and the bill,  
33 boards of supervisors are prohibited from appointing an attorney  
34 or an active law enforcement officer to serve as a commissioner,  
35 and attorneys are prohibited from appointing a county attorney as

1 a commissioner.

2 Current law allows the chief judge of a judicial district,  
3 by order of substitution, to appoint a district associate judge  
4 in lieu of magistrates, subject to certain limitations. The  
5 bill eliminates the limitations that the county or counties  
6 to which the district associate judge is to be appointed must  
7 have an apportionment of three or more magistrates, and that  
8 the substitution must not result in the absence of a resident  
9 district associate judge or magistrate in one or more counties.  
10 The bill also eliminates requirements that district associate  
11 judges substituted for magistrates, or vice versa, be substituted  
12 at a ratio of three magistrates to one district associate judge.

13 The bill strikes the requirement that 206 magistrates be  
14 apportioned among the counties and instead requires that the  
15 supreme court prescribe a formula to determine the number of  
16 magistrates who will serve in each judicial election district.  
17 The state court administrator must apply the prescribed formula  
18 when calculating and apportioning magistrates among judicial  
19 election districts. The bill strikes the requirement that each  
20 county be allotted at least one resident magistrate.

21 Under current law, a county magistrate appointing commission  
22 may prescribe the contents of a magistrate application in  
23 addition to any application provided by the supreme court. The  
24 bill provides that only the supreme court shall prescribe the  
25 contents of a magistrate application. The bill strikes the  
26 requirement that public notice of a magistrate vacancy must be  
27 published in at least two publications in all official county  
28 newspapers in the county.

29 If a magistrate vacancy cannot be filled, the bill authorizes  
30 the chief judge of the judicial district to assign a magistrate  
31 from a county within the judicial district to serve the remainder  
32 of the term in the county of the vacancy, in addition to the  
33 county where the magistrate is appointed, provided that the  
34 combined weighted workload does not exceed 33 percent of a  
35 full-time position. This provision of the bill takes effect upon

1 enactment and is repealed August 1, 2027.

2 The bill requires magistrate appointing commission member  
3 reimbursements to be paid by the county where the member resides  
4 instead of the county where the member serves.

5 The bill repeals Code section 602.6402, which allows the  
6 county magistrate appointing commission to appoint an additional  
7 magistrate to a county with only one magistrate.

8 Except as otherwise provided, this division of the bill takes  
9 effect November 1, 2026.

10 SENIOR MAGISTRATES. The bill provides that a magistrate who  
11 attains the age of 78 and has less than 50 percent of the  
12 magistrate's current term remaining may elect to serve the  
13 remainder of the term but is not eligible for reappointment.

14 The bill establishes requirements for senior magistrate  
15 status, appointment, and terms of service. A senior magistrate  
16 may be appointed at the discretion of the supreme court within  
17 six months of retirement after filing the appropriate form and  
18 meeting specified requirements, including retirement on or after  
19 July 1, 2026; agreement to be available for service not exceeding  
20 five weeks in each successive 12-month period; and submission of  
21 evidence that the magistrate does not suffer from a permanent  
22 physical or mental disability that would interfere with the  
23 performance of judicial duties.

24 The bill sets forth factors for the supreme court to consider  
25 when ruling on an application for senior magistrate status. The  
26 bill requires the clerk of the supreme court to maintain a roster  
27 of senior magistrates and authorizes the reappointment of senior  
28 magistrates to additional two-year terms, as well as two one-year  
29 terms upon attaining 84 years of age, at the discretion of the  
30 supreme court.

31 The bill provides for senior magistrate compensation and  
32 medical insurance coverage through the judicial branch.

33 The bill requires a senior magistrate to retire upon  
34 completion of the 12-month period during which the magistrate  
35 attains 84 or 86 years of age, as applicable, and requires the

1 clerk of the supreme court to record the retirement in the roster  
2 of senior magistrates. The bill also establishes procedures for  
3 voluntary relinquishment of senior magistrate status and removal  
4 for cause.

5 JUDICIAL OFFICER SALARIES. The bill increases the salaries of  
6 judicial officers, other than judicial magistrates, in effect  
7 on July 1, 2026, by 5 percent effective with the pay period  
8 beginning June 18, 2027. Salaries for judicial magistrates are  
9 increased to 40 percent of the salary of a district associate  
10 judge.

11 This division of the bill takes effect June 18, 2027.

unofficial