

House File 321 - Introduced

HOUSE FILE 321
BY FISHER

A BILL FOR

1 An Act relating to magistrate qualifications.

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

unofficial

1 Section 1. Section 602.6404, subsection 3, Code 2025, is
2 amended by striking the subsection and inserting in lieu thereof
3 the following:

4 3. A person is not required to be an attorney licensed to
5 practice law in this state as a condition of being appointed
6 to the office of magistrate, but a county magistrate appointing
7 commission shall first consider applicants who are admitted to
8 practice law in this state when selecting persons for the office
9 of magistrate.

10 EXPLANATION

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

13 This bill relates to magistrate qualifications. Under current
14 law, a magistrate is required to be an attorney licensed
15 to practice in the state unless the magistrate was holding
16 office on April 1, 2009. The bill removes the requirement
17 that a magistrate be a licensed attorney and provides that
18 licensed attorneys instead receive first consideration. The bill
19 substantively matches the provision in effect prior to 2009.