

House File 956 - Introduced

HOUSE FILE 956
BY COMMITTEE ON JUDICIARY

(SUCCESSOR TO HSB 259)

A BILL FOR

1 An Act relating to judicial branch administration, including
2 judicial officer residency, judicial officer retirement age,
3 remote proceedings, court reporter supervision and duties,
4 and civil pleadings availability, and including applicability
5 provisions.

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

unofficial

DIVISION I

JUDICIAL OFFICER RESIDENCY

Section 1. Section 602.6201, subsection 2, Code 2025, is amended to read as follows:

2. A district judge must be a resident of the judicial election district or a resident of a county contiguous with the judicial election district in which appointed before assuming office and ~~must be a resident of the judicial election district~~ during the entire term of office. Subject to the provision for reassignment of judges under section 602.6108, a district judge shall serve in the district of the judge's ~~residence~~ appointment while in office, regardless of the number of judgeships to which the district is entitled under the formula prescribed by the supreme court in subsection 3.

Sec. 2. Section 602.6305, subsections 1 and 3, Code 2025, are amended to read as follows:

1. District associate judges shall serve initial terms and shall stand for retention in office within the judicial election districts of their ~~residences~~ appointment at the judicial election under sections 46.16 through 46.24.

3. A district associate judge must be a resident of the judicial election district or a resident of a county contiguous with the judicial election district in which the office is held before assuming office and during the entire term of office. A district associate judge shall serve within the judicial district in which appointed, as directed by the chief judge, and is subject to reassignment under section 602.6108.

Sec. 3. Section 602.6404, subsection 1, Code 2025, is amended to read as follows:

1. A magistrate shall be a resident of the ~~county of~~ appointment judicial election district or a resident of a county contiguous to the ~~county of appointment~~ judicial election district in which appointed during the magistrate's term of office. A magistrate shall serve within the judicial district in which appointed, as directed by the chief judge, provided

1 that the chief judge may assign a magistrate to hold court
2 outside of the county or counties of appointment for the
3 orderly administration of justice. A magistrate is subject to
4 reassignment under section 602.6108.

5 Sec. 4. Section 602.7103C, subsections 1 and 3, Code 2025,
6 are amended to read as follows:

7 1. Full-time associate juvenile judges shall serve terms and
8 shall stand for retention in office within the judicial election
9 districts of their ~~residences~~ appointment as provided under
10 sections 46.16 through 46.24.

11 3. A full-time associate juvenile judge must be a resident
12 of the judicial election district or a resident of a county
13 contiguous with the judicial election district in which the
14 office is held before assuming office and during the entire term
15 of office. A full-time associate juvenile judge shall serve
16 within the judicial district in which appointed, as directed by
17 the chief judge, and is subject to reassignment under section
18 602.6108.

19 Sec. 5. Section 633.20C, subsections 1 and 3, Code 2025, are
20 amended to read as follows:

21 1. Full-time associate probate judges shall serve terms and
22 shall stand for retention in office within the judicial election
23 districts of their ~~residences~~ appointment as provided under
24 sections 46.16 through 46.24.

25 3. A full-time associate probate judge must be a resident
26 of the judicial election district or a resident of a county
27 contiguous with the judicial election district in which the
28 office is held before assuming office and during the entire
29 term of office. A full-time associate probate judge shall serve
30 within the judicial district in which appointed, as directed by
31 the chief judge, and is subject to reassignment under section
32 602.6108.

33 Sec. 6. REPEAL. Section 602.11110, Code 2025, is repealed.

34 DIVISION II

35 JUDICIAL OFFICER RETIREMENT AGE

1 Sec. 7. Section 46.14, subsection 1, Code 2025, is amended to
2 read as follows:

3 1. Each judicial nominating commission shall carefully
4 consider the individuals available for judge, and within sixty
5 days after receiving notice of a vacancy shall certify to the
6 governor and the chief justice the proper number of nominees,
7 in alphabetical order. Such nominees shall be chosen by the
8 affirmative vote of a majority of the full statutory number of
9 commissioners upon the basis of their qualifications and without
10 regard to political affiliation. Nominees shall be members of
11 the bar of Iowa, shall be residents of the state or district of
12 the court or a county contiguous with the district to which they
13 are nominated, and shall be of such age that they will be able to
14 serve an initial and one regular term of office to which they are
15 nominated before reaching the age of ~~seventy-two~~ seventy-eight
16 years. Absence of a commissioner or vacancy upon the commission
17 shall not invalidate a nomination. The chairperson of the
18 commission shall promptly certify the names of the nominees, in
19 alphabetical order, to the governor and the chief justice by
20 sending by electronic mail the certification to the governor and
21 chief justice or the governor's and chief justice's designees on
22 the day of the nomination.

23 Sec. 8. Section 602.1610, subsection 1, paragraphs a, b, and
24 c, Code 2025, are amended to read as follows:

25 a. ~~The mandatory retirement age is seventy-five years for all~~
26 ~~justices of the supreme court and district judges holding office~~
27 ~~on July 1, 1965.~~

28 b. The mandatory retirement age is ~~seventy-two~~ seventy-eight
29 years for all justices of the supreme court, judges of the court
30 of appeals, and district judges ~~appointed to office after July 1,~~
31 ~~1965.~~

32 c. b. The mandatory retirement age is ~~seventy-two~~
33 seventy-eight years for all district associate judges, associate
34 juvenile judges, associate probate judges, and judicial
35 magistrates.

1 Sec. 9. Section 602.6305, subsection 2, Code 2025, is amended
2 to read as follows:

3 2. A person does not qualify for appointment to the office
4 of district associate judge unless the person is at the time
5 of appointment licensed to practice law in Iowa and will be
6 able, measured by the person's age at the time of appointment,
7 to complete the initial term of office prior to reaching age
8 ~~seventy-two~~ seventy-eight. A nominee to the office of district
9 associate judge must reside in the judicial election district to
10 which the nominee is nominated or in a contiguous county to the
11 judicial election district to which the nominee is nominated.

12 Sec. 10. Section 602.6404, subsection 2, Code 2025, is
13 amended to read as follows:

14 2. A person is not qualified for appointment as a magistrate
15 unless the person files a certified application form, to be
16 provided by the supreme court, with the chairperson of the county
17 magistrate appointing commission. A person is not qualified for
18 appointment as a magistrate if at the time of appointment the
19 person has reached age ~~seventy-two~~ seventy-eight.

20 Sec. 11. Section 602.7103C, subsection 2, Code 2025, is
21 amended to read as follows:

22 2. A person does not qualify for appointment to the office
23 of full-time associate juvenile judge unless the person is at the
24 time of appointment licensed to practice law in Iowa and will be
25 able, measured by the person's age at the time of appointment,
26 to complete the initial term of office prior to reaching age
27 ~~seventy-two~~ seventy-eight. A nominee to the office of full-time
28 associate juvenile judge must reside in the judicial election
29 district to which the nominee is nominated or in a contiguous
30 county to the judicial election district to which the nominee is
31 nominated.

32 Sec. 12. Section 602.9202, subsection 4, Code 2025, is
33 amended to read as follows:

34 4. "Senior judge retirement age" means ~~seventy-eight~~
35 eighty-four years of age or, if the senior judge is reappointed

1 as a senior judge for an additional one-year term upon attaining
2 ~~seventy-eight~~ eighty-four years of age, and then to a succeeding
3 one-year term, pursuant to section 602.9203, ~~eighty~~ eighty-six
4 years of age.

5 Sec. 13. Section 602.9203, subsection 5, paragraph b, Code
6 2025, is amended to read as follows:

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

11 Sec. 14. Section 633.20C, subsection 2, Code 2025, is amended
12 to read as follows:

13 2. A person does not qualify for appointment to the office
14 of full-time associate probate judge unless the person is at the
15 time of appointment licensed to practice law in Iowa and will be
16 able, measured by the person's age at the time of appointment,
17 to complete the initial term of office prior to reaching age
18 ~~seventy-two~~ seventy-eight. A nominee to the office of full-time
19 associate probate judge must reside in the judicial election
20 district to which the nominee is nominated or in a contiguous
21 county to the judicial election district to which the nominee is
22 nominated.

23 Sec. 15. APPLICABILITY. This division of this Act applies to
24 judicial officers retiring on or after July 1, 2025.

25 DIVISION III

26 MISCELLANEOUS JUDICIAL ADMINISTRATION

27 Sec. 16. Section 602.1612, subsection 4, Code 2025, is
28 amended by striking the subsection.

29 Sec. 17. Section 602.3201, Code 2025, is amended to read as
30 follows:

31 **602.3201 Requirement of certification — use of title.**

32 A person shall not engage in the profession of shorthand
33 reporting unless the person is certified pursuant to this
34 chapter, or otherwise exempted pursuant to section 602.6603,
35 subsection 4 3. Only a person who is certified by the board

1 may assume the title of certified shorthand reporter, or use
2 the abbreviation C.S.R., or any words, letters, or figures to
3 indicate that the person is a certified shorthand reporter.

4 Sec. 18. Section 602.6105, subsection 1, Code 2025, is
5 amended to read as follows:

6 1. Courts shall be held at the places in each county
7 maintaining space for the district court as designated by the
8 chief judge of the judicial district, or held by remote means of
9 communication, except that the determination of actions, special
10 proceedings, and other matters not requiring a jury may be
11 done at some other place in the district with the consent of
12 the parties. For the purposes of this subsection, contiguous
13 counties which have entered into an agreement to share costs
14 pursuant to section 331.381, subsection 16, paragraph "b", shall
15 be considered as one unit for the purpose of conducting all
16 matters except as otherwise provided in this subsection.

17 Sec. 19. Section 602.6603, Code 2025, is amended to read as
18 follows:

19 **602.6603 Court reporters.**

20 1. a. Each district judge shall appoint a The chief judge of
21 a judicial district or the chief judge's designee shall have the
22 authority to supervise, schedule, and assign duties to all court
23 reporters in the judicial district.

24 b. Notwithstanding paragraph "a", a judge presiding over a
25 proceeding that must be reported shall have the authority to
26 supervise the work of a court reporter while the court reporter
27 is actively engaged in reporting that proceeding.

28 c. The chief judge of a judicial district may delegate the
29 authority set forth in paragraph "a" to the district court
30 administrator or the district court administrator's designee.

31 2. The judicial officers of a judicial district shall appoint
32 a court reporter, subject to approval of the chief judge of
33 the judicial district or the chief judge's designee. A court
34 reporter may be assigned to a district judge or the district
35 associate judge subject to subsection 1. A court reporter who

1 shall, upon the request of a party in a civil or criminal case,
2 report the evidence and proceedings in the case, and perform all
3 duties as provided by law.

4 ~~2. Each district associate judge may appoint a court~~
5 ~~reporter, subject to the approval of the chief judge of the~~
6 ~~judicial district.~~

7 ~~3. If a chief judge of a judicial district determines that it~~
8 ~~is necessary to employ an additional court reporter because of an~~
9 ~~extraordinary volume of work, or because of the temporary illness~~
10 ~~or incapacity of a regular court reporter, the chief judge may~~
11 ~~appoint a temporary court reporter who shall serve as required by~~
12 ~~the chief judge.~~

13 4. 3. If a regularly appointed court reporter becomes
14 disabled, or if a vacancy occurs in a regularly appointed court
15 reporter position, the chief judge or the chief judge's designee
16 may appoint a competent, uncertified shorthand reporter for a
17 period of time of up to one year, upon verification by the
18 chief judge that a diligent but unsuccessful search has been
19 conducted to appoint a certified shorthand reporter to the
20 position and, in a disability case, that the regularly appointed
21 court reporter is disabled. An uncertified shorthand reporter
22 shall not be reappointed to the position unless the reporter
23 becomes a certified shorthand reporter within the period of
24 appointment under this subsection.

25 5. 4. Except as provided in subsection 4 3, a person
26 shall not be appointed to the position of court reporter of
27 the district court unless the person has been certified as a
28 shorthand reporter by the board of examiners under article 3.

29 6. 5. Each court reporter shall take an oath faithfully to
30 perform the duties of office, which shall be filed in the office
31 of the clerk of district court.

32 7. 6. A court reporter may be removed for cause with due
33 process by the judicial ~~officer~~ officers making the appointment,
34 subject to the approval of the chief judge or the chief judge's
35 designee.

1 ~~8.~~ 7. If a judge dies, resigns, retires, is removed from
2 office, becomes disabled, or fails to be retained in office
3 and the judicial vacancy is eligible to be filled, the court
4 reporter appointed by the judge shall serve as a court reporter,
5 as directed by the chief judge or the chief judge's designee,
6 ~~until the successor judge appoints a successor court reporter.~~
7 ~~The court reporter shall receive the reporter's regular salary~~
8 ~~and benefits during the period of time until a successor court~~
9 ~~reporter is appointed or until the currently appointed court~~
10 ~~reporter is reappointed.~~

11 Sec. 20. Section 602.8102, subsection 9, Code 2025, is
12 amended to read as follows:

13 9. Enter in the appearance docket a memorandum of the date of
14 filing of all petitions, demurrers, answers, motions, or papers
15 of any other description in the cause. A pleading of any
16 description is considered filed when the clerk entered the date
17 the pleading was received on the pleading and the pleading shall
18 ~~not be taken from the clerk's office until the memorandum is~~
19 ~~made.~~ The memorandum shall be made within two business days of
20 a new petition or order being filed, and as soon as practicable
21 for all other pleadings. Thereafter, when a demurrer or motion
22 is sustained or overruled, a pleading is made or amended, or the
23 trial of the cause, rendition of the verdict, entry of judgment,
24 issuance of execution, or any other act is done in the progress
25 of the cause, a similar memorandum shall be made of the action,
26 including the date of action and the number of the book and page
27 of the record where the entry is made. The appearance docket is
28 an index of each suit from its commencement to its conclusion.

29 Sec. 21. Section 602.9206, subsection 1, Code 2025, is
30 amended to read as follows:

31 1. Section 602.1612 does not apply to a senior judge but does
32 apply to a retired senior judge. During the tenure of a senior
33 judge, if the judge is able to serve, the judge may be assigned
34 by the supreme court to temporary judicial duties on courts of
35 this state without salary for an aggregate of thirteen weeks

1 out of each twelve-month period, and for additional weeks with
 2 the judge's consent. A senior judge shall not be assigned to
 3 judicial duties on the supreme court unless the judge has been
 4 appointed to serve on the supreme court prior to retirement.
 5 While serving on temporary assignment, a senior judge has and may
 6 exercise all of the authority of the office to which the judge
 7 is assigned, shall continue to be paid the judge's annuity as
 8 senior judge, shall be reimbursed for the judge's actual expenses
 9 to the extent expenses of a district judge are reimbursable
 10 under section 602.1509, ~~may, if permitted by the assignment~~
 11 ~~order, appoint a temporary court reporter, who shall be paid~~
 12 ~~the remuneration and reimbursement for actual expenses provided~~
 13 ~~by law for a reporter in the court to which the senior judge~~
 14 ~~is assigned,~~ and, if assigned to the court of appeals or the
 15 supreme court, shall be given the assistance of a law clerk
 16 and a secretary designated by the court administrator of the
 17 judicial branch from the court administrator's staff. Each order
 18 of temporary assignment shall be filed with the clerks of court
 19 at the places where the senior judge is to serve.

20 EXPLANATION

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

23 This bill relates to judicial branch administration, including
 24 judicial officer residency, judicial officer retirement age,
 25 remote proceedings, court reporter supervision and duties, and
 26 civil pleadings availability.

27 DIVISION I — JUDICIAL OFFICER RESIDENCY. Under current law,
 28 a district judge must be a resident of the judicial election
 29 district in which appointed during the entire term of office.
 30 The bill expands this to include a county contiguous with the
 31 judicial election district of appointment. The bill also applies
 32 the new residency requirement to district associate judges,
 33 magistrates, full-time associate juvenile judges, and full-time
 34 associate probate judges.

35 The bill repeals a Code section relating to judge residency

1 requirements for a 1984-1985 transition for judicial election
2 districts 5A and 5C.

3 DIVISION II — JUDICIAL OFFICER RETIREMENT AGE. The bill
4 increases the mandatory retirement age of judicial officers from
5 72 to 78 years of age and makes conforming changes to judicial
6 nominating procedures and senior judge retirement age. This
7 division applies to judicial officers retiring on or after July
8 1, 2025.

9 DIVISION III — MISCELLANEOUS JUDICIAL ADMINISTRATION. The
10 bill authorizes court proceedings to be held by remote means of
11 communication.

12 The bill amends how court reporters are appointed and
13 supervised. Under current law, a district judge may appoint
14 a court reporter, and a district associate judge may appoint
15 a court reporter subject to approval by the chief judge. A
16 retired justice or judge, or a senior judge, may also appoint
17 a temporary court reporter under current law. Under the bill,
18 the chief judge of the judicial district or the chief judge's
19 designee has the authority to supervise, schedule, and assign
20 duties of all court reporters in the judicial district. The
21 bill allows a judge presiding over a reported proceeding to
22 have authority to supervise the work of a court reporter while
23 the court reporter is reporting in that matter. The bill
24 provides that the chief judge may delegate the chief judge's
25 authority to appoint, supervise, and assign duties of court
26 reporters to the district court administrator or the district
27 court administrator's designee. The bill requires judicial
28 officers of a judicial district to appoint a court reporter,
29 subject to approval of the chief judge of the judicial district
30 or the chief judge's designee.

31 The bill allows the clerk of court to provide access to a
32 civil pleading before a memorandum of the filing date of the
33 pleading for the appearance docket is made.