

House Study Bill 259 - Introduced

SENATE/HOUSE FILE _____
BY (PROPOSED JUDICIAL BRANCH
BILL)

A BILL FOR

1 An Act relating to judicial branch administration, including
2 judicial officer residency, remote proceedings, court reporter
3 supervision and duties, and civil pleadings availability.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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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.

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DIVISION II
MISCELLANEOUS JUDICIAL ADMINISTRATION

1 Sec. 7. Section 602.1612, subsection 4, Code 2025, is amended
2 by striking the subsection.

3 Sec. 8. Section 602.3201, Code 2025, is amended to read as
4 follows:

5 **602.3201 Requirement of certification — use of title.**

6 A person shall not engage in the profession of shorthand
7 reporting unless the person is certified pursuant to this
8 chapter, or otherwise exempted pursuant to section 602.6603,
9 subsection 4 3. Only a person who is certified by the board
10 may assume the title of certified shorthand reporter, or use
11 the abbreviation C.S.R., or any words, letters, or figures to
12 indicate that the person is a certified shorthand reporter.

13 Sec. 9. Section 602.6105, subsection 1, Code 2025, is amended
14 to read as follows:

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

26 Sec. 10. Section 602.6603, Code 2025, is amended to read as
27 follows:

28 **602.6603 Court reporters.**

29 1. a. Each district judge shall appoint a The chief judge of
30 a judicial district or the chief judge's designee shall have the
31 authority to supervise, schedule, and assign duties to all court
32 reporters in the judicial district.

33 b. Notwithstanding paragraph "a", a judge presiding over a
34 proceeding that must be reported shall have the authority to
35 supervise the work of a court reporter while the court reporter

1 is actively engaged in reporting that proceeding.

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

5 2. The judicial officers of a judicial district shall appoint
6 a court reporter, subject to approval of the chief judge of
7 the judicial district or the chief judge's designee. A court
8 reporter may be assigned to a district judge or the district
9 associate judge subject to subsection 1. A court reporter who
10 shall, upon the request of a party in a civil or criminal case,
11 report the evidence and proceedings in the case, and perform all
12 duties as provided by law.

13 ~~2. Each district associate judge may appoint a court~~
14 ~~reporter, subject to the approval of the chief judge of the~~
15 ~~judicial district.~~

16 ~~3. If a chief judge of a judicial district determines that it~~
17 ~~is necessary to employ an additional court reporter because of an~~
18 ~~extraordinary volume of work, or because of the temporary illness~~
19 ~~or incapacity of a regular court reporter, the chief judge may~~
20 ~~appoint a temporary court reporter who shall serve as required by~~
21 ~~the chief judge.~~

22 ~~4. 3. If a regularly appointed court reporter becomes~~
23 ~~disabled, or if a vacancy occurs in a regularly appointed court~~
24 ~~reporter position, the chief judge or the chief judge's designee~~
25 ~~may appoint a competent, uncertified shorthand reporter for a~~
26 ~~period of time of up to one year, upon verification by the~~
27 ~~chief judge that a diligent but unsuccessful search has been~~
28 ~~conducted to appoint a certified shorthand reporter to the~~
29 ~~position and, in a disability case, that the regularly appointed~~
30 ~~court reporter is disabled. An uncertified shorthand reporter~~
31 ~~shall not be reappointed to the position unless the reporter~~
32 ~~becomes a certified shorthand reporter within the period of~~
33 ~~appointment under this subsection.~~

34 ~~5. 4. Except as provided in subsection 4 3, a person~~
35 ~~shall not be appointed to the position of court reporter of~~

1 the district court unless the person has been certified as a
2 shorthand reporter by the board of examiners under article 3.

3 ~~6.~~ 5. Each court reporter shall take an oath faithfully to
4 perform the duties of office, which shall be filed in the office
5 of the clerk of district court.

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

10 ~~8.~~ 7. If a judge dies, resigns, retires, is removed from
11 office, becomes disabled, or fails to be retained in office
12 and the judicial vacancy is eligible to be filled, the court
13 reporter appointed by the judge shall serve as a court reporter,
14 as directed by the chief judge or the chief judge's designee,
15 ~~until the successor judge appoints a successor court reporter.~~
16 ~~The court reporter shall receive the reporter's regular salary~~
17 ~~and benefits during the period of time until a successor court~~
18 ~~reporter is appointed or until the currently appointed court~~
19 ~~reporter is reappointed.~~

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

22 9. Enter in the appearance docket a memorandum of the date of
23 filing of all petitions, demurrers, answers, motions, or papers
24 of any other description in the cause. A pleading of any
25 description is considered filed when the clerk entered the date
26 the pleading was received on the pleading and ~~the pleading shall~~
27 ~~not be taken from the clerk's office until the memorandum is~~
28 ~~made.~~ The memorandum shall be made within two business days of
29 a new petition or order being filed, and as soon as practicable
30 for all other pleadings. Thereafter, when a demurrer or motion
31 is sustained or overruled, a pleading is made or amended, or the
32 trial of the cause, rendition of the verdict, entry of judgment,
33 issuance of execution, or any other act is done in the progress
34 of the cause, a similar memorandum shall be made of the action,
35 including the date of action and the number of the book and page

1 of the record where the entry is made. The appearance docket is
2 an index of each suit from its commencement to its conclusion.

3 Sec. 12. Section 602.9206, subsection 1, Code 2025, is
4 amended to read as follows:

5 1. Section 602.1612 does not apply to a senior judge but does
6 apply to a retired senior judge. During the tenure of a senior
7 judge, if the judge is able to serve, the judge may be assigned
8 by the supreme court to temporary judicial duties on courts of
9 this state without salary for an aggregate of thirteen weeks
10 out of each twelve-month period, and for additional weeks with
11 the judge's consent. A senior judge shall not be assigned to
12 judicial duties on the supreme court unless the judge has been
13 appointed to serve on the supreme court prior to retirement.
14 While serving on temporary assignment, a senior judge has and may
15 exercise all of the authority of the office to which the judge
16 is assigned, shall continue to be paid the judge's annuity as
17 senior judge, shall be reimbursed for the judge's actual expenses
18 to the extent expenses of a district judge are reimbursable
19 under section 602.1509, ~~may, if permitted by the assignment~~
20 ~~order, appoint a temporary court reporter, who shall be paid~~
21 ~~the remuneration and reimbursement for actual expenses provided~~
22 ~~by law for a reporter in the court to which the senior judge~~
23 ~~is assigned,~~ and, if assigned to the court of appeals or the
24 supreme court, shall be given the assistance of a law clerk
25 and a secretary designated by the court administrator of the
26 judicial branch from the court administrator's staff. Each order
27 of temporary assignment shall be filed with the clerks of court
28 at the places where the senior judge is to serve.

29 EXPLANATION

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

32 This bill relates to judicial branch administration, including
33 judicial officer residency, remote proceedings, court reporter
34 supervision and duties, and civil pleadings availability.

35 DIVISION I — JUDICIAL OFFICER RESIDENCY. Under current law,

1 a district judge must be a resident of the judicial election
2 district in which appointed during the entire term of office.
3 The bill expands this to include a county contiguous with the
4 judicial election district of appointment. The bill also applies
5 the new residency requirement to district associate judges,
6 magistrates, full-time associate juvenile judges, and full-time
7 associate probate judges.

8 The bill repeals a Code section relating to judge residency
9 requirements for a 1984-1985 transition for judicial election
10 districts 5A and 5C.

11 DIVISION II — MISCELLANEOUS JUDICIAL ADMINISTRATION. The bill
12 authorizes court proceedings to be held by remote means of
13 communication.

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

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