

House Study Bill 260 - Introduced

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

A BILL FOR

- 1 An Act relating to magistrate judges, and including effective
- 2 date provisions.
- 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

unofficial

1 Section 1. Section 602.6302, subsection 1, paragraph b, Code
2 2025, is amended to read as follows:

3 b. The substitution must not result in a lack of ~~a resident~~
4 at least one district associate judge or magistrate ~~in one~~
5 ~~or more of the counties~~ appointed to serve each county. A
6 district associate judge appointed in lieu of a magistrate may
7 be appointed to serve more than one county.

8 Sec. 2. Section 602.6401, subsections 1, 2, and 3, Code 2025,
9 are amended to read as follows:

10 1. ~~Two hundred six magistrates shall be apportioned among~~
11 ~~the counties as provided in this section. Magistrates appointed~~
12 ~~pursuant to section 602.6303 or 602.6402 shall not be counted~~
13 ~~for purposes of this section~~ The supreme court shall prescribe a
14 formula for the state court administrator to determine the number
15 of magistrates who will serve in each judicial election district,
16 pursuant to subsection 2. The formula must be based on a model
17 that measures and applies an estimated case-related workload
18 formula of magistrates, and must account for administrative
19 duties, travel time, on-call time, and other judicial duties not
20 related to a specific case.

21 2. By February of each year in which magistrates' terms
22 expire, the state court administrator shall ~~apportion magistrate~~
23 ~~offices among the counties in accordance with the following~~
24 ~~criteria:~~

25 a. ~~The existence of either permanent, temporary, or seasonal~~
26 ~~populations not included in the current census figures.~~

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

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

30 d. ~~The number and types of juvenile proceedings handled by~~
31 ~~district associate judges~~ apply the formula prescribed pursuant
32 to subsection 1 to calculate the number of magistrates and
33 apportion magistrates among the judicial districts.

34 3. Notwithstanding subsection 2, each ~~county shall be~~
35 ~~allotted at least one resident magistrate~~ shall be appointed to

1 serve each county. A magistrate may be appointed to serve more
2 than one county.

3 Sec. 3. Section 602.6403, subsections 1, 2, 3, 5, 7, and 9,
4 Code 2025, are amended to read as follows:

5 1. By June 1 of each year in which magistrates' terms expire,
6 the county magistrate appointing commission or commissions shall
7 appoint, except as otherwise provided in section 602.6302, the
8 number of magistrates apportioned to the county by the state
9 court administrator under section 602.6401, shall appoint the
10 number of magistrates required pursuant to substitution orders
11 in effect under section 602.6303, and may appoint an additional
12 magistrate when allowed by section 602.6402. ~~The commission~~
13 ~~shall not appoint more magistrates than are authorized for the~~
14 ~~county by this article~~ In the case of a magistrate to be
15 appointed in more than one county, the appointment shall be from
16 persons nominated by the county magistrate appointing commission
17 of each county acting jointly.

18 2. ~~The magistrate appointing commission for each county~~
19 supreme court shall prescribe the contents of an application, ~~in~~
20 ~~addition to any application form provided by the supreme court,~~
21 for an appointment pursuant to this section. The commission or
22 commissions shall publicize notice of any vacancy to be filled
23 in at least two publications in all official county newspapers
24 in the county or counties of appointment. The commission or
25 commissions shall accept applications for a minimum of fifteen
26 days prior to making an appointment, and shall make available
27 during that period of time any printed application forms the
28 commission prescribes.

29 3. Within thirty days following receipt of notification
30 of a vacancy in the office of magistrate, the commission or
31 commissions shall appoint a person to the office to serve the
32 remainder of the unexpired term. For purposes of this section,
33 ~~vacaney~~ "vacancy" means a death, resignation, retirement, or
34 removal of a magistrate, or an increase in the number of
35 positions authorized.

1 5. The commission or commissions shall promptly certify the
2 names and addresses of appointees to the clerk of the district
3 court and to the chief judge of the judicial district. The
4 clerk of the district court shall certify to the state court
5 administrator the names and addresses of these appointees.

6 7. Before the commencement of the term of a magistrate, the
7 members of the magistrate appointing commission or commissions
8 may reconsider the appointment. Written notification of the
9 reasons for reconsideration and time and place for the meeting
10 must be sent to the magistrate appointee and the clerk of the
11 district court. The commission or commissions may reconvene and
12 decertify the magistrate appointee for good cause. Notice of
13 the decertification and a statement of the reasons justifying
14 the decertification shall be promptly sent to the clerk of the
15 district court, the chief judge of the judicial district, and the
16 state court administrator.

17 9. A magistrate who seeks to resign from the office of
18 magistrate shall notify in writing the chief judge of the
19 judicial district as to the magistrate's intention to resign
20 and the effective date of the resignation. The chief judge of
21 the judicial district, upon receipt of the notice, shall notify
22 the county magistrate appointing commission or commissions and
23 the state court administrator of the vacancy in the office of
24 magistrate due to resignation.

25 Sec. 4. Section 602.6403, Code 2025, is amended by adding the
26 following new subsections:

27 NEW SUBSECTION. 10. a. Notwithstanding section 602.6401,
28 subsection 3, if a vacancy occurs as described in subsection
29 3 of this section, that cannot be filled, the chief judge of
30 the judicial district shall assign a magistrate from one county
31 within the judicial election district to serve the remainder of
32 the unexpired term in the county in which the vacancy exists,
33 in addition to the county to which the magistrate is appointed,
34 if the combined weighted workload of the two counties does
35 not exceed thirty-one percent of a full-time position, on a

1 continuing basis if need be, in order to handle the judicial
2 business in all counties promptly and efficiently at all times.

3 b. This subsection is repealed January 1, 2029.

4 NEW SUBSECTION. 11. a. Notwithstanding section 602.6401,
5 subsection 3, the magistrate assigned pursuant to subsection
6 10 shall be a resident of the judicial election district or
7 a resident of a county contiguous to the judicial election
8 district during the magistrate's term of office, in accordance
9 with section 602.6404, subsection 1.

10 b. This subsection is repealed January 1, 2029.

11 Sec. 5. Section 602.6404, subsection 1, Code 2025, is amended
12 to read as follows:

13 1. A magistrate shall be a resident of the ~~county of~~
14 ~~appointment~~ judicial election district or a resident of a
15 county contiguous to the ~~county of appointment~~ judicial election
16 district during the magistrate's term of office. A magistrate
17 shall serve within the judicial district in which appointed,
18 as directed by the chief judge, provided that the chief judge
19 may assign a magistrate to hold court outside of the county
20 or counties of appointment for the orderly administration of
21 justice. A magistrate is subject to reassignment under section
22 602.6108.

23 Sec. 6. EFFECTIVE DATE. The following take effect January 1,
24 2029:

25 1. The section of this Act amending section 602.6401.

26 2. The section of this Act amending section 602.6403,
27 subsections 1, 2, 3, 5, 7, and 9.

28 **EXPLANATION**

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

31 This bill relates to magistrate judges.

32 Under current law, a substitution of a district associate
33 judge for a magistrate must not result in lack of a resident
34 district associate judge or magistrate in one or more of the
35 counties. Under the bill, the substitution must not result in

1 a lack of at least one district associate judge or magistrate
2 appointed to serve each county. A district associate judge is
3 allowed to be appointed to serve in more than one county.

4 In addition, the bill allows a magistrate to be appointed to
5 serve in more than one county. If a magistrate is appointed in
6 more than one county, the appointment shall be made jointly from
7 persons nominated by the county magistrate appointing commission
8 of each county, with each commission following the procedures
9 set forth under current law. The bill strikes a prohibition on
10 appointing more magistrates than are authorized for a county.
11 The bill requires the supreme court to prescribe a new formula
12 for apportioning magistrates based on an estimated case-related
13 workload and to create the application to become a magistrate.
14 Under current law, the magistrate appointing commission for each
15 county creates the application in addition to any form provided
16 by the supreme court. These magistrate provisions take effect
17 January 1, 2029.

18 Until January 1, 2029, if a magistrate vacancy occurs, the
19 bill allows the chief judge of a judicial district to assign a
20 magistrate to a county in the same judicial election district to
21 the vacant magistrate position if the position cannot be filled
22 by normal appointment and if the combined weighted workload of
23 the two counties does not exceed 31 percent of a full-time
24 position.

25 Under current law, a magistrate is required to be a resident
26 of the county of appointment or a resident in a county
27 contiguous to the county of appointment. Under the bill, a
28 magistrate is instead required to be a resident of the judicial
29 election district or a county contiguous to the judicial election
30 district.