

Senate File 2401 - Introduced

SENATE FILE 2401
BY COMMITTEE ON JUDICIARY

(SUCCESSOR TO SSB 3155)

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:

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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

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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.

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