

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
4 including effective date provisions.
5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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,
5 and certify to the state court administrator the names and
6 addresses of the magistrates appointed by the commission as
7 provided in section 602.6403.

8 Sec. 6. Section 602.1303, subsection 2, Code 2026, is
9 amended 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
13 based on the county of residence of the member, as provided in
14 section 602.6501.

15 Sec. 7. Section 602.1501, subsection 6, Code 2026, is
16 amended 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
20 amended 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 order
25 any ~~county~~ judicial election district magistrate appointing
26 commission to delay, for budgetary reasons, the appointment of
27 a 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~~
3 ~~is to be appointed, or the counties in which the district~~
4 ~~associate judge is to be appointed in combination, must have an~~
5 ~~apportionment of 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
15 and find that the substitution will provide more timely and
16 efficient performance of judicial business within that judicial
17 election 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
23 order 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
27 reduced by three for each district associate judge substituted
28 under [this section](#). However, if the substitution order is for
29 a district associate judge appointed to more than one county,
30 the reduction of three magistrates shall be as provided in the
31 order of the chief judge of the judicial district. Upon a
32 subsequent reduction in the apportionment of magistrates to the
33 county or counties, the magistrate appointing commission shall
34 further 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~~
9 ~~in the county or counties to less than the number required~~
10 ~~to be apportioned to allow a substitution order pursuant to~~
11 ~~[subsection 1](#), or if a majority of the district judges in the~~
12 ~~judicial election district or districts determines that a~~
13 ~~substitution is no longer desirable, then the substituted~~
14 ~~office shall be terminated. However, a reversion pursuant~~
15 ~~to [this subsection](#), irrespective of cause, shall not take~~
16 ~~effect until the substitute district associate judge fails~~
17 ~~to be retained in office at a judicial election or otherwise~~
18 ~~leaves office, whether voluntarily or involuntarily. Upon~~
19 ~~the termination of office of that district associate judge,~~
20 ~~appointments shall be made pursuant to [section 602.6403](#) as~~
21 ~~necessary to reestablish terms of office as provided in section~~
22 ~~602.6403, subsection 4.~~

23 Sec. 10. Section 602.6303, subsection 1, unnumbered
24 paragraph 1, Code 2026, is amended to read as follows:

25 The chief judge of the judicial district may designate
26 by order of substitution that ~~three~~ magistrates be appointed
27 pursuant to [this section](#) in lieu of the appointment of a
28 district associate judge under [section 602.6304](#), subject to the
29 following limitations:

30 Sec. 11. Section 602.6303, subsections 2, 4, and 5, Code
31 2026, are amended to read as follows:

32 2. An order of substitution shall not take effect unless a
33 copy of the order is received by the chairperson of the ~~county~~
34 judicial election district magistrate appointing commission
35 or commissions and the governor no later than May 31 of the

1 year in which the substitution is to take effect. ~~The order shall designate the county of appointment for each magistrate.~~
3 A copy of the order shall also be sent to the state court
4 administrator.

5 4. Except as provided in subsections 1 through 3 and 2,
6 a substitution shall not increase or decrease the number of
7 district associate judges authorized by this article.

8 5. If a majority of the district judges in a judicial
9 election district determines that a substitution is no longer
10 desirable, then ~~all three~~ the associated substituted magistrate
11 positions shall be terminated. However, a reversion pursuant
12 to this subsection shall not take effect until the terms of
13 the ~~three~~ magistrates expire. Upon the termination of the
14 magistrate positions created under this section, an appointment
15 shall be made to reestablish the term of office for a district
16 associate judge as provided in sections 602.6304 and 602.6305.

17 Sec. 12. Section 602.6303, subsection 3, Code 2026, is
18 amended by striking the subsection.

19 Sec. 13. Section 602.6401, Code 2026, is amended to read as
20 follows:

21 **602.6401 Number and apportionment.**

22 1. ~~Two hundred six magistrates shall be apportioned~~
23 ~~among the counties as provided in this section.~~ Magistrates
24 appointed pursuant to ~~section 602.6303 or 602.6402~~ shall not
25 be counted for purposes of this section The supreme court
26 shall prescribe a formula for the state court administrator
27 to determine the number of magistrates who will serve in each
28 judicial election district, pursuant to subsection 2. The
29 formula must be based on a model that measures and applies an
30 estimated case-related workload formula of magistrates, and
31 must account for travel time and other judicial duties not
32 related to a specific case.

33 2. By February of each year in which magistrates' terms
34 expire, the state court administrator shall ~~apportion~~
35 ~~magistrate offices among the counties in accordance with the~~

1 ~~following criteria:~~

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

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

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

8 ~~d. The number and types of juvenile proceedings handled by~~
9 ~~district associate judges apply the formula prescribed pursuant~~
10 ~~to subsection 1 to calculate the number of magistrates and~~
11 ~~apportion magistrates among the judicial districts.~~

12 ~~3. Notwithstanding [subsection 2](#), each county shall be~~
13 ~~allotted at least one resident magistrate.~~

14 ~~4. [3.](#) By March 31 of each year in which magistrates' terms~~
15 ~~expire, the state court administrator shall give notice to the~~
16 ~~clerks of the district court, district court administrators,~~
17 ~~and to the chief judges of the judicial districts of the~~
18 ~~number of magistrates to which each county judicial election~~
19 ~~district is entitled. If the state court administrator does~~
20 ~~not give the notice as required in [this subsection](#) by March~~
21 ~~31 of each year in which magistrates' terms expire, the~~
22 ~~existing magistrate apportionment in effect shall remain in~~
23 ~~effect through the succeeding magistrates' terms, and any~~
24 ~~apportionment performed pursuant to [subsection 2](#) is void until~~
25 ~~such succeeding terms expire.~~

26 Sec. 14. Section 602.6403, subsections 1, 2, 3, 4, 5, 7, and
27 9, Code 2026, are amended to read as follows:

28 1. By June 1 of each year in which magistrates' terms
29 expire, the county judicial election district magistrate
30 appointing commission shall appoint, except as otherwise
31 provided in [section 602.6302](#), the number of magistrates
32 apportioned to the county judicial election district by the
33 state court administrator under [section 602.6401](#), and the
34 number of magistrates required pursuant to substitution orders
35 in effect under [section 602.6303](#), and may appoint an additional

1 ~~magistrate when allowed by [section 602.6402](#). The commission~~
2 ~~shall not appoint more magistrates than are authorized for the~~
3 ~~county by [this article](#).~~

4 2. ~~The magistrate appointing commission for each county~~
5 supreme court shall prescribe the contents of an application,
6 ~~in addition to any application form provided by the supreme~~
7 ~~court,~~ for an appointment pursuant to [this section](#). The
8 ~~commission shall publicize notice of any vacancy to be filled~~
9 ~~in at least two publications in all official county newspapers~~
10 ~~in the county.~~ The commission shall accept applications for
11 a minimum of fifteen days prior to making an appointment, and
12 shall make available during that period of time any printed
13 application forms the commission ~~prescribes~~ provides based on
14 the supreme court's prescribed application contents.

15 3. Within thirty days following receipt of notification
16 of a vacancy in the office of magistrate, the commission
17 shall appoint a person to the office to serve the remainder
18 of the unexpired term. For purposes of [this section](#), vacancy
19 "vacancy" means a death, resignation, retirement, or removal
20 of a magistrate, or an increase in the number of positions
21 authorized.

22 4. The term of office of a magistrate is four years,
23 commencing August 1, ~~1989~~ 2027. However, the terms of all
24 magistrates in a ~~county~~ judicial election district are deemed
25 to expire if a substitution under [section 602.6302](#) or the
26 allocation under [section 602.6401](#) results in a reduction in the
27 number of magistrates in a ~~county~~ judicial election district
28 where the magistrates hold office.

29 5. The commission shall promptly certify the names and
30 addresses of appointees to the ~~clerk of the district court~~
31 administrator and to the chief judge of the judicial district.
32 The ~~clerk of the district court~~ administrator shall certify to
33 the state court administrator the names and addresses of these
34 appointees.

35 7. Before the commencement of the term of a magistrate,

1 the members of the judicial election district magistrate
2 appointing commission may reconsider the appointment. Written
3 notification of the reasons for reconsideration and time and
4 place for the meeting must be sent to the magistrate appointee
5 and the ~~clerk of the~~ district court administrator. The
6 commission may reconvene and decertify the magistrate appointee
7 for good cause. Notice of the decertification and a statement
8 of the reasons justifying the decertification shall be promptly
9 sent to the ~~clerk of the~~ district court administrator, the
10 chief judge of the judicial district, and the state court
11 administrator.

12 9. A magistrate who seeks to resign from the office of
13 magistrate shall notify in writing the chief judge of the
14 judicial district as to the magistrate's intention to resign
15 and the effective date of the resignation. The chief judge of
16 the judicial district, upon receipt of the notice, shall notify
17 the ~~county~~ judicial election district magistrate appointing
18 commission and the state court administrator of the vacancy in
19 the office of magistrate due to resignation.

20 Sec. 15. Section 602.6403, Code 2026, is amended by adding
21 the following new subsection:

22 NEW SUBSECTION. 10. *a.* Notwithstanding section 602.6401,
23 subsection 3, if a vacancy occurs as described in subsection 3
24 of this section, that cannot be filled, the chief judge of the
25 judicial district may assign one or more magistrates serving
26 in the judicial district to serve the remainder of the term
27 in the county with the vacancy. A magistrate shall serve the
28 county with the vacancy to which the magistrate is assigned in
29 addition to the county to which the magistrate is appointed if
30 the combined weighted workload does not exceed thirty-three
31 percent of one full-time position.

32 *b.* This subsection is repealed August 1, 2027.

33 Sec. 16. Section 602.6404, subsection 2, Code 2026, is
34 amended to read as follows:

35 2. A person is not qualified for appointment as a magistrate

1 unless the person files a certified application form, to
2 be provided by the supreme court, with the chairperson of
3 the ~~county~~ judicial election district magistrate appointing
4 commission. A person is not qualified for appointment as a
5 magistrate if at the time of appointment the person has reached
6 age seventy-eight.

7 Sec. 17. Section 602.6501, Code 2026, is amended to read as
8 follows:

9 **602.6501 Composition of ~~county~~ judicial election district**
10 **magistrate appointing commissions.**

11 1. A magistrate appointing commission is established in
12 each ~~county~~ judicial election district. The commission shall
13 be composed of the following members:

14 a. A district judge designated by the chief judge of the
15 judicial district to serve until a successor is designated.

16 ~~b. Three members appointed by the board of supervisors, or~~
17 ~~the lesser number provided in section 602.6503, subsection 1~~
18 One person from each county in the judicial election district,
19 appointed by the board of supervisors of the county.

20 ~~c. Two~~ A number of attorneys elected by the attorneys
21 in the ~~county, or the lesser number provided in section~~
22 ~~602.6504, subsection 1~~ judicial election district and the
23 counties contiguous with the judicial election district equal
24 to one fewer than the number of persons appointed pursuant to
25 paragraph "b". If there are an insufficient number of attorneys
26 to serve on the commission, the number of persons appointed
27 pursuant to paragraph "b" shall not be increased or decreased.

28 2. ~~The clerk of the district court~~ administrator or the
29 administrator's designee shall maintain a permanent record of
30 the name, address, and term of office of each commissioner.

31 3. A member of a magistrate appointing commission shall
32 be reimbursed for actual and necessary expenses reasonably
33 incurred in the performance of official duties. Reimbursements
34 are payable by the county in which the member ~~serves~~ resides,
35 upon certification of the expenses to the county auditor by

1 the clerk of the district court. The district judges of each
2 judicial district may prescribe rules for the administration
3 of this subsection.

4 Sec. 18. Section 602.6502, Code 2026, is amended to read as
5 follows:

6 **602.6502 Prohibitions to appointment.**

7 A member of a ~~county~~ judicial election district magistrate
8 appointing commission shall not be appointed to the office of
9 magistrate. A member of the commission shall not be eligible
10 to vote for the appointment or nomination of a family member,
11 current law partner, or current business partner. For purposes
12 of this section, "*family member*" means a spouse, son, daughter,
13 brother, sister, uncle, aunt, first cousin, nephew, niece,
14 father-in-law, mother-in-law, son-in-law, daughter-in-law,
15 brother-in-law, sister-in-law, father, mother, stepfather,
16 stepmother, stepson, stepdaughter, stepbrother, stepsister,
17 half brother, or half sister.

18 Sec. 19. Section 602.6503, subsections 1 and 3, Code 2026,
19 are amended to read as follows:

20 1. The board of supervisors of each county in the judicial
21 election district shall appoint ~~three electors~~ one person from
22 the county to the magistrate appointing commission for the
23 county judicial election district for six-year terms beginning
24 January 1, ~~1979~~ 2027, and each sixth year thereafter. ~~However,~~
25 ~~if there is only one attorney elected pursuant to section~~
26 ~~602.6504, the county board of supervisors shall only appoint~~
27 ~~two commissioners, and if no attorney is elected, the board of~~
28 ~~supervisors shall only appoint one commissioner.~~

29 3. The county auditor shall certify to ~~the clerk of the~~
30 district court administrator the name, address, and expiration
31 date of term for ~~all appointees of~~ the person appointed to the
32 commission by the board of supervisors.

33 Sec. 20. Section 602.6504, subsections 1, 3, 4, and 5, Code
34 2026, are amended to read as follows:

35 1. The ~~resident~~ attorneys of each county judicial election

1 district and the counties contiguous with the judicial election
2 district shall elect two resident attorneys of the county a
3 number of attorneys equal to one fewer than the number of
4 persons appointed pursuant to section 602.6501, subsection 1,
5 paragraph "b", to the magistrate appointing commission for
6 six-year terms beginning on January 1, 1979 2027, and each
7 sixth year thereafter. An election shall be held in December
8 preceding the commencement of new terms. The attorneys in a
9 county may elect only one commissioner if If there is only one
10 are an insufficient number of attorneys who is are qualified
11 and willing to serve and if there are no resident attorneys
12 in a county or none is willing to serve as a commissioner,
13 none shall be elected, the attorneys of each judicial election
14 district and the counties contiguous with the judicial election
15 district may elect a number of attorneys that is less than the
16 maximum number authorized in this subsection.

17 3. An attorney is eligible to vote in elections of
18 magistrate appointing commissioners within a county judicial
19 election district or the counties contiguous with the judicial
20 election district if eligible to vote under [sections 46.7](#)
21 and [46.8](#), and if a resident of the county judicial election
22 district or a county contiguous with the judicial election
23 district.

24 4. In order to be placed on the ballot for county a judicial
25 election district magistrate appointing commission, an eligible
26 attorney elector shall file a nomination petition in the office
27 of ~~the~~ a clerk of court in the district on or before November
28 30 of the year in which the election for attorney positions is
29 to occur. [This subsection](#) does not preclude write-in votes at
30 the time of the election.

31 5. When an election of magistrate appointing commissioners
32 is to be held, the clerk of the district court for each county
33 in the judicial election district and a county contiguous with
34 the judicial election district shall cause to be mailed to
35 each eligible attorney a ballot that is in substantially the

1 following form:

2

BALLOT

3

County Judicial Election District Magistrate Appointing
4 Commission

4

5 To be cast by the resident members of the bar of judicial
6 election district ~~county~~ or a county contiguous with
7 the judicial election district.

8 Vote for (state number) for ~~county~~ judicial election
9 district magistrate appointing commissioner(s) for term
10 commencing

11

.....

12

.....

13 To be counted, this ballot must be completed and mailed or
14 delivered to a clerk of the district court in the judicial
15 election district,, or a county contiguous with the
16 judicial election district, no later than December 31, ...
17 (year) (or the appropriate date in case of an election to fill
18 a vacancy).

19 Sec. 21. Section 602.8102, subsections 88 and 89, Code 2026,
20 are amended by striking the subsections.

21 Sec. 22. Section 602.8102, subsection 90, Code 2026, is
22 amended to read as follows:

23 90. Furnish an individual or centralized docket for the
24 magistrates of the judicial election district serving in the
25 county as provided in [section 602.6604](#).

26 Sec. 23. Section 806.2, Code 2026, is amended to read as
27 follows:

28 **806.2 Procedure following arrest.**

29 If an arrest is made in this state by an officer of another
30 state in accordance with the provisions of [section 806.1](#),
31 the officer shall without unnecessary delay take the person
32 arrested before a magistrate ~~of~~ in the county in which the
33 arrest was made, who shall conduct a hearing for the purpose of
34 determining the lawfulness of the arrest. If the magistrate
35 determines that the arrest was lawful, the magistrate shall

1 commit the person arrested to await for a reasonable time
2 the issuance of an extradition warrant by the governor of
3 this state or admit the person to bail for such purpose. If
4 the magistrate determines that the arrest was unlawful, the
5 magistrate shall discharge the person arrested.

6 Sec. 24. REPEAL. Section 602.6402, Code 2026, is repealed.

7 Sec. 25. EFFECTIVE DATE.

8 1. Except as provided in subsection 2, this division of this
9 Act takes effect November 1, 2026.

10 2. The section of this Act enacting section 602.6403,
11 subsection 10, being deemed of immediate importance, takes
12 effect upon enactment.

13 DIVISION II

14 SENIOR MAGISTRATES

15 Sec. 26. Section 602.1101, Code 2026, is amended by adding
16 the following new subsection:

17 NEW SUBSECTION. 10A. "*Senior magistrate*" means a person who
18 qualifies as a senior magistrate under section 602.9302.

19 Sec. 27. Section 602.1610, subsection 1, Code 2026, is
20 amended by adding the following new paragraph:

21 NEW PARAGRAPH. c. Notwithstanding paragraph "b", a judicial
22 magistrate who attains the age of seventy-eight years and has
23 less than fifty percent of the magistrate's current term of
24 appointment left to serve shall have the right to elect to
25 serve the remainder of the magistrate's current term but shall
26 not be eligible for reappointment.

27 Sec. 28. NEW SECTION. 602.9301 Definitions.

28 As used in this part, unless the context otherwise requires:

29 1. "*Retired magistrate*" means a magistrate that has retired
30 as a magistrate after serving not less than eight years and has
31 attained the age of sixty-two, or a magistrate who has served
32 at least twenty years prior to the effective date of this
33 division of this Act. "*Retired magistrate*" does not include
34 magistrates who are seeking reappointment.

35 2. "*Roster of senior magistrates*" means a roster maintained

1 by the clerk of the supreme court under section 602.9302,
2 subsection 5.

3 3. "*Senior magistrate*" means a magistrate who meets the
4 requirements of section 602.9302 and who has not been retired
5 or removed from the roster of senior magistrates under section
6 602.9305 or 602.9306.

7 4. "*Senior magistrate retirement age*" means eighty-four
8 years of age, or if the senior magistrate is reappointed as
9 a senior magistrate for an additional one-year term upon
10 attaining eighty-four years of age, and then to a succeeding
11 one-year term, pursuant to section 602.9302, eighty-six years
12 of age.

13 5. "*Twelve-month period*" means each successive one-year
14 period commencing on the date a retired magistrate becomes a
15 senior magistrate and while the magistrate continues to be a
16 senior magistrate.

17 Sec. 29. NEW SECTION. **602.9302 Senior magistrate**
18 **requirements — appointment and term.**

19 1. A magistrate who qualifies under subsection 2 may become
20 a senior magistrate by filing with the clerk of the supreme
21 court a written election in the form specified by the supreme
22 court. The election shall be filed within six months of the
23 date of retirement.

24 2. A magistrate referred to in subsection 1 may be
25 appointed, at the discretion of the supreme court, for a
26 two-year term as senior magistrate if the magistrate meets all
27 of the following requirements:

28 a. Retires from office on or after the effective date of
29 this division of this Act, regardless of whether the magistrate
30 is of mandatory retirement age.

31 b. Agrees in writing on a form prescribed by the supreme
32 court to be available as long as the magistrate is a senior
33 magistrate to perform judicial duties as assigned by the
34 supreme court or chief judge of the senior magistrate's
35 judicial district for service not to exceed an aggregate period

1 of five weeks out of each successive twelve-month period.

2 *c.* Submits evidence to the satisfaction of the supreme court
3 that, as of the date of retirement, the magistrate does not
4 suffer from a permanent physical or mental disability which
5 would substantially interfere with the performance of duties
6 agreed to under paragraph "b".

7 3. Prior to submitting an application to become a senior
8 magistrate, the magistrate, the chief judge of the judicial
9 district, the district court administrator, and the state court
10 administrator may meet and discuss the magistrate's potential
11 assignment together with the scope and parameters of the senior
12 magistrate's service. If the magistrate decides to apply for
13 senior magistrate, the magistrate can request the supreme court
14 to give a preliminary determination as to whether the supreme
15 court will approve the magistrate's application.

16 4. The supreme court, in ruling on an application for senior
17 magistrate, including reappointment of an applicant to an
18 additional term, may consider any of the following factors:

19 *a.* A demonstration of the applicant's willingness and
20 ability to undertake and complete all assigned work during the
21 applicant's service as a senior magistrate.

22 *b.* A recommendation of the chief judge and court
23 administrator made in consultation with other judges from
24 the judicial election district where the applicant served as
25 magistrate.

26 *c.* The Iowa state bar association's most recent judicial
27 performance review for the applicant.

28 *d.* The applicant's monthly reports submitted pursuant to
29 Iowa court rule 22.10.

30 *e.* The applicant's agreement to perform duties as scheduled
31 and assigned by the chief judge of the judicial district or by
32 the state court administrator.

33 *f.* The applicant's plans, if any, to regularly spend time
34 or reside out of state.

35 *g.* The applicant's work or plans to work as an attorney,

1 or as a mediator, arbitrator, or provider of other alternative
2 dispute resolution services.

3 5. The clerk of the supreme court shall maintain a book
4 entitled "Roster of Senior Magistrates", and shall enter
5 in the book the name of each magistrate who files a timely
6 election under subsection 1, qualifies under subsection 2,
7 and is appointed by the supreme court. A person shall be a
8 senior magistrate upon entry of the person's name in the roster
9 of senior magistrates and until the person becomes a retired
10 senior magistrate as provided in section 602.9305, or until the
11 person's name is stricken from the roster of senior magistrates
12 as provided in section 602.9306, or until the person dies.

13 6. a. A senior magistrate may be reappointed to additional
14 two-year terms, at the discretion of the supreme court, if the
15 judicial officer meets the requirements of subsection 2.

16 b. A senior magistrate may be reappointed to a one-year term
17 upon attaining eighty-four years of age and to a succeeding
18 one-year term, at the discretion of the supreme court, if the
19 judicial officer meets the requirements of subsection 2.

20 Sec. 30. NEW SECTION. 602.9303 Senior magistrate salaries.

21 1. A magistrate who retires on or after the effective date
22 of this division of this Act, and who is appointed a senior
23 magistrate under section 602.9302, shall be paid a salary as
24 determined by the general assembly.

25 2. The senior magistrate shall be reimbursed for costs for
26 which actively serving magistrates are reimbursed at the same
27 rate.

28 3. The state shall provide and pay for medical insurance
29 for senior magistrates at the same rate as is applicable to
30 actively serving magistrates. A senior magistrate who elects
31 to participate in medical insurance through the judicial branch
32 shall make appropriate arrangements for the payment of the
33 senior magistrate's share of medical insurance costs.

34 Sec. 31. NEW SECTION. 602.9304 Practice of law.

35 A senior magistrate may practice law as provided under the

1 Iowa code of judicial conduct.

2 Sec. 32. NEW SECTION. 602.9305 Retirement of senior
3 magistrate.

4 A senior magistrate shall cease to be a senior magistrate
5 upon completion of the twelve-month period during which the
6 magistrate attains senior magistrate retirement age. The clerk
7 of the supreme court shall make a notation of the retirement
8 of a senior magistrate in the roster of senior magistrates, at
9 which time the senior magistrate shall become a retired senior
10 magistrate.

11 Sec. 33. NEW SECTION. 602.9306 Relinquishment of status as
12 senior magistrate — removal for cause.

13 1. A senior magistrate, at any time prior to the end of
14 the twelve-month period during which the magistrate attains
15 senior magistrate retirement age, may submit to the clerk of
16 the supreme court a written request that the magistrate's name
17 be stricken from the roster of senior magistrates. Upon the
18 receipt of the request, the clerk shall strike the name of the
19 person from the roster of senior magistrates, at which time the
20 person shall cease to be a senior magistrate.

21 2. A senior magistrate is subject to removal under article
22 2, part 1, for the causes specified in section 602.2106,
23 subsection 3, paragraph "a". When a person is removed as a
24 senior magistrate as provided in this subsection, the clerk of
25 the supreme court shall strike the name of the person from the
26 roster of senior magistrates, at which time the person shall
27 cease to be a senior magistrate.

28 Sec. 34. NEW SECTION. 602.9307 Rules.

29 The supreme court shall prescribe rules to implement this
30 part.

31 Sec. 35. 2025 Iowa Acts, chapter 158, section 6, subsection
32 2, is amended by adding the following new paragraph:

33 NEW PARAGRAPH. 1. Each senior magistrate:

34 \$ 4,234

35 DIVISION III

JUDICIAL OFFICER SALARIES

1
2 Sec. 36. SALARIES — STATE COURT JUSTICES, JUDGES, AND
3 MAGISTRATES.

4 1. The salary rates for judicial officers, other than
5 judicial magistrates, in effect on July 1, 2026, as specified
6 in 2025 Iowa Acts, chapter 158, section 6, or a subsequent Act
7 of the general assembly specifying salary rates for judicial
8 officers for the fiscal year beginning July 1, 2026, shall
9 be increased by five percent effective with the pay period
10 beginning June 18, 2027.

11 2. Effective with the pay period beginning June 18, 2027,
12 the salary rate for judicial magistrates shall be forty percent
13 of the salary rate of a district associate judge as adjusted
14 pursuant to subsection 1.

15 3. Salary rate increases required by this section shall be
16 paid from moneys appropriated to the judicial branch.

17 Sec. 37. EFFECTIVE DATE. This division of this Act takes
18 effect June 18, 2027.

19 EXPLANATION

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

22 This bill relates to judicial officers, including
23 magistrate appointments in judicial election districts, senior
24 magistrates, and judicial officer compensation.

25 MAGISTRATES APPOINTED IN JUDICIAL ELECTION DISTRICTS. The
26 bill provides for the appointment and service of magistrates
27 in judicial election districts rather than individual counties
28 and makes conforming changes.

29 The bill changes county judicial magistrate appointing
30 commissions to judicial election district magistrate appointing
31 commissions, provides for appointment to such commissions,
32 and provides for commission appointee certification to
33 and maintenance of appointee records by district court
34 administrators rather than clerks of district court. The bill
35 alters the composition of a commission to include a district

1 judge designated by the chief judge of the judicial district,
2 one person from each county in the judicial election district
3 appointed by the board of supervisors of the county, and a
4 number of attorneys elected by the attorneys in the judicial
5 election district and the counties contiguous with the judicial
6 election district equal to one fewer than the number of persons
7 appointed by the boards of supervisors. Under current law and
8 the bill, boards of supervisors are prohibited from appointing
9 an attorney or an active law enforcement officer to serve as a
10 commissioner, and attorneys are prohibited from appointing a
11 county attorney as a commissioner.

12 Current law allows the chief judge of a judicial district, by
13 order of substitution, to appoint a district associate judge
14 in lieu of magistrates, subject to certain limitations. The
15 bill eliminates the limitations that the county or counties
16 to which the district associate judge is to be appointed
17 must have an apportionment of three or more magistrates, and
18 that the substitution must not result in the absence of a
19 resident district associate judge or magistrate in one or more
20 counties. The bill also eliminates requirements that district
21 associate judges substituted for magistrates, or vice versa,
22 be substituted at a ratio of three magistrates to one district
23 associate judge.

24 The bill strikes the requirement that 206 magistrates be
25 apportioned among the counties and instead requires that the
26 supreme court prescribe a formula to determine the number of
27 magistrates who will serve in each judicial election district.
28 The state court administrator must apply the prescribed formula
29 when calculating and apportioning magistrates among judicial
30 election districts. The bill strikes the requirement that each
31 county be allotted at least one resident magistrate.

32 Under current law, a county magistrate appointing commission
33 may prescribe the contents of a magistrate application in
34 addition to any application provided by the supreme court. The
35 bill provides that only the supreme court shall prescribe the

1 contents of a magistrate application. The bill strikes the
2 requirement that public notice of a magistrate vacancy must be
3 published in at least two publications in all official county
4 newspapers in the county.

5 If a magistrate vacancy cannot be filled, the bill
6 authorizes the chief judge of the judicial district to assign
7 a magistrate from a county within the judicial district to
8 serve the remainder of the term in the county of the vacancy,
9 in addition to the county where the magistrate is appointed,
10 provided that the combined weighted workload does not exceed 33
11 percent of a full-time position. This provision of the bill
12 takes effect upon enactment and is repealed August 1, 2027.

13 The bill requires magistrate appointing commission member
14 reimbursements to be paid by the county where the member
15 resides instead of the county where the member serves.

16 The bill repeals Code section 602.6402, which allows
17 the county magistrate appointing commission to appoint an
18 additional magistrate to a county with only one magistrate.

19 Except as otherwise provided, this division of the bill
20 takes effect November 1, 2026.

21 SENIOR MAGISTRATES. The bill provides that a magistrate
22 who attains the age of 78 and has less than 50 percent of the
23 magistrate's current term remaining may elect to serve the
24 remainder of the term but is not eligible for reappointment.

25 The bill establishes requirements for senior magistrate
26 status, appointment, and terms of service. A senior magistrate
27 may be appointed at the discretion of the supreme court within
28 six months of retirement after filing the appropriate form and
29 meeting specified requirements, including retirement on or
30 after July 1, 2026; agreement to be available for service not
31 exceeding five weeks in each successive 12-month period; and
32 submission of evidence that the magistrate does not suffer from
33 a permanent physical or mental disability that would interfere
34 with the performance of judicial duties.

35 The bill sets forth factors for the supreme court to consider

1 when ruling on an application for senior magistrate status.
2 The bill requires the clerk of the supreme court to maintain a
3 roster of senior magistrates and authorizes the reappointment
4 of senior magistrates to additional two-year terms, as well
5 as two one-year terms upon attaining 84 years of age, at the
6 discretion of the supreme court.

7 The bill provides for senior magistrate compensation and
8 medical insurance coverage through the judicial branch.

9 The bill requires a senior magistrate to retire upon
10 completion of the 12-month period during which the magistrate
11 attains 84 or 86 years of age, as applicable, and requires
12 the clerk of the supreme court to record the retirement in
13 the roster of senior magistrates. The bill also establishes
14 procedures for voluntary relinquishment of senior magistrate
15 status and removal for cause.

16 JUDICIAL OFFICER SALARIES. The bill increases the salaries
17 of judicial officers, other than judicial magistrates, in
18 effect on July 1, 2026, by 5 percent effective with the
19 pay period beginning June 18, 2027. Salaries for judicial
20 magistrates are increased to 40 percent of the salary of a
21 district associate judge.

22 This division of the bill takes effect June 18, 2027.