

**Senate File 563 - Reprinted**

SENATE FILE 563  
BY COMMITTEE ON APPROPRIATIONS

(SUCCESSOR TO SSB 1215)

(As Amended and Passed by the Senate May 2, 2023)

**A BILL FOR**

1 An Act relating to the judicial branch, including  
2 appropriations to the judicial branch, apportionment of  
3 district associate judges, video recordings, noncontract  
4 attorney appointment, and contracting authority.  
5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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DIVISION I

FY 2023-2024 APPROPRIATIONS

Section 1. JUDICIAL BRANCH.

1. There is appropriated from the general fund of the state to the judicial branch for the fiscal year beginning July 1, 2023, and ending June 30, 2024, the following amounts, or so much thereof as is necessary, to be used for the purposes designated:

a. For salaries of supreme court justices, appellate court judges, district court judges, district associate judges, associate juvenile judges, associate probate judges, judicial magistrates and staff, state court administrator, clerk of the supreme court, district court administrators, clerks of the district court, juvenile court officers, board of law examiners, board of examiners of shorthand reporters, and commission on judicial qualifications; receipt and disbursement of child support payments; reimbursement of the auditor of state for expenses incurred in completing audits of the offices of the clerks of the district court during the fiscal year beginning July 1, 2023; and maintenance, equipment, and miscellaneous purposes:

..... \$193,350,550

Of the moneys appropriated in this lettered paragraph, no more than \$250,000 is allocated for reimbursement to the indigent defense fund created in section 815.11 for travel time claims as required under section 815.7A, subsection 2, if enacted by 2023 Iowa Acts, Senate File 562 or House Study Bill 251, or successor legislation.

b. For deposit in the revolving fund created pursuant to section 602.1302, subsection 3, for jury and witness fees, mileage, costs related to summoning jurors, costs and fees for interpreters and translators, and reimbursement of attorney fees paid by the state public defender:

..... \$ 3,600,000

c. For payment of expenses for court-ordered services

1 provided to juveniles who are under the supervision of juvenile  
2 court services, which expenses are a charge upon the state  
3 pursuant to section 232.141, subsection 4:

4 ..... \$ 3,290,000

5 (1) Of the moneys appropriated in this lettered paragraph,  
6 no more than \$1,556,000 is allocated to provide school-based  
7 supervision of children under chapter 232, of which no more  
8 than \$15,000 may be used for purposes of training. A portion  
9 of the cost of each school-based liaison officer shall be paid  
10 by the school district or other funding source as approved by  
11 the chief juvenile court officer.

12 (2) Of the moneys appropriated in this lettered paragraph,  
13 no more than \$748,000 is allocated for the payment of expenses  
14 for court-ordered services provided to children who are under  
15 the supervision of the department of health and human services,  
16 which expenses are a charge upon the state pursuant to section  
17 232.141, subsection 4.

18 (3) Notwithstanding section 232.141 or any other provision  
19 of law to the contrary, the moneys appropriated in this  
20 lettered paragraph shall be distributed to the judicial  
21 districts as determined by the state court administrator. The  
22 state court administrator shall make the determination of the  
23 distribution amounts on or before June 15, 2023.

24 (4) Notwithstanding chapter 232 or any other provision of  
25 law to the contrary, a district or juvenile court shall not  
26 order any service which is a charge upon the state pursuant  
27 to section 232.141 if there are insufficient court-ordered  
28 services moneys available in the district court distribution  
29 amounts to pay for the service. The chief juvenile court  
30 officer shall encourage use of the moneys appropriated in this  
31 lettered paragraph such that there are sufficient moneys to pay  
32 for all court-ordered services during the entire fiscal year.  
33 The chief juvenile court officer shall attempt to anticipate  
34 potential surpluses and shortfalls in the distribution amounts  
35 and shall cooperatively request the state court administrator

1 to transfer moneys between the judicial districts' distribution  
2 amounts as prudent.

3 (5) Notwithstanding any provision of law to the contrary,  
4 a district or juvenile court shall not order a county to pay  
5 for any service provided to a juvenile pursuant to an order  
6 entered under chapter 232 which is a charge upon the state  
7 under section 232.141, subsection 4.

8 (6) Of the moneys appropriated in this lettered paragraph,  
9 no more than \$83,000 may be used by the judicial branch  
10 for administration of the requirements under this lettered  
11 paragraph.

12 (7) Of the moneys appropriated in this lettered paragraph,  
13 \$23,000 is allocated to the judicial branch to support the  
14 interstate commission for juveniles in accordance with the  
15 interstate compact for juveniles as provided in section  
16 232.173.

17 d. For juvenile justice delinquency prevention pursuant to  
18 section 232.192, if enacted by 2023 Iowa Acts, Senate File 285  
19 or House File 699, or if not enacted, for juvenile delinquent  
20 graduated sanctions services pursuant to section 232.192, as  
21 enacted by 2022 Iowa Acts, chapter 1098, section 70:

22 ..... \$ 12,253,000

23 Any state moneys saved as a result of efforts by juvenile  
24 court services to earn a federal fund match pursuant to Tit.  
25 IV-E of the federal Family First Prevention Services Act  
26 of 2018, Pub. L. No. 115-123, for juvenile court services  
27 administration is appropriated to the judicial branch for  
28 purposes of this lettered paragraph.

29 2. The judicial branch, except for purposes of internal  
30 processing, shall use the current state budget system, the  
31 state payroll system, and the Iowa finance and accounting  
32 system in administration of programs and payments for services,  
33 and shall not duplicate the state payroll, accounting, and  
34 budgeting systems.

35 3. The judicial branch shall submit monthly financial

1 statements to the legislative services agency and the  
2 department of management containing all appropriated accounts  
3 in the same manner as provided in the monthly financial status  
4 reports and personal services usage reports of the department  
5 of administrative services. The monthly financial statements  
6 shall include a comparison of the dollars and percentage  
7 spent of budgeted versus actual revenues and expenditures on  
8 a cumulative basis for full-time equivalent positions and  
9 dollars.

10 4. The judicial branch shall focus efforts upon the  
11 collection of delinquent fines, penalties, court costs, fees,  
12 surcharges, or similar amounts.

13 5. It is the intent of the general assembly that the offices  
14 of the clerks of the district court operate in all 99 counties  
15 and be accessible to the public as much as is reasonably  
16 possible in order to address the relative needs of the citizens  
17 of each county. An office of the clerk of the district court  
18 shall be open regular courthouse hours.

19 6. In addition to the requirements for transfers under  
20 section 8.39, the judicial branch shall not change the  
21 appropriations from the amounts appropriated to the judicial  
22 branch in this division of this Act, unless notice of the  
23 revisions is given to the legislative services agency prior  
24 to the effective date. The notice shall include information  
25 on the judicial branch's rationale for making the changes and  
26 details concerning the workload and performance measures upon  
27 which the changes are based.

28 7. The judicial branch shall submit a semiannual update  
29 to the legislative services agency specifying the amounts of  
30 fines, surcharges, and court costs collected using the Iowa  
31 court information system since the last report. The judicial  
32 branch shall continue to facilitate the sharing of vital  
33 sentencing and other information with other state departments  
34 and governmental agencies involved in the criminal justice  
35 system through the Iowa court information system.

1 8. The judicial branch shall provide a report to the general  
2 assembly by January 1, 2024, concerning the amounts received  
3 and expended from the court technology and modernization fund  
4 created in section 602.8108, subsection 7, during the fiscal  
5 year beginning July 1, 2022, and ending June 30, 2023, and the  
6 plans for expenditures from each fund during the fiscal year  
7 beginning July 1, 2023, and ending June 30, 2024.

8 Sec. 2. CIVIL TRIALS — LOCATION. Notwithstanding any  
9 provision to the contrary, for the fiscal year beginning July  
10 1, 2023, and ending June 30, 2024, if all parties in a case  
11 agree, a civil trial including a jury trial may take place in a  
12 county contiguous to the county with proper jurisdiction, even  
13 if the contiguous county is located in an adjacent judicial  
14 district or judicial election district. If the trial is moved  
15 pursuant to this section, court personnel shall treat the case  
16 as if a change of venue occurred.

17 Sec. 3. TRAVEL REIMBURSEMENT. Notwithstanding section  
18 602.1509, for the fiscal year beginning July 1, 2023, and  
19 ending June 30, 2024, a judicial officer may waive travel  
20 reimbursement for any travel outside the judicial officer's  
21 county of residence to conduct official judicial business.

22 Sec. 4. JUDICIAL OFFICER — UNPAID LEAVE. Notwithstanding  
23 the annual salary rates for judicial officers established by  
24 2022 Iowa Acts, chapter 1145, section 6, for the fiscal year  
25 beginning July 1, 2023, and ending June 30, 2024, the supreme  
26 court may by order place all judicial officers on unpaid leave  
27 status on any day employees of the judicial branch are placed  
28 on temporary layoff status. The biweekly pay of the judicial  
29 officers shall be reduced accordingly for the pay period in  
30 which the unpaid leave date occurred in the same manner as  
31 for noncontract employees of the judicial branch. Through  
32 the course of the fiscal year, the judicial branch may use an  
33 amount equal to the aggregate amount of salary reductions due  
34 to the judicial officer unpaid leave days for any purpose other  
35 than for judicial salaries.

1 Sec. 5. IOWA COMMUNICATIONS NETWORK. It is the intent  
2 of the general assembly that the judicial branch utilize  
3 the Iowa communications network or other secure electronic  
4 communications in lieu of traveling for the fiscal year  
5 beginning July 1, 2023, and ending June 30, 2024.

6 DIVISION II

7 APPORTIONMENT OF DISTRICT ASSOCIATE JUDGES

8 Sec. 6. Section 602.6301, Code 2023, is amended to read as  
9 follows:

10 **602.6301 Number and apportionment of district associate**  
11 **judges.**

12 ~~1. There shall be one district associate judge in counties~~  
13 ~~having a population of more than thirty-five thousand and less~~  
14 ~~than eighty thousand; two in counties having a population of~~  
15 ~~eighty thousand or more and less than one hundred twenty-five~~  
16 ~~thousand; three in counties having a population of one~~  
17 ~~hundred twenty-five thousand or more and less than one hundred~~  
18 ~~seventy thousand; four in counties having a population of one~~  
19 ~~hundred seventy thousand or more and less than two hundred~~  
20 ~~fifteen thousand; five in counties having a population of two~~  
21 ~~hundred fifteen thousand or more and less than two hundred~~  
22 ~~sixty thousand; six in counties having a population of two~~  
23 ~~hundred sixty thousand or more and less than three hundred~~  
24 ~~five thousand; seven in counties having a population of three~~  
25 ~~hundred five thousand or more and less than three hundred~~  
26 ~~fifty thousand; eight in counties having a population of three~~  
27 ~~hundred fifty thousand or more and less than three hundred~~  
28 ~~ninety-five thousand; nine in counties having a population of~~  
29 ~~three hundred ninety-five thousand or more and less than four~~  
30 ~~hundred forty thousand; ten in counties having a population of~~  
31 ~~four hundred forty thousand or more and less than four hundred~~  
32 ~~eighty-five thousand; and one additional judge for every~~  
33 ~~population increment of thirty-five thousand which is over~~  
34 ~~four hundred eighty-five thousand in such counties. However,~~  
35 ~~a county shall not lose a district associate judgeship solely~~

~~1 because of a reduction in the county's population. If the~~  
~~2 formula provided in [this section](#) results in the allocation~~  
~~3 of an additional district associate judgeship to a county,~~  
~~4 implementation of the allocation shall be subject to prior~~  
~~5 approval of the supreme court and availability of funds to the~~  
~~6 judicial branch. The supreme court shall prescribe, subject~~  
~~7 to the restrictions of this section, a formula to determine~~  
~~8 the number of district associate judges who will serve in each~~  
~~9 judicial election district. The formula shall be based upon~~  
~~10 a model that measures and applies an estimated case-related~~  
~~11 workload formula of judicial officers, and shall account for~~  
~~12 administrative duties, travel time, and other judicial duties~~  
~~13 not related to a specific case. A district associate judge~~  
~~14 appointed pursuant to [section 602.6302](#) or [602.6307](#) shall not~~  
~~15 be counted for purposes of [this section](#) and the reduction of~~  
~~16 a district associate judge pursuant to [section 602.6303](#) also~~  
~~17 shall not be counted for purposes of [this section](#).~~

18 2. For purposes of this section, "vacancy" means the death,  
19 resignation, retirement, or removal of a district associate  
20 judge, or the failure of a district associate judge to be  
21 retained in office at the judicial election, or an increase in  
22 judgeships under the formula prescribed in subsection 1.

23 3. In those judicial election districts having more  
24 district associate judges than the number of judgeships  
25 specified by the formula prescribed in subsection 1, vacancies  
26 shall not be filled.

27 4. In those judicial election districts having fewer or  
28 the same number of district associate judges as the number of  
29 judgeships specified by the formula prescribed in subsection 1,  
30 vacancies shall be filled as the vacancies occur.

31 5. In those judicial districts that contain more than one  
32 judicial election district, a vacancy in a judicial election  
33 district shall not be filled if the total number of district  
34 associate judges in all judicial election districts within  
35 the judicial district equals or exceeds the aggregate number



1 of judgeships to which all of the judicial election districts  
2 of the judicial district are authorized by the formula in  
3 subsection 1.

4 6. An incumbent district associate judge shall not be  
5 removed from office because of a reduction in the number of  
6 authorized judgeships specified by the formula prescribed in  
7 subsection 1.

8 DIVISION III

9 VIDEO RECORDINGS

10 Sec. 7. Section 602.3205, Code 2023, is amended to read as  
11 follows:

12 **602.3205 Audio and video recordings.**

13 1. Except as provided in [subsection 2 or 3](#), a certified  
14 shorthand reporter's audio and video recordings used solely  
15 for the purpose of providing a verbatim written transcript of  
16 a court proceeding or a proceeding conducted in anticipation  
17 of use in a court proceeding shall be considered the personal  
18 property and private work product of the certified shorthand  
19 reporter.

20 2. An audio or video recording of a certified shorthand  
21 reporter appointed under [section 602.6603](#) shall be provided to  
22 the presiding judge or chief judge for an in camera review upon  
23 court order for good cause shown.

24 3. *a.* An audio or video recording of a certified shorthand  
25 reporter shall be provided to the board upon request by the  
26 board if a disciplinary proceeding is pending regarding the  
27 certified shorthand reporter who is a respondent under the  
28 provisions of [section 602.3203](#) or the rules of the board of  
29 examiners of shorthand reporters, [Iowa court rules, ch. 46](#).

30 *b.* The audio and video recordings provided to the board  
31 pursuant to [this subsection](#) shall be kept confidential by the  
32 board in a manner as provided in [section 272C.6, subsection 4](#).

33 DIVISION IV

34 NONCONTRACT ATTORNEY APPOINTMENT

35 Sec. 8. NONCONTRACT ATTORNEY APPOINTMENT. For the fiscal

1 year beginning July 1, 2023, and ending June 30, 2024, a court  
2 shall not appoint a noncontract attorney under section 815.10,  
3 subsection 3, without the noncontract attorney's consent.

4 DIVISION V

5 CONTRACTING AUTHORITY

6 Sec. 9. NEW SECTION. 602.1209A State court administrator  
7 may contractually limit vendor liability.

8 1. The state court administrator may authorize the  
9 procurement of goods and services in which a contractual  
10 limitation of vendor liability is provided for and set forth in  
11 the documents initiating the procurement.

12 2. *a.* The state court administrator shall consider all of  
13 the following criteria when determining whether to permit a  
14 contractual limitation of vendor liability with regard to any  
15 procurement of goods or services:

16 (1) Whether authorizing a contractual limitation of vendor  
17 liability is necessary to prevent harm to the state from  
18 a failure to obtain the goods or services sought, or from  
19 obtaining the goods or services at a higher price if the state  
20 refuses to allow a contractual limitation of vendor liability.

21 (2) Whether the contractual limitation of vendor liability  
22 is commercially reasonable when taking into account any risk to  
23 the state created by the goods or services to be procured and  
24 the purpose for which they will be used.

25 *b.* The state court administrator may consider additional  
26 criteria.

27 3. Notwithstanding subsection 1, a contractual limitation  
28 of vendor liability shall not include any limitation on the  
29 liability of any vendor for intentional torts, criminal acts,  
30 or fraudulent conduct.