

# JUDICIARY

IOWA HOUSE OF REPRESENTATIVES

END OF SESSION, 2010

- ENTICEMENT OF A MINOR** Increases the penalty for attempting to entice a minor reasonably believed to be under 13 to a Class C felony and attempting to entice a minor reasonably believed to be under 16 to a Class D felony. The bill requires a person to commit an overt act to entice a minor to be convicted.  
HF 2438 – Signed by Governor; Effective 7-1-10
- MENTAL HEALTH HOSPITALIZATION NOTIFICATION (ED THOMAS BILL)** Assures that law enforcement are notified when individuals hospitalized for a serious mental impairment are released from care if there is an arrest warrant or pending charges against the individual. Requires the Department of Public Safety to create a form to be used by law enforcement to be given to hospitals to assure law enforcement is notified under the requirements of the bill.  
SF 2352 – Signed by Governor; Effective 7-1-10
- TEMPORARY RESTRICTED LICENSE CHANGES** Allows the DOT to grant all temporary restricted licenses (TRL) without requiring action by the judicial branch, including Operating While Intoxicated offenses. The bill allows individuals that have received certain OWI offenses to apply for a TRL sooner than current law under certain circumstances, such as installation of an ignition interlock.  
HF 2452 – Signed by Governor; Effective 7-1-10
- LANDLORD/TENANT NOTICE CHANGES** Changes service of notice requirements for landlords and tenants. The bill provides for one or more methods to assure a tenant is served. The bill is in response to the War Eagle Village Apartments v. Plummer Supreme Court Decision.  
SF 2300 – Signed by Governor; Effective 3-2-10
- SERIOUS INJURY** Standardizes the definition of serious injury throughout the code to match the definition in the criminal definitions chapter of the Criminal Code.  
HF 2374 – Signed by Governor; Effective 7-1-10
- UNDERAGE POSSESSION EXPUNGEMENT** Allows the expungement of a possession of alcohol under the legal age conviction if the person has not had any other criminal convictions, other than traffic violations or simple misdemeanors of motor vehicle laws, for 2 years after the violation. The bill requires that when a possession conviction is expunged that the conviction also be removed from the criminal history data files maintained by the department of public safety.  
HF 2233 – Signed by Governor; Effective 7-1-10
- ATTENDANCE OF A CHILD AT COURT PROCEEDINGS AND MEETINGS** Creates a presumption it is in the best interests of a child at least 14 years of age to attend all hearings and meetings related to juvenile court proceedings. If an age appropriate child does not attend a hearing, the court must determine if the child was informed of the right to attend. If a child is excluded from a hearing or meeting, the department of human services must maintain a written record of why the child was excluded.  
SF 2298 – Signed by Governor; Effective 7-1-10

**APPOINTMENT OF  
JUDICIAL OFFICERS**

Requires that no more than one appointed commissioner in a judicial district be from the same county unless each county is represented. Allows the Chief Justice to delay the appointment of a judge or magistrate for up to 180 days for the first 5 vacancies in a fiscal year and for up to one year for every vacancy after that. This delay is sunset on July 1, 2013. Allows the Chief Justice to reallocate judgeships if there is a substantial disparity in judicial workload between judicial districts, but only if a majority of the judicial council approves of the reallocation. This delay is sunset on July 1, 2013. Allows a district associate judicial nominee to reside in the judicial election district instead of in the county of the vacancy. Allows a magistrate to reside in a contiguous county to the county of appointment. Requires senior judge forms to be prescribed by the supreme court, rather than the court administrator. Allows a senior judge who is 78 to serve a one year term and a succeeding one year term at the discretion of the Supreme Court rather than a two-year term at the discretion of the supreme court.

SF 2343 – Sent to Governor; Effective 7-1-10

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**OTHER BILLS OF INTEREST**

- HF 2377 Allows a judge to extend a period of probation up to one year, including one year beyond the maximum probation period allowed by law. (Sent to Governor; Effective 7-1-10)
- HF 2372 Provides that a person that commits an assault without the intent to inflict serious injury, but who causes serious injury, commits a Class D felony. (Signed by Governor; Effective 7-1-10)
- HF 2392 Transfers some abuse of a corpse provisions from the code chapters dealing with sexual abuse to code chapters dealing with assault. (Signed by Governor; Effective 7-1-10)
- HF 734 Implements the Uniform Adult Guardianship and Protective Proceedings Act. (Signed by Governor; Various Effective Dates)
- HF 2253 Updates Iowa's Uniform Disclaimer of Property Interest. (Signed by Governor; Effective 7-1-10)
- HF 2282 Prohibits a judgment lien from attaching to real estate claimed as a homestead except in certain enumerated circumstances. (Signed by Governor; Effective 7-1-10)
- HF 2307 Includes Medicaid restitution for crime victims on the list of entities that may be paid restitution by a criminal offender. (Signed by Governor; Effective 7-1-10)
- HF 2483 Makes changes to the trust and estate law, including provisions relating to state inheritance tax, uniform transfers to minors, and medical assistance claims. (Signed by Governor; Effective 7-1-10)
- HF 2478 Makes changes to provisions regulating the formulation and management of limited liability companies (LLC) under Iowa Code Chapter 489. (Signed by Governor; Effective 7-1-10)
- SF 2190 Allows a bankruptcy debtor who is an Iowa resident to exempt up to \$1,000 of any personal property, unlike current law that limits the

exemption to any personal property not specifically exempted in Code Chapter 627. (Signed by Governor; Effective 7-1-10)

SF 2138

Clarifies that the rights of an anatomical gift donee are superior to the authority of the designee named in the final disposition declaration. (Signed by Governor; Effective 7-1-10)