

**IOWA COUNTY ATTORNEYS
STATUTORY DUTIES AND
RESPONSIBILITIES
1999**



Published by the
Prosecuting Attorneys Training Coordinator
David Welu, Director

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This publication cites and briefly describes the sections and subsections of the 1997 Iowa code with 1998 amendments that refer to the duties and responsibilities of county attorneys in Iowa.

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BRIEF DESCRIPTIONS OF STATUTES ENUMERATING
COUNTY ATTORNEY DUTIES AND RESPONSIBILITIES

1997 CODE OF IOWA
1998 SUPPLEMENT

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Title I. State Sovereignty and Management

Subtitle 3. Eminent Domain

Chapter 6B Procedure Under Eminent Domain

Ch. 6B, § 6B.2 By whom conducted.

Such proceedings shall be conducted:

- (1) By the attorney general when the damages are payable from the state treasury.
- (2) By the **county attorney**, when the damages are payable from funds disbursed by the county, or by any township, or school corporation.
- (3) By the city attorney, when the damages are payable from funds disbursed by the city.

This section shall not be construed as prohibiting any other authorized representative from conducting such proceeding.

Subtitle 4. Executive Branch.

Chapter 9H Corporate or Partnership Farming

Ch. 9H, § 9H.3 Penalties for prohibited operation -- injunctive relief.

A processor violating section 9H.2 shall be assessed a civil penalty of not more than twenty-five thousand dollars. The courts of this state may prevent and restrain violations of this chapter through the issuance of an injunction. The attorney general or a **county attorney** shall institute suits on behalf of the state to prevent and restrain violations of this chapter.

Ch. 9H, § 9H.4 Restriction on increase of holdings -- exceptions -- penalty.

... A corporation, limited liability company, or trust, other than a family farm corporation, authorized farm corporation, family farm limited liability company, authorized limited liability company, family trust, authorized trust, revocable trust, or testamentary trust, violating this section shall be assessed a civil penalty of not more than twenty-five thousand dollars and shall divest itself of any land held in violation of this section within one year after judgment. The courts of this state may prevent and restrain violations of this section through the issuance of an injunction. The attorney general or a **county attorney** shall institute suits on behalf of the state to prevent and restrain violations of this sections.

Ch. 9H, § 9H.5 Restrictions on authorized farm corporations, authorized limited liability companies, authorized trusts, and limited partnerships -- penalty.

The courts of this state may prevent and restrain violations of this section through the issuance of an injunction. The attorney general or a **county attorney** shall institute suits on behalf of the state to prevent and restrain violations of this section.

Chapter 10 Agricultural Landholding Restrictions

Ch. 10, § 10.13 Injunctive Relief.

The courts of this state may prevent and restrain violations of this chapter through the issuance of an injunction. The attorney general or a **county attorney** shall institute suits on behalf of the state to prevent and restrain violations of this chapter.

Chapter 10A Department of Inspections and Appeals

Ch. 10A, § 10A.108 Lien for entitlement benefits or provider payments inappropriately obtained from the department of human services --- debt established -- collection -- action authorized.

The attorney general, upon the request of the director of inspections and appeals, shall bring an action, as the facts may justify, without bond, to enforce payment of any debts under this section, and in the action the attorney general shall have the assistance of the **county attorney** of the county in which the action is pending.

Chapter 11 Auditor of State

Ch. 11, § 11.15 Report filed with county attorney.

If said examination discloses any irregularity in the collection or disbursement of public funds or in the abatement of taxes a copy of said report shall be filed with the **county attorney** and it shall be the **county attorney's** duty to co-operate with the state auditor, and, in proper cases, with the attorney general, to secure the correction of the irregularity.

Chapter 13 Attorney General

Ch. 13, § 13.2 Duties.

Supervise **county attorneys** in all matters pertaining to the duties of their offices, and from time to time to require of them reports as to the condition of public business intrusted to their charge.

Chapter 13A Prosecuting Attorneys Training Coordinator

Ch. 13A, § 13A.1 Definition.

As used in this chapter unless the context otherwise requires: (1) "Coordinator" means the prosecuting attorney training coordinator. (2) "Council" means the prosecuting attorneys training coordination council. (3) "Office" means the office of prosecuting attorneys

training coordinator established in this chapter. (4) "Prosecuting attorneys" means **county attorney**, district attorney, or any attorney charged with responsibility of prosecution of violation of state laws.

Chapter 13B Public Defenders

Ch. 13B, § 13B.4 Duties and powers of state public defender.

The state public defender is authorized to contract with **county attorneys** to provide collection services related to court-ordered indigent defense restitution of court-appointed attorney fees or the expense of a public defender.

Subtitle 7. General Services

Chapter 18 Department of General Services

Ch. 18, § 18.97 Special distribution of legal publications.

The superintendent of printing shall make free distribution of the printed versions of the Code, supplements to the Code, rules of civil procedure, rules of appellate procedure, rules of criminal procedure, supreme court rules, the Acts of each general assembly, and, upon request, the Iowa administrative code, its supplements, the Iowa administrative bulletin and the state roster pamphlet as follows:

... To the clerk of the district court and each separate office of the clerk, the **county attorney**, the county auditor, the county recorder, county and city assessor, the county treasurer, the sheriff and each separate office of a sheriff, the public defender's office, and the administrator of each area education agency in the state and also for use in each courtroom of the district court

Subtitle 9. Restraints on Government

Chapter 21 Official Meetings Open to Public (Open Meetings)

Ch. 21, § 21.6 Enforcement.

The remedies provided by this section against state governmental bodies shall be in addition to those provided by section 17A.19. Any aggrieved person, taxpayer to, or citizen of, the state of Iowa, or the attorney general or **county attorney**, may seek judicial enforcement of the requirements of this chapter. Suits to enforce this chapter shall be brought in the district court for the county in which the governmental body has its principal place of business.

Chapter 22 Examination of Public Records (Open Records)

Ch. 22, § 22.10 Civil enforcement.

The rights and remedies provided by this section are in addition to any rights and remedies provided by section 17A.19. Any aggrieved person, any taxpayer to or citizen of the state of Iowa, or the attorney general or any **county attorney**, may seek judicial enforcement

of the requirements of this chapter in an action brought against the lawful custodian and any other persons who would be appropriate defendants under the circumstances. Suits to enforce this chapter shall be brought in the district court for the county in which the lawful custodian has its principal place of business.

Subtitle 11. Defense

Chapter 29A Military Code

Ch. 29A, § 29A.34 Clothing and equipment.

Upon the direction of any unit or organization commander the **county attorney** shall bring action in the name of the state of Iowa against any person for the recovery of any property issued by a unit or organization commander, or for its value as set forth in the price list promulgated by the federal government.

Chapter 29B Military Justice

Ch. 29B, § 29B.48 Refusal to appear or testify.

Upon certification of the facts in a case under this section by the military judge, president of courts-martial without a military judge, or summary courts-martial officer, the **county attorney** of the county where the offense occurred shall prosecute the offense as if it were included in the Iowa criminal code.

Ch. 29B, § 29B.49 Contempts.

A person who is not subject to this code who engages in conduct described in subsection 1 is guilty of a simple misdemeanor. The facts shall be certified to the **county attorney** of the county in which the offense occurred who shall prosecute the case as if the offense were included in the Iowa criminal code.

Title II. Elections and Official Duties

Subtitle 1. Elections

Chapter 39 Elections, Electors, Appointments, Terms and Officers

Ch. 39, § 39.17 County officers.

There shall be elected in each county at the general election to be held in 1974 and each four years thereafter, a treasurer, a recorder and a **county attorney** who shall hold office for a term of four years.

Chapter 44 Nominations by NonParty Political Organizations

Ch. 44, § 44.7 Hearing before commissioner.

Objections filed with the commissioner shall be considered by the county auditor, county treasurer, and **county attorney**, and a majority decision shall be final; but if the objection is to the certificate of nomination of one or more of the above named county officers, the officer or officers objected to shall not pass upon the objection, but their places shall be filled, respectively, by the chairperson of the board of supervisors, the sheriff, and the county recorder.

Subtitle 2. Public Officers and Employees

Chapter 64 Official and Private Bonds

Ch. 64, § 64.8 Bonds of county officers.

The bonds of members of the boards of supervisors, **county attorneys**, recorders, auditors, sheriffs, and assessors shall each be in a penal sum of not less than twenty thousand dollars. The amount of each bond shall be determined by the board of supervisors.

Ch. 64, § 64.11 Expense of bonds paid by county.

If a county treasurer, **county attorney**, recorder, auditor, sheriff, medical examiner, member of the veterans affairs commission, member of the board of supervisors, engineer, steward, or matron elects to furnish a bond with an association or incorporation as surety as provided in this chapter, the reasonable cost of the bond shall be paid by the county where the bond is filed.

Chapter 66 Removal from Office

Ch. 66, § 66.3 Who may file petition.

The petition for removal may be filed: (1) By the attorney general in all cases. (2) As to state officers, by not fewer than twenty-five electors of the state. (3) As to any other officer, by five qualified electors of the district, county, or municipality where the duties of the office are to be performed. (4) As to district officers, by the **county attorney** of any county in the district. (5) As to all county and municipal officers, by the **county attorney** of the county where the duties of the office are to be performed.

Ch. 66, § 66.4 Bond for costs.

If the petition for removal is filed by anyone other than the attorney general or the **county attorney**, the court shall require the petitioners to file a bond in such amount and with such surety or sureties as the court may require, said bond to be approved by the clerk, to cover the costs of such removal suit, including attorney fees, if final judgment is not entered removing the officer charged.

Ch. 66, § 66.11 Duty of county attorney.

The **county attorney** of any county in which an action is instituted under section 66.10 shall, at the request of the attorney general, appear and assist in the prosecution of such action. In all other cases instituted in that county, the **county attorney** shall appear and prosecute when the officer sought to be removed is other than that **county attorney**.

Ch. 66, § 66.12 Special prosecutor.

When the proceeding is brought to remove the **county attorney**, the court may appoint an attorney to appear in behalf of the state and prosecute such proceedings.

Ch. 66, § 66.23 Effect of dismissal.

If the petition for removal is dismissed, the defendant shall be reimbursed for the reasonable and necessary expenses incurred by the defendant in making a defense, including reasonable attorney's fees, as determined by the court. If the petition for removal is filed by the attorney general, the state shall pay the expenses. If the petition for removal is filed by the **county attorney** or special prosecutor, the expenses shall be paid by the political subdivision of the state represented by the **county attorney** or special prosecutor. The payment shall be made out of any funds in the state treasury not otherwise appropriated, or out of the county treasury, or the general fund of the city or other subdivision of the state, as the case may be.

Chapter 68B Conflicts of Interest of Public Officers and Employees

Ch. 68B, § 68B.26 Actions commenced.

Actions against public officials or public employees to enforce the provisions of this chapter may be commenced by the filing of a complaint with the **county attorney** by any legal resident of the state of Iowa who is eighteen years of age or more at the time of commencing the action or by the attorney general. Complaints regarding conduct of local officials or local employees which violates this chapter shall be filed with the **county attorney** in the county where the accused resides.

Ch. 68B, § 68B.32B Compliant procedures.

... The purpose of an investigation by the board's staff is to determine whether there is probable cause to believe that there has been a violation of this chapter or of rules adopted by the board. To facilitate the conduct of investigations, the board may issue and seek enforcement of subpoenas requiring the attendance and testimony of witnesses and subpoenas requiring the production of books, papers, records, and other real evidence relating to the matter under investigation. Upon the request of the board, an appropriate **county attorney** or the attorney general shall assist the staff of the board in its investigation.

Ch. 68B, § 68B.32C Contested case proceedings.

... The right of an appropriate **county attorney** or the attorney general to commence and maintain a district court prosecution for criminal violations of the law is unaffected by any

proceedings under this section.

Ch. 68B, § 68B.32D Penalties -- recommended actions.

... If the violation is a violation of this chapter or rules adopted by the board pursuant to this chapter and the violator is an elected official of the executive branch of state government, other than an official who can only be removed by impeachment, make a written recommendation to the attorney general or the appropriate **county attorney** that an action for removal from office be initiated pursuant to chapter 66.

Chapter 69 Vacancies—Removal—Terms

Ch. 69, § 69.8 Vacancies -- how filled.

... Board of supervisors. In the membership of the board of supervisors, by the treasurer, auditor, and recorder, or as provided in section 69.14A. If any of these offices have been abolished through consolidation, the **county attorney** shall serve on this committee.

Chapter 70A Financial and Other Provisions for Public Officers and Employees

Ch. 70A, § 70A.29 Reprisals prohibited -- political subdivisions -- penalty -- civil remedies.

... When a person commits, is committing, or proposes to commit an act in violation of subsection 1, an injunction may be granted through an action in district court to prohibit the person from continuing such acts. The action for injunctive relief may be brought by an aggrieved employee or the **county attorney**.

Title III. Public Services and Regulation

Subtitle 1. Public Safety

Chapter 80 Department of Public Safety

Ch. 80, § 80.9 Duties of department.

... When request is made by the sheriff or **county attorney** of any county with the approval of the commissioner;

Subtitle 2. Employment Services

Chapter 87 Compensation Liability Insurance

Ch. 87, § 87.11E Penalties for filing false financial statements.

... A person who willfully and knowingly violates this section, or a rule or order adopted or issued pursuant to this section, is guilty of a class "D" felony. The commissioner of

insurance may refer such evidence as is available concerning violations of this section to the attorney general or the proper **county attorney** who may, with or without such reference, institute appropriate criminal proceedings under this section. This section does not limit the power of the state to punish a person for conduct which constitutes a crime under any other statute.

Ch. 87, § 87.15 Injunctions.

If a violation of section 87.14A has been committed or there is reason to believe a violation of section 87.14A is about to be committed, the attorney general or the **county attorney** from the county in which a violation has occurred or is about to occur shall, or any person may, bring an action to enjoin such person from committing the violation and the court or judge before whom the action is brought shall, if the facts warrant, issue a temporary or permanent writ of injunction without bond.

Chapter 91 Labor Services Division

Ch. 91, § 91.11 Prosecutions for violations.

If the commissioner or an inspector shall learn of any violation of, or neglect to comply with the law in respect to the employment of children, or in respect to fire escapes, or the safety of employees, or for the preservation of health, such officer may give the **county attorney** of the county in which such factory or building is situated, written notice of the facts, whereupon that officer shall institute the proper proceedings against the person guilty of such offense or neglect.

Chapter 92 Child Labor

Ch. 92, § 92.22 Labor commissioner to enforce.

County attorneys shall investigate all complaints made to them of violations of this chapter, and prosecute all such cases of violation within their respective counties.

Chapter 96 Employment Security—Unemployment Compensation

Ch. 96, § 96.11 Duties, powers, rules -- privilege.

... Information obtained from an employing unit or individual in the course of administering this chapter and an initial determination made by a representative of the department under section 96.6, subsection 2, as to benefit rights of an individual shall not be used in any action or proceeding, except in a contested case proceeding or judicial review under chapter 17A. However, the department shall make information, which is obtained from an employing unit or individual in the course of administering this chapter and which relates to the employment and wage history of the individual, available to a **county attorney** for the **county attorney's** use in the performance of duties under section 331.756, subsection 5. Information in the department's possession which may affect a claim for benefits or a change in an employer's rating account shall be made available to the interested parties. The information may be used by the interested parties in a proceeding under this chapter to the extent necessary for the proper presentation or defense of a claim.

Ch. 96, § 96.17 Counsel.

... **County attorney.** All criminal actions for violations of any provision of this chapter, or of any rules issued by the department pursuant thereto, shall be prosecuted by the prosecuting attorney of any county in which the employer has a place of business or the violator resides, or, at the request of the department, shall be prosecuted by the attorney general.

Subtitle 3. Retirement Systems.

Chapter 97B Iowa Public Employee's Retirement System (IPERS)

Ch. 97B, § 97B.41 Definitions.

... Elective officials in positions for which the compensation is on a fee basis, elective officials of school districts, elective officials of townships, and elective officials of other political subdivisions who are in part-time positions, unless the elective official makes an application to the department to be covered under this chapter. An elective official who made an application to the department to be covered under this chapter may terminate membership under this chapter by informing the department in writing of the expiration of the member's term of office. A **county attorney** is an employee for purposes of this chapter whether that **county attorney** is employed on a full-time or part-time basis.

Ch. 97B, § 97B.73A Part-time county attorneys.

A part-time **county attorney** may elect in writing to the department to make contributions to the system for the **county attorney's** previous service as a **county attorney** and receive credit for membership service in the system for the applicable period of service as a part-time **county attorney** for which employee contributions are made. A member making contributions pursuant to this section may make the contributions either for the entire applicable period of service, or for portions of the period of service, and if contributions are made for portions of the period of service, the contributions shall be in increments of one or more calendar quarters. 2. The contributions required to be made for purposes of this section shall be determined as follows:

a. For a member making contributions for a purchase of additional service prior to July 1, 1999, the contributions paid by the member shall be equal to the accumulated contributions, as defined in section 97B.41, subsection 2, for the applicable period of membership service. A member who elects to make contributions pursuant to this paragraph shall notify the applicable county board of supervisors of the member's election, and the county board of supervisors shall pay to the department the employer contributions that would have been contributed by the employer under section 97B.11, plus interest on the contributions that would have accrued if the county attorney had been a member of the system for the applicable period of service...

Chapter 97C Federal Social Security Enabling Act

Ch. 97C, § 97C.2 Definitions.

The term "employee" includes elective and appointive officials of the state or any political subdivision thereof, except elective officials in positions, the compensation for which is on a fee basis, elective officials of school districts, elective officials of townships, and elective officials of other political subdivisions who are in part-time positions. However, a member of a county board of supervisors or a **county attorney** shall not be deemed to be an elective official in a part-time position, but every member of a county board of supervisors and every **county attorney** shall be deemed to be an employee under this chapter and is eligible to receive the benefits provided by this chapter to which the member may be entitled as an employee.

Subtitle 4. Gambling.

Chapter 99 Houses Used for Prostitution or Gambling

Ch. 99, § 99.2 Injunction -- procedure.

When a nuisance is kept, maintained, or exists, as defined in this chapter, the **county attorney**, or any citizen of the county, or any society, association, or body incorporated under the laws of this state, may maintain an action in equity in the name of the state of Iowa, upon the relation of such **county attorney**, citizen, or corporation to perpetually enjoin said nuisance, the person or persons conducting or maintaining the same from further conducting or maintaining the same, and the owner or agent of the building or ground upon which said nuisance exists, from further permitting such building or ground or both to be so used.

Ch. 99, § 99.15 Dismissal.

If the complaint is filed by a citizen or a corporation, it shall not be dismissed except upon a sworn statement made by the complainant and the complainant's attorney, setting forth the reasons why the action should be dismissed and the dismissal approved by the **county attorney** in writing or in open court.

Ch. 99, § 99.16 Delay in trial.

If the court is of the opinion that the action ought not to be dismissed, the court may direct the **county attorney** to prosecute said action to judgment at the expense of the county, and if the action is continued beyond the first trial calendar to which assigned, any citizen of the county or the **county attorney** may be substituted for the complaining party and prosecute said action to judgment.

Ch. 99, § 99.24 Duty of county attorney.

In case the existence of such nuisance is established in a criminal proceeding in a court not having equitable jurisdiction, it shall be the duty of the **county attorney** to proceed promptly under this chapter to enforce the provisions and penalties thereof; and the

finding of the defendant guilty in such criminal proceedings, unless reversed or set aside, shall be conclusive as against such defendant as to the existence of the nuisance.

Chapter 99F Gambling—Excursion Boats and Racetracks

Ch. 99F, § 99F.16 Forfeiture of property.

... Upon receipt of forfeited property, the **county attorney** or attorney general shall permit an owner or lienholder of record having a nonforfeitable property interest in the property the opportunity to purchase the property interest forfeited. If the owner or lienholder does not exercise the option under this subsection within thirty days the option is terminated, unless the time for exercising the option is extended by the **county attorney** or attorney general.

Subtitle 5. Fire Control

Chapter 100 State Fire Marshall

Ch. 100, § 100.9 Crimes in connection with fires.

If the fire marshal shall be of the opinion that there is evidence sufficient to charge any person with the crime of arson, or with attempt to commit the crime of arson, or of conspiracy to defraud, or criminal conduct in connection with such fire, the fire marshal shall cause such person to be arrested and charged with the offense, or either of them, and shall furnish to the proper **county attorney** all such evidence, together with the names of witnesses and all of the information obtained, including a copy of all matter and testimony taken in the case.

Ch. 100, § 100.14 Legal proceedings -- penalties -- injunctive relief.

At the request of the state fire marshal, the **county attorney** shall institute any legal proceedings on behalf of the state necessary to obtain compliance or enforce the penalty provisions of this chapter or rules or orders adopted or issued pursuant to this chapter, including, but not limited to, a legal action for injunctive relief. The **county attorney** or any other attorney acting on behalf of the chief of a fire department or a fire prevention officer may institute legal proceedings, including, but not limited to, a legal action for injunctive relief, to obtain compliance or enforce the penalty provisions or orders issued pursuant to section 100.13.

Ch. 100, § 100.20 County attorney.

The **county attorney** shall represent the state and the fire marshal, but not to the exclusion of any other attorney who may be engaged in said cause.

Chapter 100A Arson Investigation

Ch. 100A, § 100A.1 Definitions.

"Authorized agencies" means: ... The **county attorney** responsible for prosecutions in the county where a fire occurs.

Title IV. Public Health

Subtitle 1. Alcoholic Beverages and Controlled Substances

Chapter 123 Alcoholic Beverage Control

Ch. 123, § 123.14 Beer, wine, and liquor law enforcement.

... The other law enforcement divisions of the department of public safety, the **county attorney**, the county sheriff and the sheriff's deputies, and the police department of every city, and the department of inspections and appeals, shall be supplementary aids to the division of beer and liquor law enforcement. Any neglect, misfeasance, or malfeasance shown by any peace officer included in this section shall be sufficient cause for the peace officer's removal as provided by law. Nothing in this section shall be construed to affect the duties and responsibilities of any **county attorney** or peace officer with respect to law enforcement.

Ch. 123, § 123.62 Injunction.

Actions to enjoin nuisances shall be brought in equity in the name of the state by the **county attorney** who shall prosecute the same to judgment.

Ch. 123, § 123.82 Procedure.

A proceeding to forfeit an abatement bond shall be commenced by filing with the clerk of the court, by the **county attorney** of the county where the bond is filed, an application under oath to forfeit such bond, setting out the alleged facts constituting the violation of the terms of the bond, upon which the court shall direct by order attached to such application that a notice be issued by the clerk of the district court directed to the principal and sureties on the bond to appear at a certain date fixed to show cause why such bond should not be forfeited and judgment entered for the penalty fixed therein.

Ch. 123, § 123.86 County attorney to prosecute.

It shall be the duty of the **county attorney** to prosecute in the name of the state all forfeitures of abatement bonds and the foreclosures of same.

Chapter 124 Controlled Substances

Ch. 124, § 124.412 Notice of conviction.

If a person enters a plea of guilty to, or forfeits bail or collateral deposited to secure the person's appearance in court, and such forfeiture is not vacated, or if a person is found guilty upon an indictment or information alleging a violation of this chapter, a copy of the minutes attached to the indictment returned by the grand jury, or to the **county attorney's** information, a copy of the judgment and sentence, and a copy of the opinion of the judge if one is filed, shall be sent by the clerk of the district court or the judge to the state

department of transportation and to any state board or officer by whom the convicted person has been licensed or registered to practice the person's profession or carry on the person's business. On the conviction of a person, the court may suspend or revoke the license or registration of the convicted defendant to practice the defendant's profession or carry on the defendant's business. On the application of a person whose license or registration has been suspended or revoked, and upon proper showing and for good cause, the board or officer may reinstate the license or registration.

Chapter 124C Cleanup of Clandestine Laboratory Sites

Ch. 124C, § 124C.4 Claim of state.

The attorney general, upon the request of the commissioner, shall bring an action at law or in equity, without bond, to enforce payment of any charges or penalties, and in such action the attorney general shall have the assistance of the **county attorney** of the county in which the action is pending.

Chapter 125 Chemical Substance Abuse

Ch. 125, § 125.58 Inspection -- penalties.

If the department has probable cause to believe that an institution, place, building, or agency not licensed as a substance abuse treatment and rehabilitation facility is in fact a substance abuse treatment and rehabilitation facility as defined by this chapter, and is not exempt from licensing by section 125.13, subsection 2, the commission may order an inspection of the institution, place, building, or agency. If the inspector upon presenting proper identification is denied entry for the purpose of making the inspection, the inspector may, with the assistance of the **county attorney** of the county in which the premises are located, apply to the district court for an order requiring the owner or occupant to permit entry and inspection of the premises to determine whether there have been violations of this chapter. The investigation may include review of records, reports, and documents maintained by the facility and interviews with staff members consistent with the confidentiality safeguards of state and federal law.

Ch. 125, § 125.75 Involuntary commitment or treatment -- application.

Proceedings for the involuntary commitment or treatment of a chronic substance abuser to a facility may be commenced by the **county attorney** or an interested person by filing a verified application with the clerk of the district court of the county where the respondent is presently located or which is the respondent's place of residence. The clerk or the clerk's designee shall assist the applicant in completing the application.

Ch. 125, § 125.76 Appointment of counsel for applicant.

The applicant, if not the **county attorney**, may apply for the appointment of counsel if financially unable to employ an attorney to assist the applicant in presenting evidence in support of the application for commitment. If the applicant applies for the appointment of counsel, the application shall include the submission of a financial statement as required under section 815.9.

Ch. 125, § 125.82 Commitment hearing.

At a commitment hearing, evidence in support of the contentions made in the application shall be presented by the applicant, or by an attorney for the applicant, or by the **county attorney** if the **county attorney** is the applicant. During the hearing the applicant and the respondent shall be afforded an opportunity to testify and to present and cross-examine witnesses, and the court may receive the testimony of other interested persons. If the respondent is present at the hearing, as provided in subsection 3, and has been medicated within twelve hours, or a longer period of time as the court may designate, prior to the beginning of the hearing or a session of the hearing, the court shall be informed of that fact and of the probable effects of the medication upon convening of the hearing.

Chapter 126 Drugs, Devices, and Cosmetics

Ch. 126, § 126.7 Prosecutions.

The attorney general, or a **county attorney**, or a city attorney to whom the board reports a violation of this chapter, shall cause appropriate court proceedings to be instituted without delay and to be prosecuted in the manner required by law. Before a violation of this chapter is reported to any such attorney for the institution of a criminal proceeding, the person against whom the proceeding is contemplated shall be given appropriate notice and an opportunity to present the person's views before the board or its agent, either orally or in writing, in person or by attorney, with regard to the contemplated proceeding. However, the drug, device, or cosmetic shall be embargoed by the duly authorized agent.

Ch. 126, § 126.25 Human immunodeficiency virus home testing kits -- prohibition -- penalties.

... The board may refer available evidence concerning a possible violation of this section to the attorney general. The attorney general, with or without such a referral, may institute appropriate criminal proceedings or may refer the case to the appropriate **county attorney**.

Ch. 126, § 126.26 Notice of conviction under chapter.

If a person enters a plea of guilty, or forfeits bail or collateral deposited to secure the person's appearance in court, and the forfeiture is not vacated, or if a person is found guilty upon an indictment or information alleging a violation of this chapter, a copy of the minutes attached to the indictment returned by the grand jury, or to the **county attorney's** information, a copy of the judgment and sentence, and a copy of the opinion of the judge if one is filed, shall be sent by the clerk of the district court or the judge to the state department of transportation.

Subtitle 2. Health-Related Activities

Chapter 135 Department of Public Health

Ch. 135, § 135.37 Tattooing -- permit required -- penalty.

... If the Iowa department of public health determines that a provision of this section has been or is being violated, the department may order that a tattooing establishment not be operated until the necessary corrective action has been taken. If the establishment continues to be operated in violation of the order of the department, the department may request that the **county attorney** or the attorney general make an application in the name of the state to the district court of the county in which the violations have occurred for an order to enjoin the violations. This remedy is in addition to any other legal remedy available to the department.

Ch. 135, § 135.43 Iowa child death review team established -- duties.

... The membership of the review team is subject to the provisions of sections 69.16 and 69.16A, relating to political affiliation and gender balance. Review team members who are not designated by another appointing authority shall be appointed by the director of public health in consultation with the director of human services. Membership terms shall be for three years. A membership vacancy shall be filled in the same manner as the original appointment. The review team shall elect a chairperson and other officers as deemed necessary by the review team. The review team shall meet upon the call of the chairperson, upon the request of a state agency, or as determined by the review team. The members of the team are eligible for reimbursement of actual and necessary expenses incurred in the performance of their official duties.

The review team shall include the following: ... j. A **county attorney**.

Chapter 135C Health Care Facilities

Ch. 135C, § 135C.16 Inspections.

... An inspector of the department may enter any licensed health care facility without a warrant, and may examine all records pertaining to the care provided residents of the facility. An inspector of the department may contact or interview any resident, employee, or any other person who might have knowledge about the operation of a health care facility. An inspector of the department of human services shall have the same right with respect to any facility where one or more residents are cared for entirely or partially at public expense, and an investigator of the designated protection and advocacy agency shall have the same right with respect to any facility where one or more residents have developmental disabilities or mental illnesses, and the state fire marshal or a deputy appointed pursuant to section 135C.9, subsection 1, paragraph "b" shall have the same right of entry into any facility and the right to inspect any records pertinent to fire safety practices and conditions within that facility. If any such inspector has probable cause to believe that any institution, building, or agency not licensed as a health care facility is in

fact a health care facility as defined by this chapter, and upon producing identification that the individual is an inspector is denied entry thereto for the purpose of making an inspection, the inspector may, with the assistance of the **county attorney** of the county in which the purported health care facility is located, apply to the district court for an order requiring the owner or occupant to permit entry and inspection of the premises to determine whether there have been any violations of this chapter.

Ch. 135C, § 135C.24 Personal property or affairs of patients or residents.

... The provisions of this section notwithstanding, upon the verified petition of the county board of supervisors the district court may appoint the administrator of a county care facility as conservator or guardian, or both, of a resident of such county care facility, in accordance with the provisions of chapter 633. Such administrator shall serve as conservator or guardian, or both, without fee. The **county attorney** shall serve as attorney for the administrator in such conservatorship or guardianship, or both, without fee. The administrator may establish either separate or common bank accounts for cash funds of such resident wards.

Chapter 135I Swimming Pools and Spas

Ch. 135I, § 135I.6 Enforcement.

If the department or a local board of health acting pursuant to agreement with the department determines that a provision of this chapter or a rule adopted pursuant to this chapter has been or is being violated, the department or the local board of health may order that a facility or item of equipment not be used until the necessary corrective action has been taken. The department or the local board of health may request the **county attorney** to bring appropriate legal proceedings to enforce this chapter, including an action to enjoin violations. The attorney general may also institute appropriate legal proceedings at the request of the department. This remedy is in addition to any other legal remedy available to the department or a local board of health.

Chapter 136C Radiation Machines and Radioactive Materials

Ch. 136C, § 136C.5 Enforcement.

Upon determination by the department that this chapter or any rule adopted pursuant to this chapter has been or is being violated, the department may order that the radiation machine or radioactive material not be used until the necessary corrective action has been taken. If the use of the radiation machine or radioactive material continues in violation of the order of the department, the department may request the **county attorney** or the attorney general to make an application in the name of the state to the district court of the county in which the violations may have occurred for an order to enjoin the violations or practices.

Chapter 137C Hotel Sanitation Code

Ch. 137C, § 137C.30 Duty of county attorney.

The **county attorney** in each county shall assist in the enforcement of the Iowa hotel sanitation code.

Chapter 137D Home Food Establishments

Ch. 137D, § 137D.5 Duty of county attorney.

The **county attorney** in each county shall assist in the enforcement of this chapter.

Chapter 137F Food Establishment and Food Processing Plants

Ch. 137F, §137F.19 Duty of county or city attorney

The **county attorney** in each county or city attorney in each city shall assist in the enforcement of this chapter.

Chapter 141 Acquired Immune Deficiency Syndrome (AIDS)

Ch. 141, § 141.23 Human Immunodeficiency Virus (HIV) -- Testing and Intentional Transmission.

... The convicted or alleged offender, the physician or other practitioner who orders the test of the convicted or alleged offender, the victim, the parent, guardian, or custodian of the victim if the victim is a minor, the physician of the victim, the victim counselor or person requested by the victim who is authorized to provide the counseling required pursuant to section 141.22, and the victim's spouse, persons with whom the victim has engaged in vaginal, anal, or oral intercourse subsequent to the sexual assault, or members of the victim's family within the third degree of consanguinity, and the **county attorney** who may use the results as evidence in the prosecution of sexual assault or prosecution of the offense of criminal transmission of HIV under chapter 709C. For the purposes of this paragraph "victim" means victim as defined in section 709B.1.

Chapter 144 Vital Statistics

Ch. 144, § 144.54 Report to county attorney

The department shall report cases of alleged violations to the proper **county attorney**, with a statement of the facts and circumstances, for such action as is appropriate.

Subtitle 3. Health-Related Professions

Chapter 147 General Provisions, Health-Related Professions

Ch. 147, § 147.61 Attorney general and county attorney.

The attorney general shall comply with such direction of the department and prosecute such action on behalf of the state, but the **county attorney**, at the request of the attorney general, shall appear and prosecute such action when brought in the **county attorney's**

county.

Ch. 147, § 147.112 Investigation and report by law enforcement agency.

The law enforcement agency who has received any report required by this chapter and who has any reason to believe that the person injured was involved in the commission of any crime, either as perpetrator or victim, shall at once commence an investigation into the circumstances of the gunshot or stab wound or other serious bodily injury and make a report of the investigation to the **county attorney** in whose jurisdiction the gunshot or stab wound or other serious bodily injury occurred. Law enforcement personnel shall not divulge any information received under the provisions of this section and section 147.111 to any person other than a law enforcing officer, and then only in connection with the investigation of the alleged commission of a crime.

Chapter 153 Dentistry

Ch. 153, § 153.33 Powers of board.

... To initiate in its own name or cause to be initiated in a proper court appropriate civil proceedings against any person to enforce the provisions of this chapter or this subtitle relating to the practice of dentistry, and the board may have the benefit of counsel in connection therewith. Any such judicial proceeding as may be initiated by the board shall be commenced and prosecuted in the same manner as any other civil action and injunctive relief may be granted therein without proof of actual damage sustained by any person but such injunctive relief shall not relieve the person so enjoined from criminal prosecution by the attorney general or **county attorney** for violation of any provision of this chapter or this subtitle relating to the practice of dentistry.

Chapter 155A Pharmacy

Ch. 155A, § 155A.5 Injunction.

Notwithstanding the existence or pursuit of any other remedy the board may, in the manner provided by law, maintain an action in the name of the state for injunction or other process against any person to restrain or prevent the establishment, conduct, management, or operation of a pharmacy or wholesaler, without license, or to prevent the violation of provisions of this chapter. Upon request of the board, the attorney general shall institute the proper proceedings and the **county attorney**, at the request of the attorney general, shall appear and prosecute the action when brought in the **county attorney's** county.

Ch. 155A, § 155A.26 Enforcement -- agents as peace officers.

The board of pharmacy examiners, its officers, agents, inspectors, and representatives, and all peace officers within the state, and all **county attorneys** shall enforce all provisions of this chapter, except those specifically delegated, and shall cooperate with all agencies charged with the enforcement of the laws of the United States, of this state, and of all other states relating to prescription drugs. Officers, agents, inspectors, and representatives of the board of pharmacy examiners shall have the powers and status of peace officers when enforcing the provisions of this chapter.

Chapter 157 Cosmetology

Ch. 157, § 157.13 Violations.

... If the owner or manager of a salon does not comply with the sanitary rules adopted under section 157.6 or fails to maintain the salon as prescribed by rules of the department, the department may notify the owner or manager in writing of the failure to comply. If the rules are not complied with within five days after receipt of the written notice by the owner or manager, the department shall in writing order the salon closed until the rules are complied with. It is unlawful for a person to practice in a salon which has been closed under this section. The **county attorney** in each county shall assist the department in enforcing this section.

Chapter 158 Barbering

Ch. 158, § 158.13 Violations.

... If the owner or manager of a barbershop does not comply with the sanitary rules adopted under the provisions of section 158.5 or fails to maintain the barbershop as prescribed by rules of the department, the department may notify the owner or manager in writing of the failure to comply. If the rules are not complied with within five days after receipt of the written notice by the owner or manager, the department shall in writing order the shop closed until the rules are complied with. It is unlawful for a person to practice barbering in a shop which has been closed under the provisions of this section. The **county attorney** in each county shall assist the department in enforcing the provisions of this section.

Title V. Agriculture

Subtitle 2. Animal Industry

Chapter 169 Veterinary Practice

Ch. 169, § 169.19 Enforcement -- penalties.

... The **county attorney** of the county in which any violation of this chapter occurs shall conduct the necessary prosecution for such violation. Notwithstanding this provision, the board of veterinary medicine or any citizen of this state may bring an action to enjoin any person from practicing veterinary medicine without a currently valid license or temporary permit. The action brought to restrain a person from engaging in the practice of veterinary medicine without possessing a license shall be brought in the name of the state of Iowa.

If the court finds that the individual is violating or threatening to violate this chapter it shall enter an injunction restraining the individual from such unlawful acts.

Subtitle 3. Agricultural Development and Marketing

Chapter 179 Dairy Industry Commission

Ch. 179, § 179.11 Penalties.

Except as otherwise provided, any person who shall violate or aid in the violation of any of the provisions of this chapter shall be deemed guilty of a simple misdemeanor. All prosecutions for alleged violations of the provisions of this chapter shall be by the **county attorney** of the county in which such alleged violation occurred and shall be instituted and conducted under the direction and authority of the attorney general of the state.

Chapter 183A Iowa Pork Producers Council

Ch. 183A, § 183A.5 Duties, objects and powers of the council.

The council shall: ... 7. Report alleged violations of this chapter to the attorney general or appropriate **county attorney**.

Subtitle 4. Agriculture-Related Products and Activities

Chapter 189 General Provisions

Ch. 189, § 189.24 Report of violations.

When it appears that any of the provisions of this subtitle, excluding chapters 203, 203A, 203C, 203D, 207, and 208, have been violated, the department shall at once certify the facts to the proper **county attorney**, with a copy of the results of any analysis, examination, or inspection the department may have made, duly authenticated by the proper person under oath, and with any additional evidence which may be in possession of the department.

Ch. 189, § 189.25 County attorney.

The **county attorney** may at once institute the proper proceedings for the enforcement of the penalties provided in this subtitle for the violations.

Ch. 189, § 189.26 Refusal to act.

If the **county attorney** refuses to act, the governor may, in the governor's discretion, appoint an attorney to represent the state.

Chapter 189A Meat and Poultry Inspection

Ch. 189A, § 189A.17 Penalties.

... If a person required by this chapter to file an annual or special report fails to do so within the time fixed by the secretary for filing it, and the failure continues for thirty days after notice of default, the person shall forfeit to this state the sum of one hundred dollars for each day of the continuance of the failure, which forfeiture is payable into the treasury of this state, and is recoverable in a civil suit in the name of the state brought in the district

court of the county where the person has a principal office or in the district court of any county in which the person does business. The **county attorneys** shall prosecute for the recovery of such forfeitures.

Chapter 191 Labeling Foods

Ch. 191, § 191.7 Enforcement of oleomargarine law.

It shall be the duty of the secretary of agriculture and the secretary's agents to enforce this chapter and of the **county attorneys** and of the attorney general of the state to co-operate with the secretary in the enforcement of this chapter.

Chapter 192A Marketing of Dairy Products

Ch. 192A, § 192A.18 Grievances reported to department.

Any person claiming to be injured by another person through the violation of any of the provisions of this chapter may file in writing a statement of such violation with the department. Upon receipt of the written statement, the department shall immediately cause an investigation to be made of the alleged violation. Whenever it shall appear that any person is violating or threatening to violate any of the provisions of this chapter or the regulations or orders of the secretary, then the department may call upon the **county attorney** of any county in which such violation occurred to bring suit against such person in the district court to restrain such person from continuing or from carrying out the acts or practices alleged. In such suit the **county attorney** may obtain such injunction prohibitory and mandatory including temporary restraining orders and temporary injunctions as the facts may warrant without being required to prove that an adequate remedy at law does not exist and without being required to give bond.

Chapter 198 Commercial Feed

Ch. 198, § 198.13 Penalties.

... It shall be the duty of each **county attorney** to whom any violation is reported to cause appropriate proceedings to be instituted and prosecuted in a court of competent jurisdiction without delay. Before the secretary reports a violation for such prosecution, an opportunity shall be given the distributor to present the distributor's view to the secretary.

Chapter 199 Agricultural Seed

Ch. 199, § 199.14 Enforcement.

It shall be the duty of the secretary of agriculture, and the secretary's agents, to enforce this chapter and of the **county attorneys** and of the attorney general of the state to co-operate with the secretary in the enforcement of this chapter.

Chapter 200 Fertilizers and Soil Conditioners

Ch. 200, § 200.18 Violations.

... It shall be the duty of each **county attorney** to whom any violation is reported, to cause appropriate proceedings to be instituted and prosecuted in a court of competent jurisdiction without delay.

Chapter 200A Bulk Dry Animal Nutrient Products

Ch. 200A, §200A.13 Violations.

... If, after a hearing, the department determines that a violation has occurred, the department may report the violation to the appropriate **county attorney** for prosecution. The report shall include a certified copy of evidence presented during the hearing. This section does not require the department to report a minor violation for prosecution if the department concludes that the public interest will be best served by a suitable written warning.

Chapter 201A Agricultural Liming Material

Ch. 201A, § 201A.9 Enforcement actions.

... Obtaining a court order upon petition filed in district court for the county where the agricultural liming material is being manufactured, sold, offered for sale, or exposed for sale. The court may be petitioned by the department, or, upon request by the department, the attorney general or the **county attorney**. The court shall hear from all parties in the case. ...

Ch. 201A, § 201A.10 Violations.

... The department shall provide for the prosecution of a violation of this chapter by referring the violation to the **county attorney** in the county where the violation occurs. The department shall compile evidence of the violation for prosecution. The **county attorney** shall prosecute any case determined by the **county attorney** to be meritorious without delay. The department shall not refer a violation to the **county attorney** until the department provides the person subject to the violation with an opportunity to be heard by the department according to procedures adopted by the department. A right to a hearing is not a contested case proceeding as provided in chapter 17A. The department is not required to refer a minor violation to a **county attorney**, and may instead issue a warning to the person subject to the minor violation.

Chapter 203 Grain Dealers

Ch. 203, § 203.11 Penalties -- injunctions.

... A person in violation of this chapter, or in violation of chapter 714 or 715A, which violation involves the business of a grain dealer, is subject to prosecution by the **county attorney** in the county where the business is located. However, if the **county attorney** fails to initiate prosecution within thirty days and upon request by the department, the

attorney general may initiate and carry out the prosecution in cooperation, if possible, with the **county attorney**. The person in violation may be restrained by an injunction in an action brought by the department or the attorney general upon request by the department.

Chapter 203C Warehouses for Agricultural Products

Ch. 203C, § 203C.36 Penalties -- injunction.

... A person in violation of this chapter, or in violation of chapter 714 or 715A, which violation involves the business of a warehouse operator, is subject to prosecution by the **county attorney** in the county where the business is located. However, if the **county attorney** fails to initiate prosecution within thirty days, and upon request by the department, the attorney general may initiate and carry out the prosecution in cooperation, if possible, with the **county attorney**. The person in violation may be restrained by injunction in an action brought by the department or the attorney general upon request by the department.

Chapter 206 Pesticides

Ch. 206, § 206.3 Examination and orders.

The examination of pesticides and those products to which pesticides have been applied for the content of pesticide residues shall be made under the direction of the secretary, or the secretary's authorized representative, for the purpose of determining whether they comply with the requirements of this chapter and rules adopted under this chapter. If it shall appear from such examination that a pesticide fails to comply with the provisions of this chapter, and the secretary, or the secretary's authorized representative, contemplates instituting criminal proceedings against any person, the secretary or representative shall cause notice to be given to such person. Any person so notified shall be given an opportunity to present the person's views, either orally or in writing, with regard to such contemplated proceedings and if thereafter in the opinion of the secretary, or authorized representative, it shall appear that the provisions of the chapter have been violated by such person, then the secretary or authorized representative may refer the facts to the **county attorney** for the county in which the violation shall have occurred with a copy of the results of the analysis or the examination of such article; provided, however, that nothing in this chapter shall be construed as requiring the secretary or representative to report for prosecution or for the institution of proceedings in minor violations of the chapter whenever the secretary or representative believes that the public interests will be best served by a suitable notice of warning in writing.

Title VI. Human Services

Subtitle 1. Social Justice and Human Rights

Chapter 216A Department of Human Rights

Ch. 216A, § 216A.132 Council established -- terms -- compensation.

A criminal and juvenile justice planning advisory council is established consisting of twenty-two members. The governor shall appoint seven members each for a four-year term beginning and ending as provided in section 69.19 and subject to confirmation by the senate as follows: 1. Three persons, each of whom is a county supervisor, county sheriff, mayor, city chief of police, or **county attorney**.

Subtitle 2. Mental Health

Chapter 222 Persons with Mental Retardation

Ch. 222, § 222.18 County attorney to appear.

The **county attorney** shall, if requested, appear on behalf of any petitioner for the commitment of a person alleged to be mentally retarded under this chapter, and on behalf of all public officials and superintendents in all matters pertaining to the duties imposed upon them by this chapter.

Ch. 222, § 222.31 Commitment -- liability for charges.

The court shall examine the report of the **county attorney** filed pursuant to section 222.13, and if the report shows that neither the person nor those liable for the person's support under section 222.78 are presently able to pay the charges rising out of the person's care in the hospital-school, or special treatment unit, shall enter an order stating that finding and directing that the charges be paid by the person's county of residence. The court may, upon request of the board of supervisors, review its finding at any subsequent time while the person remains at the hospital-school, or is otherwise receiving care or treatment for which this chapter obligates the county to pay. If the court finds upon review that the person or those legally responsible for the person are presently able to pay the expenses, that finding shall apply only to the charges incurred during the period beginning on the date of the board's request for the review and continuing thereafter, unless and until the court again changes its finding. If the court finds that the person, or those liable for the person's support, are able to pay the charges, the court shall enter an order directing that the charges be so paid to the extent required by section 222.78.

Ch. 222, § 222.82 Collection of liabilities and claims.

The board of supervisors of each county may direct the **county attorney** to proceed with the collection of said liabilities and claims as a part of the duties of the **county attorney's**

office when the board of supervisors deems such action advisable. The board of supervisors may and is hereby empowered to compromise any and all liabilities to the county arising under this chapter when such compromise is deemed to be in the best interests of the county. Any collections and liens shall be limited in conformance to section 614.1, subsection 4.

Chapter 225 Psychiatric Hospital

Ch. 225, § 225.13 Financial condition.

It shall be the duty of the judge to have a thorough investigation made by the **county attorney** of the county of residence of the person named in the information regarding the financial condition of that person and of those legally responsible for the person.

Ch. 225, § 225.16 Voluntary public patients -- admission.

If the judge of the district court, or the clerk of the court, as aforesaid, finds from the physician's information which was filed under the provisions of section 225.10, that it would be appropriate for the person to enter the state psychiatric hospital, and the report of the **county attorney** shows that neither the person nor those legally responsible for the person, are able to pay the expenses thereof, or able to pay only a part of the expenses, the judge or clerk shall enter an order directing that the said person shall be sent to the state psychiatric hospital at the state University of Iowa for observation, treatment, and hospital care as a voluntary public patient.

Chapter 226 State Mental Health Institute

Ch. 226, § 226.30 Transfer of dangerous patients.

When a patient of any hospital for persons with mental illness becomes incorrigible, and unmanageable to such an extent that the patient is dangerous to the safety of others in the hospital, the administrator may apply in writing to the district court or to any judge thereof, of the county in which the hospital is situated, for an order to transfer the patient to the Iowa medical and classification center and if the order is granted the patient shall be so transferred. The **county attorney** of the county shall appear in support of the application on behalf of the administrator.

Chapter 229 Hospitalization of Persons with Mental Illness

Ch. 229, § 229.8 Procedure after application is filed.

As soon as practicable after the filing of an application for involuntary hospitalization, the court shall: ... 2. Cause copies of the application and supporting documentation to be sent to the **county attorney** or the **county attorney's** attorney-designate for review.

Ch. 229, § 229.12 Hearing procedure.

At the hospitalization hearing, evidence in support of the contentions made in the application shall be presented by the **county attorney**. During the hearing the applicant and the respondent shall be afforded an opportunity to testify and to present and

cross-examine witnesses, and the court may receive the testimony of any other interested person. The respondent has the right to be present at the hearing. If the respondent exercises that right and has been medicated within twelve hours, or such longer period of time as the court may designate, prior to the beginning of the hearing or an adjourned session thereof, the judge shall be informed of that fact and of the probable effects of the medication upon convening of the hearing.

Ch. 229, § 229.45 Provision of summary of procedures to applicant in involuntary commitment.

The department of human services, in consultation with the office of attorney general, shall develop a summary of the procedures involved in an involuntary commitment and information concerning the participation of an applicant in the proceedings. The summary shall be provided by the department, at the department's expense, to the clerks of the district court who shall make the summary available to all applicants prior to the filing of a verified application, or to any other person upon request, and who shall attach a copy of the summary to the notice of hearing which is served upon the respondent under section 125.77 or 229.7. The summary may include, but is not limited to, the following: ... An explanation of the duties of the **county attorney** in civil commitment proceedings.

Chapter 230 Support of Persons with Mental Illness

Ch. 230, § 230.25 Financial investigation by supervisors.

... All liens created under section 230.25, as that section appeared in the Code of 1975 and prior editions of the Code, are abolished effective January 1, 1977, except as otherwise provided by subsection 1. The board of supervisors of each county shall, as soon as practicable after July 1, 1976, review all liens resulting from the operation of said section 230.25, Code 1975, and make a determination as to the ability of the person against whom the lien exists to pay the charges represented by the lien, and if they find that the person is able to pay those charges they shall direct the **county attorney** of that county to take immediate action to enforce the lien. If action is commenced under this section on any lien prior to the effective date of the abolition thereof, that lien shall not be abolished but shall continue until the action is completed. The board of supervisors shall release any such lien when the charge on which the lien is based is fully paid or is compromised and settled by the board in such manner as its members deem to be in the best interest of the county, or when the estate affected by the lien has been probated and the proceeds allowable have been applied on the lien.

Ch. 230, § 230.27 Board and county attorney to collect.

It shall be the duty of the board of supervisors to collect said claims and direct the **county attorney** to proceed with the collection of said claims as a part of the duties of the **county attorney's** office.

Subtitle 4. Elders

Chapter 231A Elder Family Homes

Ch. 231A, § 231A.2 Registration of elder family homes.

... If the care review committee has probable cause to believe that any elder family home is in fact acting as a health care facility as defined under chapter 135C, upon producing identification that an individual is an inspector, an inspector of the department of inspections and appeals may enter the elder family home to determine if the home is in fact operating as an unlicensed health care facility. If the inspector is denied entrance, the inspector may, with the assistance of the **county attorney** in the county in which the elder family home is located, apply to the district court for an order requiring the responsible party to permit entry and inspection.

Subtitle 5. Juveniles

Chapter 232 Juvenile Justice

Ch. 232, § 232.12 Duties of county attorney.

Upon the filing of a petition the **county attorney** shall represent the state in all adversary proceedings arising under this division and shall present evidence in support of the petition.

Ch. 232, § 232.28 Intake.

... The intake officer, after consultation with the **county attorney** when necessary, shall determine whether the complaint is legally sufficient for the filing of a petition. A complaint shall be deemed legally sufficient for the filing of a petition if the facts as alleged are sufficient to establish the jurisdiction of the court and probable cause to believe that the child has committed a delinquent act. If the intake officer determines that the complaint is legally sufficient to support the filing of a petition, the officer shall determine whether the interests of the child and the public will best be served by the dismissal of the complaint, the informal adjustment of the complaint, or the filing of a petition.

Ch. 232, § 232.28A Victim rights.

... The notification of the alleged victim shall be made by a juvenile court officer. The juvenile court and the **county attorney** shall coordinate efforts so as to prevent a notification under this section from duplicating a notification by the **county attorney** under section 910A.6.

Ch. 232, § 232.35 Filing of Petition.

A formal judicial proceeding to determine whether a child has committed a delinquent act shall be initiated by the filing by the **county attorney** of a petition alleging that a child has committed a delinquent act.

Ch. 232, § 232.37 Summons, notice, subpoenas and service -- order for removal.

Upon request of the child who is identified in the petition as a party to the proceeding, the child's parent, guardian or custodian, a **county attorney** or on the court's own motion, the court or the clerk of the court shall issue subpoenas requiring the attendance and testimony of witnesses and production of papers at any hearing under this division.

Ch. 232, § 232.42 Continuances.

... Proceedings may be continued for up to one year upon the request of the **county attorney** and the child to permit the making of probation arrangements prior to the adjudicatory hearing. If either the child or the **county attorney** requests that the adjudicatory hearing be held at any time during the period of the continuance, the court shall set the matter for hearing.

Ch. 232, § 232.43 Answer -- plea agreement -- acceptance of plea admitting allegations of petition.

... The **county attorney** and the child's counsel may mutually consider a plea agreement which contemplates entry of a plea admitting the allegations of the petition in the expectation that other charges will be dismissed or not filed or that a specific disposition will be recommended by the **county attorney** and granted by the court. Any plea discussion shall be open to the child and the child's parent, guardian or custodian.

Ch. 232, § 232.44 Detention or shelter care hearing -- release from detention upon change of circumstance.

... The **county attorney** or a juvenile court officer may apply for a hearing at any time after the petition is filed to determine whether the child who is the subject of the petition should be placed in detention or shelter care. The court may upon the application or upon its own motion order such hearing. The court shall order a detention hearing for a child waived under section 232.45, subsection 6A, at the time of waiver.

Ch. 232, § 232.45 Waiver hearing and waiver of jurisdiction.

After the filing of a petition which alleges that a child has committed a delinquent act on the basis of an alleged commission of a public offense and before an adjudicatory hearing on the merits of the petition is held, the **county attorney** or the child may file a motion requesting the court to waive its jurisdiction over the child for the alleged commission of the public offense or for purpose of prosecution of the child as an adult or a youthful offender. If the **county attorney** and the child agree, a motion for waiver for the purpose of being prosecuted as a youthful offender may be heard by the district court as part of the proceedings under section 907.3A, or by the juvenile court as provided in this section. If the motion for waiver for purpose of being prosecuted as a youthful offender is made as a result of a conditional agreement between the **county attorney** and the child, the conditions of the agreement shall be disclosed to the court in the same manner as provided in rules 8 and 9 of the Iowa rules of criminal procedure.

Ch. 232, § 232.46 Consent decree.

At any time after the filing of a petition and prior to entry of an order of adjudication pursuant to section 232.47, the court may suspend the proceedings on motion of the **county attorney** or the child's counsel, enter a consent decree, and continue the case under terms and conditions established by the court. These terms and conditions may include prohibiting a child from driving a motor vehicle for a specified period of time or under specific circumstances, or the supervision of the child by a juvenile court officer or other agency or person designated by the court, and may include the requirement that the child perform a work assignment of value to the state or to the public or make restitution consisting of a monetary payment to the victim or a work assignment directly of value to the victim. The court shall notify the state department of transportation of an order prohibiting the child from driving.

Ch. 232, § 232.54 Termination, modification, or vacation and substitution of dispositional order.

With respect to a dispositional order made pursuant to section 232.52, subsection 2, paragraph "a", "b" or "c" and upon the motion of a child, a child's parent or guardian, a child's guardian ad litem, a person supervising the child under a dispositional order, a **county attorney**, or upon its own motion, the court may terminate the order and discharge the child, modify the order, or vacate the order and substitute another order pursuant to the provisions of section 232.52. Notice shall be afforded all parties, and a hearing shall be held at the request of any party.

Ch. 232, § 232.70 Reporting procedure.

Upon receipt of a report the department shall do all of the following: ... b. Notify the appropriate **county attorney** of the receipt of the report.

Ch. 232, § 232.71 Duties of the department upon receipt of report.

... The department of human services may request information from any person believed to have knowledge of a child abuse case. The **county attorney**, any law enforcement or social services agency in the state, and any mandatory reporter, whether or not the reporter made the specific child abuse report, shall cooperate and assist in the investigation upon the request of the department of human services. The **county attorney** and appropriate law enforcement agencies shall also take any other lawful action which may be necessary or advisable for the protection of the child.

Ch. 232, § 232.71A Child abuse assessment pilot projects.

... Upon receipt of a child abuse report in a pilot project area, the department shall notify the appropriate **county attorney** of the receipt of the report and shall perform an assessment. The department shall commence the assessment within twenty-four hours of the receipt of the report. The primary purpose of the assessment shall be to protect the safety of the child named in the report. The secondary purpose of the assessment shall be to engage the child's family in services to enhance family strengths and to address

needs.

Ch. 232, § 232.71B Duties of the department upon receipt of report.

... Involvement of law enforcement. The department shall apply a protocol, developed with representatives of law enforcement agencies at the local level, to work jointly with law enforcement agencies in performing assessment and investigative processes for child abuse reports in which a criminal act harming a child is alleged. The **county attorney** and appropriate law enforcement agencies shall also take any other lawful action which may be necessary or advisable for the protection of the child. If a report is determined not to constitute a child abuse allegation, but a criminal act harming a child is alleged, the department shall immediately refer the matter to the appropriate law enforcement agency.

Ch. 232, § 232.71C Court action following child abuse assessment -- guardian ad litem.

If, upon completion of an assessment performed under section 232.71B, the department determines that the best interests of the child require juvenile court action, the department shall act appropriately to initiate the action. If at any time during the assessment process the department believes court action is necessary to safeguard a child, the department shall act appropriately to initiate the action. The **county attorney** shall assist the department as provided under section 232.90, subsection 2.

Ch. 232, § 232.71D Founded child abuse -- central registry.

The department of human services may request information from any person believed to have knowledge of a child abuse case. The **county attorney**, any law enforcement or social services agency in the state, and any mandatory reporter, whether or not the reporter made the specific child abuse report, shall cooperate and assist in the investigation upon the request of the department of human services. The **county attorney** and appropriate law enforcement agencies shall also take any other lawful action which may be necessary or advisable for the protection of the child.

Ch. 232, § 232.72 Jurisdiction -- transfer.

"Department of human services" or "**county attorney**" ordinarily refer to the local or county office serving the county in which the child's home is located.

Ch. 232, § 232.82 Removal of sexual offenders and physical abusers from the residence pursuant to court order.

... If an order is entered under subsection 1 and a petition has not yet been filed under this chapter, the petition shall be filed under section 232.87 by the **county attorney**, the department of human services, or a juvenile court officer within three days of the entering of the order.

Ch. 232, § 232.87 Filing of a petition -- contents of petition.

... A petition may be filed by the department of human services, juvenile court officer, or **county attorney**.

Ch. 232, § 232.90 Duties of county attorney.

The **county attorney** shall represent the state in proceedings arising from a petition filed under this division and shall present evidence in support of the petition. The **county attorney** shall be present at proceedings initiated by petition under this division filed by an intake officer or the **county attorney**, or if a party to the proceedings contests the proceedings, or if the court determines there is a conflict of interest between the child and the child's parent, guardian, or custodian or if there are contested issues before the court.

Ch. 232, § 232.103 Termination, modification, vacation and substitution of dispositional order.

... The following persons shall be authorized to file a motion to terminate, modify or vacate and substitute a dispositional order: ... f. The **county attorney**.

Ch. 232, § 232.104 Permanency Hearing.

... After a permanency hearing the court shall do one of the following: ... c. Direct the **county attorney** or the attorney for the child to institute proceedings to terminate the parent-child relationship.

Ch. 232, § 232.111 Petition.

A child's guardian, guardian ad litem, or custodian, the department of human services, a juvenile court officer, or the **county attorney** may file a petition for termination of the parent-child relationship and parental rights with respect to a child.

Ch. 232, § 232.114 Duties of county attorney.

Upon the filing of a petition the **county attorney** shall represent the state in all adversary proceedings arising under this division and shall present evidence in support of the petition.

Ch. 232, § 232.125 Petition.

... Such a petition may be filed by the child's parent, guardian or custodian or by the child. The judge, **county attorney**, or juvenile court officer may authorize such parent, guardian, custodian, or child to file a petition with the clerk of the court without the payment of a filing fee. ...

Ch. 232, § 232.141 Expenses.

Except as otherwise provided by law, the court shall inquire into the ability of the child or the child's parent to pay expenses incurred pursuant to subsection 2 and subsection 4 and, after giving the parent a reasonable opportunity to be heard, the court may order the parent to pay all or part of the costs of the child's care, examination, treatment, legal expenses, or other expenses. An order entered under this section does not obligate a parent paying child support under a custody decree, except that part of the monthly support payment may be used to satisfy the obligations imposed by the order entered pursuant to this section. If a parent fails to pay as ordered, without good reason, the court

may proceed against the parent for contempt and may inform the **county attorney** who shall proceed against the parent to collect the unpaid amount. Any payment ordered by the court shall be a judgment against each of the child's parents and a lien as provided in section 624.23. If all or part of the amount that the parents are ordered to pay is subsequently paid by the county or state, the judgment and lien shall thereafter be against each of the parents in favor of the county to the extent of the county's payments and in favor of the state to the extent of the state's payments.

Ch. 232, § 232.147 Confidentiality of juvenile court records.

... Official juvenile court records in all cases except those alleging delinquency may be inspected and their contents shall be disclosed to the following without court order:

... d. The **county attorney** and the **county attorney's** assistants.

Ch. 232, § 232.150 Sealing of records.

... Reasonable notice of the hearing shall be given to the person who is the subject of the records named in the motion, the **county attorney**, and the agencies having custody of the records named in the application or motion.

Ch. 232, § 232.180 Duties of county attorney.

Upon the filing of a petition and the request of the department, the **county attorney** shall represent the state in all adversary proceedings arising under this division and shall present evidence in support of the petition as provided under section 232.90.

Ch. 232, § 232.183 Dispositional hearing.

... If the court finds that the child's parent, guardian, or custodian has failed to fulfill responsibilities outlined in the case permanency plan, an order that the child remain in foster care and that the **county attorney** or department file, within three days, a petition alleging the child to be a child in need of assistance.

Chapter 233A Training School

Ch. 233A, § 233A.6 Visits.

Members of the executive council, the attorney general, the lieutenant governor, members of the general assembly, judges of the supreme and district court and court of appeals, magistrates, **county attorneys** and persons ordained or designated as regular leaders of a religious community are authorized to visit the state training school at reasonable times. No other person shall be granted admission except by permission of the superintendent.

Ch. 233A, § 233A.11 County attorney to appear for child.

In case legal proceedings are necessary to enforce any right conferred on any child by sections 233A.7 to 233A.10, inclusive, the **county attorney** of the county in which such proceedings should be instituted shall, on request of the superintendent, approved by the administrator, institute and carry on, in the name of the superintendent, the proceedings in behalf of the superintendent.

Chapter 233B Juvenile Home

Ch. 233B, § 233B.12 Recover of child -- duty of county attorney.

In case legal proceedings are necessary to recover the possession of such child, they may be instituted and carried on in the name of the superintendent, and the **county attorney** of the county in which the child is placed shall, if requested by the superintendent, act as the superintendent's attorney in the proceedings.

Subtitle 6. Children and Families

Chapter 235A Child Abuse

Ch. 235A, § 235A.15 Authorized access -- procedures involving other states.

... b. Persons involved in an investigation or assessment of child abuse as follows:
... (6) To the **county attorney**.

Ch. 235A, § 235A.18 Sealing and expungement of founded child abuse information.

... The juvenile or district court and **county attorney** shall expunge child abuse information upon notice from the registry. The supreme court shall prescribe rules establishing the period of time child abuse information is retained by the juvenile and district courts. A **county attorney** shall not retain child abuse information in excess of the time period the information would be retained under the rules prescribed by the supreme court.

Chapter 235B Adult Abuse

Ch. 235B, § 235.1 Dependent adult abuse services.

The establishment of local or regional multidisciplinary teams to assist in assessing the needs of, formulating and monitoring a treatment plan for, and coordinating services to victims of dependent adult abuse. The membership of a team shall include individuals who possess knowledge and skills related to the diagnosis, assessment, and disposition of dependent adult abuse cases and who are professionals practicing in the disciplines of medicine, public health, mental health, social work, law, law enforcement, or other disciplines relative to dependent adults. Members of a team shall include, but are not limited to, persons representing the area agencies on aging, **county attorneys**, health care providers, and other persons involved in advocating or providing services to dependent adults.

Ch. 235B, § 235B.3 Dependent adult abuse reports.

... The department shall inform the appropriate **county attorneys** of any reports of dependent adult abuse. The department may request information from any person believed to have knowledge of a case of dependent adult abuse. The person, including but not limited to a **county attorney**, a law enforcement agency, a multidisciplinary team, or a social services agency in the state shall cooperate and assist in the evaluation upon

the request of the department. If the department's assessment reveals that dependent adult abuse exists which might constitute a criminal offense, a report shall be made to the appropriate law enforcement agency. **County attorneys** and appropriate law enforcement agencies shall also take any other lawful action necessary or advisable for the protection of the dependent adult.

Ch. 235B, § 235B.20 Dependent adult abuse -- initiation of charges -- penalty.

Charges of dependent adult abuse may be initiated upon complaint of private individuals or as a result of investigations by social service agencies or on the direct initiative of a **county attorney** or law enforcement agency.

Chapter 236 Domestic Abuse

Ch. 236, § 236.3B Assistance by county attorney.

A **county attorney's** office may provide assistance to a person wishing to initiate proceedings pursuant to this chapter or to a plaintiff at any stage of a proceeding under this chapter, if the individual does not have sufficient funds to pay for legal assistance and if the assistance does not create a conflict of interest for the **county attorney's** office. The assistance provided may include, but is not limited to, assistance in obtaining or completing forms, filing a petition or other necessary pleading, presenting evidence to the court, and enforcing the orders of the court entered pursuant to this chapter. Providing assistance pursuant to this section shall not be considered the private practice of law for the purposes of section 331.752.

Ch. 236, § 236.11 Duties of peace officer -- magistrate.

If a peace officer has probable cause to believe that a person has violated an order or approved consent agreement entered under this chapter, a temporary or permanent protective order or order to vacate the homestead under chapter 598, an order establishing conditions of release or a protective or sentencing order in a criminal prosecution arising from a domestic abuse assault, or a protective order under chapter 232, and the peace officer is unable to take the person into custody within twenty-four hours of making the probable cause determination, the peace officer shall either request a magistrate to make a determination as to whether a rule to show cause or arrest warrant should be issued, or refer the matter to the **county attorney**.

Chapter 237 Child Foster Care Facilities

Ch. 237, § 237.20 Local board duties.

... Notify the following persons at least ten days before the review of a case of a child receiving foster care: The **county attorney**.

Chapter 239B Family Investment Program

Ch. 239B, § 239B.15 County attorney to enforce.

Violations of law relating to the family investment program shall be prosecuted by **county**

attorneys. Area prosecutors of the office of the attorney general shall provide prosecution assistance.

Chapter 249 State Supplementary Assistance

Ch. 249, § 249.13 County attorney to enforce.

It is the intent of the general assembly that violations of law relating to the family investment program, medical assistance, and supplemental assistance shall be prosecuted by **county attorneys**. Area prosecutors of the office of the attorney general shall provide such assistance in prosecution as may be required. It is the intent of the general assembly that the first priority for investigation and prosecution for which funds are provided shall be for fraudulent claims or practices by health care vendors and providers.

Chapter 249A Medical Assistance

Ch. 249A, § 249A.14 County attorney to enforce.

It is the intent of the general assembly that violations of law relating to the family investment program, medical assistance, and supplemental assistance shall be prosecuted by **county attorneys**. Area prosecutors of the office of the attorney general shall provide assistance in prosecution as required.

Chapter 252A Support of Defendants

Ch. 252A, § 252A.2 Definitions.

... "Petitioner's representative" includes counsel of a dependent person for whom support is sought and counsel for a mother or putative father of a dependent. In an action brought by the child support recovery unit, "petitioner's representative" includes a **county attorney**, state's attorney and any other public officer, by whatever title the officer's public office may be known, charged by law with the duty of instituting, maintaining, or prosecuting a proceeding under this chapter or under the laws of the state.

Chapter 252B Child Support Recovery

Ch. 252B, § 252B.7 Legal services.

... For the purposes of subsection 1, the attorney general has the same power to commence, file and prosecute any action or information in the proper jurisdiction, which the **county attorney** could file or prosecute in that jurisdiction. This section does not relieve a **county attorney** from the **county attorney's** duties, or the attorney general from the supervisory power of the attorney general, in the recovery of child support.

Ch. 252B, § 252B.18 Child support advisory committee -- established -- duties.

The department shall establish a child support advisory committee. Members shall include at least one district judge and representatives of custodial parent groups, noncustodial parent groups, the general assembly, the office of citizens' aide, the Iowa state bar association, the Iowa **county attorneys'** association, and other constituencies which have

an interest in child support enforcement issues, appointed by the respective entity.

Chapter 255 Medical and Surgical Treatment of Indigent Persons

Ch. 255, § 255.6 Investigation and report.

When a complaint is filed, the clerk of juvenile court shall furnish the **county attorney** and board of supervisors with a copy and the board shall, by the general assistance director or other agent it selects, make a thorough investigation of facts as to the legal residence of the patient, and the ability of the patient or others chargeable with the patient's support to pay the expense of treatment and care; and shall file a report of the investigation in the office of the clerk, at or before the time of hearing.

Ch. 255, § 255.7 Notice of hearing -- duty of county attorney.

When the physician's report has been filed, the clerk shall, with the consent of the court or judge, fix a time and place for hearing of the matter by the court, and the **county attorney** shall cause such patient and the parent or parents, guardian, or person having the legal custody of said patient, if under legal disability, to be served with such notice of the time and place of the hearing as the judge or clerk may prescribe.

Ch. 255, § 255.8 Hearing -- order -- emergency cases -- cancellation of commitments.

The **county attorney** and the general assistance director, or other agent of the board of supervisors of the county, shall appear at the hearing. The complainant, the **county attorney**, the general assistance director or other agent of the board of supervisors, and the patient, or any person representing the patient, may introduce evidence and be heard.

If the court finds that the patient is a legal resident of Iowa and is pregnant or is suffering from a malady or deformity which can probably be improved or cured or advantageously treated by medical or surgical treatment or hospital care, and that neither the patient nor any person legally chargeable with the patient's support is able to pay the expenses, then the clerk of court, except in obstetrical cases and orthopedic cases, shall immediately ascertain from the admitting physician at the university hospital whether the person can be received as a patient within a period of thirty days, and if the patient can be received, the court, or in the event of no actual contest, the clerk of the court, shall enter an order directing that the patient be sent to the university hospital for proper medical and surgical treatment and hospital care. If the court ascertain, except in obstetrical cases and orthopedic cases, that a person of the age or sex of the patient, or afflicted by the complaint, disease, or deformity with which the person is afflicted, cannot be received as a patient at the university hospital within the period of thirty days, then the court or the clerk shall enter an order directing the board of supervisors of the county to provide adequate treatment at county expense for the patient at home or in a hospital. Obstetrical cases and orthopedic cases may be committed to the university hospital without regard to the limiting period of thirty days.

Title VII. Education and Cultural Affairs.

Subtitle 1. Elementary and Secondary Education.

Chapter 257B School Funds

Ch. 257B, § 257B.10 Uniform interest date.

If money is due to the permanent school fund, either for loans or deferred payments of the purchase price of land sold, the interest shall be made payable on the first day of January each year, and if the debtor fails to pay the interest within six months of the date it is due, the entire amount of both principal and interest shall become due, and the county auditor shall report the nonpayment to the **county attorney**, who shall immediately commence action for the collection of the amount reported as due. This section is a part of a contract made by virtue of this chapter, whether expressed in the contract or not.

Ch. 257B, § 257B.33 Suit -- attorney fee.

If the debtor does not comply with the notice, the auditor shall report the noncompliance to the **county attorney**, who shall bring an action to recover the debt, and an injunction may issue for cause, without bond when so petitioned, and there shall be allowed in the judgment, entered and taxed as a part of the costs in the case, a reasonable sum as compensation to plaintiff's attorney, not exceeding the amount provided by law for attorneys' fees.

Subtitle 6. School Districts

Chapter 299 Compulsory Education

Ch. 299, § 299.5A Mediation.

If a child is truant as defined in section 299.8, school officers shall attempt to find the cause for the child's absence and use every means available to the school to assure that the child does attend. For a child who has completed educational requirements through the sixth grade, the means may include but are not limited to the use of an attendance cooperation process which substantially conforms with the provisions of section 299.12.

If the parent, guardian, or legal or actual custodian, or child refuses to accept the school's attempt to assure the child's attendance or the school's attempt to assure the child's attendance is otherwise unsuccessful, the truancy officer shall refer the matter to the **county attorney** for mediation or prosecution.

Ch. 299, § 299.6A Civil penalty -- distribution of funds.

In lieu of a criminal proceeding under section 299.6, a **county attorney** may bring a civil action against a parent, guardian, or legal or actual custodian of a child who is of compulsory attendance age, has not completed educational requirements, and is truant,

if the parent, guardian, or legal or actual custodian has failed to cause the child to attend a public school, an accredited nonpublic school, or competent private instruction in the manner provided in this chapter. If the court finds that the parent, guardian, or legal or actual custodian has failed to cause the child to attend as required in this section, the court shall assess a civil penalty of not less than one hundred but not more than one thousand dollars, for each violation established. However, if the court finds that the parent, guardian, or legal or actual custodian of the child has been subject to sanction under section 239B.2A as a result of the child's truancy, the court may waive the civil penalty under this section.

Ch. 299, § 299.12 Violation of attendance policy -- attendance cooperation meeting -- agreement -- family investment program.

This section is not applicable to a child who is receiving competent private instruction in accordance with the requirements of chapter 299A. If a child is not in compliance with the attendance requirements established under section 299.1, and has not completed educational requirements through the sixth grade, and the school has used every means available to assure the child does attend, the school truancy officer shall contact the child's parent, guardian, or legal or actual custodian to participate in an attendance cooperation meeting. The parties to the attendance cooperation meeting may include the child and shall include the child's parent, guardian, or legal or actual custodian and the school truancy officer. If the child is a member of a family receiving assistance under the family investment program, the department of human services shall be notified and shall make the contacts for participation in the attendance cooperation meeting in lieu of the school truancy officer. For a child who is a member of a family receiving assistance under the family investment program, the attendance cooperation meeting shall include the child's parent or specified relative whose needs are included in the child's assistance grant and a representative of the department of human services. The school truancy officer or the representative of the department of human services contacting the participants in the attendance cooperation meeting may invite other school officials, a designee of the juvenile court, the **county attorney** or the **county attorney's** designee, or other persons deemed appropriate to participate in the attendance cooperation meeting.

Ch. 299, § 299.13 Civil enforcement.

A person shall not disseminate or redisseminate information shared with the person pursuant to section 239B.2A, 299.5A, or 299.12, unless specifically authorized to do so by section 217.30, 239B.2A, 299.5A, or 299.12. Unless a prohibited dissemination or redissemination of information is subject to injunction or sanction under other state or federal law, an action for judicial enforcement may be brought in accordance with this section. An aggrieved person, the attorney general, or a **county attorney** may seek judicial enforcement of the requirements of this section in an action brought against the public school or accredited nonpublic school or any other person who has been granted access to information pursuant to section 239B.2A, 299.5A, or 299.12. Suits to enforce this section shall be brought in the district court for the county in which the information was disseminated or redisseminated. Upon a finding by a preponderance of the evidence that

a person has violated this section, the court shall issue an injunction punishable by civil contempt ordering the person in violation of this section to comply with the requirements of, and to refrain from any violations of section 239B.2A, 299.5A, or 299.12 with respect to the dissemination or redissemination of information shared with the person pursuant to section 239B.2A, 299.5A, or 299.12.

Title VIII. Transportation

Subtitle 1. Highways and Waterways

Chapter 307 Department of Transportation (DOT)

Ch. 307, § 307.37 Motor vehicle fraud and odometer law enforcement.

The department shall investigate and prosecute violators of the laws concerning motor vehicle fraud including, but not limited to, the state and federal odometer law. The department shall refer available evidence concerning a possible violation of the laws concerning motor vehicle fraud including, but not limited to, section 321.71 or the federal odometer law or a rule or order issued under section 321.71 or the federal odometer law, to the attorney general. The attorney general, with or without the referral, may institute appropriate criminal proceedings or may direct the case to the appropriate **county attorney** to institute appropriate criminal proceedings. The attorney general may use those funds available to the department of justice for this purpose and law enforcement agencies may be reimbursed for expenses incurred in the enforcement of those laws, rules, or orders with the approval of the attorney general.

Chapter 317 Weeds

Ch. 317, § 317.23 Duty of county attorney.

It shall be the duty of the **county attorney** upon complaint of any citizen that any officer charged with the enforcement of the provisions of this chapter has neglected or failed to perform the officer's duty, to enforce the performance of such duty.

Chapter 319 Obstructions in Highways

Ch. 319, § 319.11 Enforcement.

Boards of supervisors and **county attorneys** as to secondary roads, and the department and the department general counsel as to primary roads, shall enforce section 319.10 by appropriate civil or criminal proceeding or by both such proceedings.

Subtitle 2. Vehicles

Chapter 321I Motor Vehicle Services Contracts

Ch. 321I, § 321I.16 Violations -- penalties.

... If the commissioner believes that grounds exist for the criminal prosecution of persons subject to this chapter for violations of this chapter or any other law of this state, the commissioner may forward to the attorney general or the **county attorney** the grounds for the belief, including all evidence in the commissioner's possession, in order that the attorney general or the **county attorney** may proceed with the matter as deemed appropriate. At the request of the attorney general, the **county attorney** shall appear and prosecute the action when brought in the county served by the **county attorney**.

Chapter 321J Operating While Intoxicated

Ch. 321J, § 321J.2 Operating while under the influence of alcohol or a drug or while having an alcohol concentration of .10 or more (OWI).

... The court may order restitution paid to any public agency for the costs of the emergency response resulting from the actions constituting a violation of this section, not exceeding five hundred dollars per public agency for each such response. For the purposes of this paragraph, "emergency response" means any incident requiring response by fire fighting, law enforcement, ambulance, medical, or other emergency services. A public agency seeking such restitution shall consult with the **county attorney** regarding the expenses incurred by the public agency, and the **county attorney** may include the expenses in the statement of pecuniary damages pursuant to section 910.3.

Ch. 321J, § 321J.4B Motor vehicle impoundment or immobilization -- penalty -- liability of vehicle owner.

... A person or agency taking possession of an impounded or immobilized motor vehicle shall do the following: (1) Make an inventory of any property contained in the vehicle, according to the agency's inventory procedure. The agency responsible for the motor vehicle shall also deliver a copy of the inventory to the **county attorney**. ...

Subtitle 3. Carriers

Chapter 327C Supervision of Carriers

Ch. 327C, § 327C.30 Duty of department general counsel and county attorney.

When any proceeding has been instituted under sections 327C.28 and 327C.29, the department general counsel shall prosecute the same, and the **county attorney** of the county in which such proceeding is pending shall render such assistance as the department general counsel may require.

Chapter 327F Construction and Operation of Railways

Ch. 327F, § 327F.29 Enforcement.

It shall be the duty of the **county attorneys** in the respective counties to enforce the provisions of sections 327F.27 and 327F.28.

Subtitle IX. Local Government.

Subtitle 1. Counties

Chapter 331 County Home Rule Implementation

Ch. 331, § 331.233 Appointment of commission members.

... a. Two members shall be appointed by each of the following officers: ... (5) **County attorney**.

Ch. 331, § 331.322 Duties relating to county and township officers.

... Furnish offices within the county for the sheriff, and at the county seat for the recorder, treasurer, auditor, **county attorney**, county surveyor or engineer, county assessor, and city assessor. The board shall furnish the officers with fuel, lights, and office supplies. However, the board is not required to furnish the **county attorney** with law books. The board shall not furnish an office also occupied by a practicing attorney to an officer other than the **county attorney**.

Ch. 331, § 331.323 Powers relating to county officers -- combining duties.

... The board may: ... f. Provide that the **county attorney** be a full-time or part-time officer in accordance with section 331.752.

Ch. 331, § 331.424 Supplemental levies.

... The maintenance and operation of the courts, including but not limited to the salary and expenses of the clerk of the district court and other employees of the clerk's office, and bailiffs, court costs if the prosecution fails or if the costs cannot be collected from the person liable, costs and expenses of prosecution under section 189A.17, salaries and expenses of juvenile court officers under chapter 602, court-ordered costs in domestic abuse cases under section 236.5, the county's expense for confinement of prisoners under chapter 356A, temporary assistance to the **county attorney**, county contributions to a retirement system for bailiffs, reimbursement for judicial magistrates under section 602.6501, claims filed under section 622.93, interpreters' fees under section 622B.7, uniform citation and complaint supplies under section 805.6, and costs of prosecution under section 815.13.

Ch. 331, § 331.506 Issuance of warrants.

... The auditor may issue warrants to pay the following claims against the county without prior approval of the board: a. Witness fees and mileage for attendance before a grand jury, as certified by the **county attorney** and the foreman of the jury.

Ch. 331, § 331.653 General duties of the sheriff.

... Upon written order of the **county attorney**, make a special investigation of any alleged infraction of the law within the county and report the findings to the **county attorney** within a reasonable time. Upon completion of the investigation, the sheriff shall file with the auditor a detailed, sworn statement of the expenses of the investigation accompanied by the written order of the **county attorney**. The board shall audit and pay the reasonable and necessary expenses of the investigation.

Ch. 331, § 331.751 Office of county attorney.

The office of **county attorney** is an elective office except that if a vacancy occurs in the office, a successor shall be appointed to the unexpired term as provided in chapter 69. ...

Ch. 331, § 331.752 Full-time or part-time attorney.

The board may provide that the **county attorney** is a full-time or part-time county officer in the manner provided in this section. A full-time **county attorney** shall refrain from the private practice of law.

Ch. 331, § 331.753 Multicounty office.

If two or more counties agree, pursuant to chapter 28E, to share the services of a **county attorney**, the **county attorney** shall be elected by a majority of the votes cast for the office of **county attorney** in all of the counties which the **county attorney** will serve as provided in the agreement. The election shall be conducted in accordance with section 47.2, subsection 2. ...

Ch. 331, § 331.754 Absence of county attorney and assistants.

In case of absence, sickness, or disability of the **county attorney** and the assistant **county attorneys**, the court before which it is the duty of the **county attorney** or the assistant **county attorneys** to appear and in which there is official business requiring the attention of the **county attorney** or an assistant **county attorney**, may appoint an attorney to act as **county attorney** by an order of the court. The board may appoint an acting **county attorney** to provide legal assistance related to the official business of any county officer or employee during the absence, sickness, or disability of the **county attorney** and the assistant **county attorneys**. The acting **county attorney** has the same authority and is subject to the same responsibilities as a **county attorney**. ...

Ch. 331, § 331.755 Prohibited actions.

A **county attorney** shall not: (1) Accept a fee or reward from or on behalf of a person for services rendered in a prosecution or the conduct of official business. ...

Ch. 331, § 331.756 Duties of the county attorney.

The **county attorney** shall: (1) Diligently enforce or cause to be enforced in the county, state laws and county ordinances, violations of which may be commenced or prosecuted in the name of the state, county, or as **county attorney**, except as otherwise provided. ...

Ch. 331, § 331.757 Temporary and full-time assistants.

The **county attorney** may employ, with the approval of a judge of the district court, a temporary assistant to assist in the trial of a person charged with a felony. The temporary assistant shall be paid a reasonable compensation as determined by the board upon certification of the services rendered by the district judge before whom the defendant was tried. ...

Ch. 331, § 331.758 General powers.

The **county attorney** may: (1) Administer oaths and take affirmations as provided in section 63A.2. (2) Appoint and remove deputies, clerks and assistants subject to the requirements of sections 331.757 and 331.903.

Ch. 331, § 331.759 Appointment of private legal counsel.

At any stage of legal proceedings in which a **county attorney** is authorized to represent a county officer acting in the officer's official capacity, the **county attorney** may apply to the court for permission to withdraw from representation of the officer for cause. If the court allows the **county attorney** to withdraw, it shall appoint an attorney to represent the county officer. The costs of representing a county officer acting in the officer's official capacity shall be paid from the court expense fund or the general fund of the county.

Ch. 331, § 331.802 Deaths -- reported and investigated.

If a person's death affects the public interest, the county medical examiner shall conduct a preliminary investigation of the cause and manner of death, prepare a written report of the findings, promptly submit the full report to the state medical examiner on forms prescribed for that purpose, and submit a copy of the report to the county attorney. For each preliminary investigation and the preparation and submission of the required reports, the county medical examiner shall receive from the county of appointment a fee determined by the board plus the examiner's actual expenses. The fee and expenses paid by the county of appointment shall be reimbursed to the county of appointment by the county of the person's residence. However, if the person's death is caused by a defendant for whom a judgment of conviction and sentence is rendered under section 707.2, 707.3, 707.4, 707.5, or 707.6A, the county of the person's residence may recover from the defendant the fee and expenses. The fee and expenses of the county medical examiner who performs an autopsy or conducts an investigation of a person who dies after being brought into this state for emergency medical treatment by or at the direction of an out-of-state law enforcement officer or public authority shall be paid by the state. A claim for payment shall be filed with the Iowa department of public health.

Ch. 331, § 331.903 Appointment of deputies, assistants and clerks.

The auditor, treasurer, recorder, sheriff, and **county attorney** may each appoint, with approval of the board, one or more deputies, assistants, or clerks for whose acts the principal officer is responsible. The number of deputies, assistants, and clerks for each office shall be determined by the board and the number and approval of each appointment shall be adopted by a resolution recorded in the minutes of the board.

Ch. 331, § 331.904 Salaries of deputies, assistants and clerks.

... The annual salary of each assistant **county attorney** shall be determined by the **county attorney** within the budget set for the **county attorney's** office by the board. The salary of an assistant **county attorney** shall not exceed eighty-five percent of the maximum salary of a full-time **county attorney**. The **county attorney** shall inform the board of the full-time or part-time status of each assistant **county attorney**. In the case of a part-time assistant **county attorney**, the **county attorney** shall inform the board of the approximate number of hours per week the assistant **county attorney** shall devote to official duties.

Ch. 331, § 331.905 County compensation board.

There is created in each county a county compensation board which shall be composed of seven members who are residents of the county. ...

Ch. 331, § 331.907 Compensation schedule -- preparation and adoption.

The annual compensation of the auditor, treasurer, recorder, sheriff, **county attorney**, and supervisors shall be determined as provided in this section. The county compensation board annually shall review the compensation paid to comparable officers in other counties of this state, other states, private enterprise, and the federal government. In setting the salary of the county sheriff, the county compensation board shall consider setting the sheriff's salary so that it is comparable to salaries paid to professional law enforcement administrators and command officers of the Iowa state patrol, the division of criminal investigation of the department of public safety, and city police agencies in this state. The county compensation board shall prepare a compensation schedule for the elective county officers for the succeeding fiscal year. A recommended compensation schedule requires a majority vote of the membership of the county compensation board.

Chapter 341A Civil Service for Deputy County Sheriffs

Ch. 341A, § 341A.2 Civil service commission.

Subject to the alternate plan enumerated in section 341A.3, there is created in each county a civil service commission composed of three members. One member shall be appointed by the county board of supervisors, one member shall be appointed by the presiding district court judge of each county, and one member shall be appointed by the **county attorney** of each county. Commission members shall be appointed within sixty days after August 15, 1973. Appointees to the commission shall be residents of the county for at least two years immediately preceding appointment, and shall be electors.

Ch. 341A, § 341A.3 Combined civil service system.

Appointment of commissioners in combined counties shall be by joint meeting of the boards of supervisors, district court judges, and **county attorneys**, respectively. Each group meeting jointly shall appoint one commissioner whose term shall be six years, except that initial terms shall be as provided in section 341A.2.

Ch. 341A, § 341A.16 Civil suits.

The commission shall initiate and conduct all civil suits necessary for the proper enforcement of this chapter and the rules of the commission. The commission shall be represented in such suits by the **county attorney**. In the case of the combined counties, any one or more of the **county attorneys** of such combined counties may be selected by the commission to represent it.

Chapter 347 County Hospitals

Ch. 347, § 347.17 Accounts -- collection.

It shall be the duty of the trustees either by themselves or through the superintendent to make collections of all accounts for hospital services rendered to persons other than indigent patients or patients entitled to free care as provided in section 347.16. Such account shall be payable on presentation to the person liable therefor of an itemized statement and if not paid or secured within sixty days after such presentation the said trustees shall proceed to enforce collections by such means as are necessary and are authorized to employ any person for that purpose, and if legal proceedings are required they may employ counsel, the employment in either event to be on such arrangement for compensation as the trustees deem appropriate, provided, however, that should the **county attorney** act as attorney for the board in any such legal proceedings the **county attorney** shall serve without additional compensation.

Chapter 356 Jails and Municipal Holding Facilities

Ch. 356, § 356.7 Prisoners -- room and board -- charges.

The county sheriff may charge a prisoner who is eighteen years of age or older and who has been convicted of a criminal offense or sentenced for contempt of court for violation of a domestic abuse order for the room and board provided to the prisoner while in the custody of the county sheriff. Moneys collected by the sheriff under this section shall be credited to the county general fund and distributed as provided in this section. If a prisoner who has been convicted of a criminal offense or sentenced for contempt of court for violation of a domestic abuse order fails to pay for the room and board, the sheriff may file a room and board reimbursement claim with the district court as provided in subsection 2. The **county attorney** may file the room and board reimbursement claim on behalf of the sheriff and the county. This section does not apply to prisoners who are paying for their room and board by court order pursuant to sections 356.26 through 356.35.

Ch. 356, § 356.43 Charge for room and board -- enforcement procedures.

The county sheriff may charge a prisoner who is eighteen years of age or older and who has been convicted of a criminal offense for the room and board provided to the prisoner while in the custody of the county sheriff. Moneys collected by the sheriff under this section shall be credited to the county general fund and distributed as provided in this section. If a prisoner who has been convicted of a criminal offense fails to pay for the room and board, the sheriff may file a room and board reimbursement claim with the district court as provided in subsection 2. The **county attorney** may file the room and board reimbursement claim on behalf of the sheriff and the county. This section does not apply to prisoners who are paying for their room and board by court order pursuant to sections 356.26 through 356.35.

Ch. 356, § 356.43 Inspection -- hearing -- remedial action -- report.

If the political subdivision does not comply with the order within the designated period, the department may petition the attorney general to institute proceedings to enjoin the political subdivision from confining prisoners in the jail or municipal holding facility and require the transfer of prisoners to a jail or municipal holding facility declared by the director to be suitable for confinement. The county or municipality from which prisoners are transferred is liable for the cost of transfer and expenditures incurred in the confinement of prisoners in the jail or municipal holding facility to which transferred. Following inspection of any jail or municipal holding facility, a report of the inspection shall be filed with the director of the Iowa department of corrections. A copy of the report shall also be filed with the sheriff or chief of police, the governing body of the political subdivision, and one copy with the **county attorney**, which shall be presented at the next session of the grand jury of that county.

Subtitle 3. Townships

Chapter 359 Township and Township Officers

Ch. 359, § 359.18 County attorney as counsel.

In counties having a population of less than twenty-five thousand, where the trustees institute, or are made parties to, litigation in connection with the performance of their duties, as provided in this chapter, the **county attorney**, as a part of the **county attorney's** official duties, shall appear in behalf of the township trustees, except in cases in which the interests of the county and those of the trustees are adverse.

Subtitle 4. Cities

Chapter 368 City Development

Ch. 368, § 368.5 Annexing state property.

Territory within the road right-of-way owned by a county may be annexed, but the **county attorney** of that county must be served with notice of the hearing and a copy of the

proposal.

Title X. Financial Resources

Subtitle 1. Revenues and Financial Management

Chapter 421 Department of Revenue and Finance

Ch. 421, § 421.19 Counsel.

It shall be the duty of the attorney general and of the **county attorneys** in their respective counties to commence and prosecute actions, prosecutions, and complaints, when so directed by the director of revenue and finance and to represent the director in any litigation arising from the discharge of the director's duties.

Chapter 422 Income, Sales, Services, and Franchise Taxes

Ch. 422, § 422.26 Lien of tax -- collection -- action authorized.

The attorney general shall, upon the request of the director, bring an action at law or in equity, as the facts may justify, without bond, to enforce payment of any taxes and penalties, and in such action the attorney general shall have the assistance of the **county attorney** of the county in which the action is pending.

Chapter 424 Environmental Protection Charge on Petroleum Diminution

Ch. 424, § 424.11 Environmental protection charge lien -- collection -- action authorized.

The attorney general shall, upon the request of the director, bring an action at law or in equity, as the facts may justify, without bond, to enforce payment of any charges and penalties, and in such action the attorney general shall have the assistance of the **county attorney** of the county in which the action is pending.

Subtitle 2. Property Taxes

Chapter 436 Express Companies Tax

Ch. 436, § 436.12 Action to collect.

In case any such company shall fail or refuse to pay any taxes assessed against it in any county, township, or assessment district in the state, in addition to other remedies provided by law for the collection of taxes, an action may be prosecuted in the name of the state by the **county attorneys** of the different counties of the state, on the relation of the auditors of the different counties of the state, and judgment in such action shall include a penalty of fifty percent of the amount of the taxes so assessed and unpaid, together with

reasonable attorney's fees for the prosecution of such action, which action may be prosecuted in any county into, through, over, or across which the routes of any such company shall extend, or in any county where such company shall have an officer or agent for the transaction of business.

Chapter 441 Assessment and Valuation of Property

Ch. 441, § 441.16 Budget.

The assessor shall not issue requisitions so as to increase the total expenditures budgeted for the operation of the assessor's office. However, for purposes of promoting operational efficiency, the assessor shall have authority to transfer funds budgeted for specific items for the operation of the assessor's office from one unexpended balance to another; such transfer shall not be made so as to increase the total amount budgeted for the operation of the office of assessor, and no funds shall be used to increase the salary of the assessor or the salaries of permanent deputy assessors. The assessor shall issue requisitions for the examining board and for the board of review on order of the chairperson of each board and for costs and expenses incident to assessment appeals, only on order of the city legal department, in the case of cities and of the **county attorney** in the case of counties.

Ch. 441, § 441.41 Legal counsel.

In the case of cities having an assessor, the city legal department shall represent the assessor and board of review in all litigation dealing with assessments. In the case of counties, the **county attorney** shall represent the assessor and board of review in all litigation dealing with assessments. Any taxing body interested in the taxes received from such assessments may be represented by an attorney and shall be required to appear by attorney upon written request of the assessor to the presiding officer of any such taxing body. The conference board may employ special counsel to assist the city legal department or **county attorney** as the case may be.

Ch. 441, § 441.48 Notice of adjustment.

Before the director of revenue and finance shall adjust the valuation of any class of property any such percentage, the director shall serve ten days' notice by mail, on the county auditor of the county whose valuation is proposed to be adjusted and the director shall hold an adjourned meeting after such ten days' notice, at which time the county or assessing jurisdiction may appear by its city council or board of supervisors, city or **county attorney**, and other assessing jurisdiction, city or county officials, and make written or oral protest against such proposed adjustment, which protest shall consist simply of a statement of the error, or errors, complained of with such facts as may lead to their correction, and at such adjourned meeting final action may be taken in reference thereto.

Chapter 443 Tax List

Ch. 443, § 443.13 Action by treasurer -- apportionment.

Upon failure to pay such sum within thirty days, with all accrued interest, the treasurer shall cause an action to be brought in the name of the treasurer for the use of the proper

county, to be prosecuted by the **county attorney**, or such other person as the board of supervisors may appoint, and when such property has been fraudulently withheld from assessment, there shall be added to the sum found to be due a penalty of fifty percent upon the amount, which shall be included in the judgment. The amount thus recovered shall be by the treasurer apportioned ratably as the taxes would have been if they had been paid according to law.

Chapter 445 Tax Collection

Ch. 445, § 445.4 Statutes applicable -- attachment -- damages.

Chapter 639 is applicable to proceedings instituted by a county treasurer under section 445.3, and a writ of attachment shall be issued upon the treasurer complying with the provisions of chapter 639, for taxes, whether due or not due, except that a bond shall not be required from the treasurer or county in such cases, but the county shall be liable for damages only, as provided by section 639.14. The **county attorney**, upon request of the treasurer, shall assist in prosecution of actions authorized in this section.

Chapter 446 Tax Sales

Ch. 446, § 446.20 Remedies.

Without limiting the county's rights under section 445.3, once a certificate is issued to a county, a county may collect the total amount due by the alternative remedy provided in section 445.3 by converting the total amount due to a personal judgment. Entrance of the judgment shall be shown on the county system. Collection of the judgment may then be initiated as provided in section 445.4. The **county attorney** shall, upon request of the county treasurer, assist in prosecution of action authorized under this section and sections 445.3 and 445.4.

Chapter 447 Tax Redemption

Ch. 447, § 447.9 Notice of expiration of right of redemption.

After one year and nine months from the date of sale, or after nine months from the date of a sale made under section 446.18, or 446.39, the holder of the certificate of purchase may cause to be served upon the person in possession of the parcel, and also upon the person in whose name the parcel is taxed, in the manner provided for the service of original notices in > R.C.P. 56.1, if the person resides in Iowa, or otherwise as provided in section 446.9, subsection 1, a notice signed by the certificate holder or the certificate holder's agent or attorney, stating the date of sale, the description of the parcel sold, the name of the purchaser, and that the right of redemption will expire and a deed for the parcel be made unless redemption is made within ninety days from the completed service of the notice. The ninety-day redemption period begins as provided in section 447.12. When the notice is given by a county as a holder of a certificate of purchase the notice shall be signed by the county treasurer or the **county attorney**, and when given by a city, it shall be signed by the city officer designated by resolution of the council. When the

notice is given by the Iowa finance authority or a city or county agency holding the parcel as part of an Iowa homesteading project, it shall be signed on behalf of the agency or authority by one of its officers, as authorized in rules of the agency or authority.

Ch. 447, § 447.12 When service deemed complete -- presumption.

Service is complete only after an affidavit has been filed with the county treasurer, showing the making of the service, the manner of service, the time when and place where made, under whose direction the service was made, and costs incurred as provided in section 447.13. Costs not filed with the treasurer before a redemption is complete shall not be collected by the treasurer. Costs shall not be filed with the treasurer prior to the filing of the affidavit. The affidavit shall be made by the holder of the certificate or by the holder's agent or attorney, and in either of the latter cases stating that the affiant is the agent or attorney of the holder of the certificate. The affidavit shall be filed by the treasurer and entered in the county system and is presumptive evidence of the completed service of the notice. The right of redemption shall not expire until ninety days after service is complete.

A redemption shall not be considered valid unless received by the treasurer prior to the close of business on the ninetieth day from the date of completed service except in the case of a public bidder certificate held by the county in which case the county may accept a redemption at any time prior to the issuance of the tax deed. When the parcel is held by a city or county, a city or county agency, or the Iowa finance authority, for use in an Iowa homesteading project, whether or not the parcel is the subject of a conditional conveyance granted under the project, the affidavit shall be made by the treasurer of the county or the **county attorney**, a city officer designated by resolution of the council, or on behalf of the agency or authority, by one of its officers as authorized in rules of the agency or authority.

Subtitle 3. Inheritance and Estate Taxes

Chapter 450 Inheritance Tax

Ch. 450, § 450.1 Definitions -- authority of county attorney.

In the construction of this chapter the word "person" shall include plural as well as singular, and artificial as well as natural persons. This chapter shall not be construed to confer upon a **county attorney** authority to represent the state in any case, and the **county attorney** shall represent the department of revenue and finance only when especially authorized by it to do so.

Subtitle 4. Excise Taxes

Chapter 453A Cigarette and Tobacco Tax

Ch. 453A, § 453A.25 Administration.

The director is hereby authorized to appoint an assistant, whose sole duty it shall be to administer and enforce the provisions of this chapter, including the collection of all taxes

provided for herein. In such enforcement the director may request aid from the attorney general, the special agents of the state, any **county attorney** or any peace officer. The director is authorized to appoint such clerks and additional help as may be needed to carry out the provisions of this chapter.

Ch. 453A, § 453A.32 Seizure and forfeiture -- procedure.

... The **county attorney** of the county of seizure, shall, at the request of the director, file in the county and court aforesaid forfeiture proceeding in the name of the state as plaintiff, and in the name of the owner or person in possession as defendant, if known, and if unknown, then in the name of said property seized and sought to be forfeited. Upon the filing of said proceeding, the clerk of said court shall issue notice to the owner or person in possession of such property to appear before such court upon the date named therein, which shall not be less than two days from service of such notice, to show cause why the forfeiture aforesaid should not be declared, which notice shall be served by the sheriff of said county. In the event the defendant in said proceeding is a nonresident of the state or the defendant's residence is unknown, or in the event the name of such defendant is unknown, upon affidavit by the director to this effect, notice shall be given as ordered by the court.

Ch. 453A, § 453A.49 Enforcement.

The director shall enforce the provisions of this division. The director may prescribe rules not inconsistent with the provisions of this division for its detailed and efficient administration. In the enforcement of this division the director may call upon any **county attorney** or the attorney general for assistance. The director may bring injunction proceedings to restrain any person from acting as a distributor or subjobber without complying with the provisions of this division.

Chapter 453B Excise Tax on Unlawful Dealing in Certain Substances

Ch. 453B, § 453B.16 Notice of conviction.

If a person enters a plea of guilty, or forfeits bail or collateral deposited to secure the person's appearance in court, and the forfeiture is not vacated, or if a person is found guilty upon an indictment or information alleging a violation of this chapter, a copy of the minutes attached to the indictment returned by the grand jury, or to the **county attorney's** information, a copy of the judgment and sentence, and a copy of the opinion of the judge if one is filed, shall be sent by the clerk of the district court or the judge to the state department of transportation.

Title XI. Natural Resources

Subtitle 1. Control of Environment

Chapter 455B Jurisdiction of Department of Natural Resources

Ch. 455B, § 455B.224 Simple misdemeanor.

Any person, including any firm, corporation, municipal corporation, or other governmental subdivision or agency, violating any provisions of this part 2 of division III or the rules adopted thereunder after written notice thereof by the executive director is guilty of a simple misdemeanor. Each day of operation in such violation of said part or any rules adopted thereunder shall constitute a separate offense. It shall be the duty of the appropriate **county attorney** to secure injunctions of continuing violations of any provisions of said part or the rules adopted thereunder.

Chapter 460A Geological Survey

Ch. 460A, § 460A.13 Failure to furnish map.

When the operator of any mine neglects or refuses for a period of ninety days to furnish to the state geologist the map or plan, or a copy thereof, of such mine or any extension thereof, as provided in this chapter, the state geologist shall cause to be made an accurate map or plan of such mine or extension as the case may be, at the expense of the operator.

The cost shall be paid by the state and recovered from such operator. It shall be the duty of the **county attorney** of the county in which such mine is located, at the request of the state geologist, to bring action in the name of the state for such recovery.

Subtitle 5. Public Utilities

Chapter 479 Pipelines and Underground Gas Storage

Ch. 479, § 479.29 Construction standards.

... If the pipeline company or its contractor does not comply with the orders of the inspector for compliance with the standards, the county board of supervisors may direct the **county attorney** to petition the district court for an order requiring corrective action to be taken in compliance with the standards adopted under this section.

Ch. 479, § 479.46 Determination of installation damages.

Sections 6B.10 to 6B.13 apply to this notice. If more than one landowner petitions the county board of supervisors, the application to the chief judge, notice to the pipeline company, and appraisal of damages shall be consolidated into one application, notice, and appraisal. The **county attorney** may assist in coordinating the consolidated application and notice, but does not become an attorney for the landowners by doing so.

Chapter 479A Interstate Natural Gas Pipelines

Ch. 479A, § 479A.14 Land restoration -- standards -- inspections.

... If the pipeline company or its contractor does not comply with the orders of the inspector for compliance with the standards, the county board of supervisors may direct the **county attorney** to petition the district court for an order requiring corrective action to be taken in compliance with the standards adopted under this section.

Ch. 479A, § 479A.25 Determination of installation damages.

Sections 6B.10 to 6B.13 apply to this notice. If more than one landowner petitions the county board of supervisors, the application to the chief judge, notice to the pipeline company, and appraisal of damages shall be consolidated into one application, notice, and appraisal. The **county attorney** may assist in coordinating the consolidated application and notice, but does not become an attorney for the landowners by doing so.

Chapter 479B Hazardous Liquid Pipelines and Storage Facilities

Ch. 479B, § 479B.20 Land restoration standards.

... If the pipeline company or its contractor does not comply with the orders of the inspector for compliance with the standards, the county board of supervisors may direct the **county attorney** to petition the district court for an order requiring corrective action to be taken in compliance with the standards adopted under this section.

Ch. 479B, § 479B.30 Determination of construction damages.

Sections 6B.10 to 6B.13 apply to this notice. If more than one landowner petitions the county board of supervisors, the application to the chief judge, notice to the pipeline company, and appraisal of damages shall be consolidated into one application, notice, and appraisal. The **county attorney** may assist in coordinating the consolidated application and notice, but does not become an attorney for the landowners by doing so.

Chapter 481A Wildlife Conservation

Ch. 481A, § 481A.35 Attorney general and county attorneys.

It shall be the duty of the attorney general, when requested by the director, to give the attorney general's opinion in writing upon any question of law arising under this chapter; and it shall be the duty of all **county attorneys** in this state when requested by the director or any officer appointed by the commission, to prosecute all criminal actions brought in their respective counties for violations of the provisions of this chapter. Nothing in this chapter shall be construed as prohibiting any person from instituting legal proceedings for the enforcement of any of the provisions thereof.

Ch. 481A, § 481A.131 Judgment -- execution.

Civil suits for the collection of judgments may be prosecuted by the attorney general or by **county attorneys**.

Chapter 483A Fishing and Hunting Licenses, Contraband, and Guns

Ch. 483A, §483A.33 Disposition of property seized as public nuisance.

The officer taking possession of property seized as a public nuisance shall make a written inventory of the property and deliver a copy of the inventory to the person from whom the property was seized. The inventory shall include the name of the person taking custody of the seized property, the date and time of seizure, location of the seizure, and the name of the seizing public agency. Property which has been seized shall be safely secured and stored by the public agency which caused its seizure unless directed otherwise by the **county attorney** of the county where the property was seized or by the attorney general.

Subtitle 4. Securities

Chapter 502 Uniform Securities Act (Blue Sky Laws)

Ch. 502, § 502.605 Criminal penalty.

... The administrator may refer such evidence as is available concerning violations of this chapter or of any rule or order hereunder to the attorney general or the proper **county attorney** who may, with or without such a reference, institute the appropriate criminal proceedings under this chapter.

Chapter 502A Commodities Code

Ch. 502A, § 502A.14 Criminal penalties.

... The administrator may refer such evidence as is available concerning violations of this chapter or any rule or order of the administrator to the attorney general or the proper **county attorney**, who may, with or without such a reference from the administrator, institute the appropriate criminal proceedings under this chapter.

Title XIII. Commerce

Subtitle 1. Insurance and Related Regulation

Chapter 511 Provisions Applicable to Life Insurance Companies and Associations

Ch. 511, § 511.7 Recovery of penalties.

Actions brought to recover any of the penalties provided for in this chapter shall be instituted in the name of the state by the **county attorney** of the county, under the direction and authority of the commissioner of insurance, and may be brought in the district court of any county in which the company or association proceeded against is engaged in the transaction of business, or in which the offending person resides, if it is against the person. The penalties, when recovered, shall be paid to the treasurer of state for deposit

in the general fund of the state.

Chapter 515 Insurance Other Than Life

Ch. 515, § 515.93 Violations.

Actions brought to recover any of the penalties provided for in this chapter shall be instituted in the name of the state by the **county attorney** of the county, under the direction and authority of the commissioner of insurance, and may be brought in the district court of any county in which the company or association proceeded against is engaged in the transaction of business, or in which the offending person resides, if it is against the person. The penalties, when recovered, shall be paid to the treasurer of state for deposit in the general fund of the state.

Chapter 523 Elections, Proportionate Representation, and Insider Trading

Ch. 523, § 523A.7 Bonds in lieu of trust fund.

... Upon receiving a notice of cancellation, unless the seller has complied with the requirements of this section, the attorney general shall seek an injunction to prohibit the seller from making further agreements subject to this chapter and shall commence an action to attach and levy execution upon property of the seller when the seller fails to perform an agreement subject to this chapter, to the extent necessary to secure compliance with this chapter, and the **county attorney** may bring criminal charges under section 523A.2, subsection 6.

Chapter 523A Funeral Services and Merchandise

Ch. 523A, § 523A.13 Prosecution for violations of law.

If the commissioner believes that grounds exist for the criminal prosecution of persons subject to this chapter for violations of this chapter or any other law of this state, the commissioner may forward to the attorney general or the **county attorney** the grounds for the belief, including all evidence in the commissioner's possession, in order that the attorney general or the **county attorney** may proceed with the matter as deemed appropriate. At the request of the attorney general, the **county attorney** shall appear and prosecute the action when brought in the **county attorney's** county.

Chapter 523B Business Opportunity Promotion

Ch. 523B, § 523B.11 Penalties.

... The administrator may refer available evidence concerning a possible violation of this chapter or of a rule or order issued under this chapter to the attorney general. The attorney general, with or without such a referral, may institute appropriate criminal proceedings or may direct the case to the appropriate **county attorney** to institute appropriate criminal proceedings.

Chapter 523E Cemetery Merchandise

Ch. 523E, § 523E.7 Bond in lieu of trust fund.

... Upon receiving a notice of cancellation, unless the seller has complied with the requirements of this section, the attorney general shall seek an injunction to prohibit the seller from making further agreements subject to this chapter and shall commence an action to attach and levy execution upon property of the seller when the seller fails to perform an agreement subject to this chapter, to the extent necessary to secure compliance with this chapter, and the **county attorney** may bring criminal charges under section 523E.15.

Ch. 523E, § 523E.13 Prosecution for violations of law.

If the commissioner believes that grounds exist for the criminal prosecution of persons subject to this chapter for violations of this chapter or any other law of this state, the commissioner may forward to the attorney general or the **county attorney** the grounds for the belief, including all evidence in the commissioner's possession, in order that the attorney general or the **county attorney** may proceed with the matter as deemed appropriate. At the request of the attorney general, the **county attorney** shall appear and prosecute the action when brought in the **county attorney's** county.

Subtitle 2. Financial Institutions

Chapter 529 Iowa Financial Transaction Reporting Requirement

Ch. 529, § 529.3 Investigations.

The attorney general or **county attorney** may conduct investigations within or outside this state to determine if any licensee, authorized delegate, money transmitter, or person engaged in a trade or business has failed to file a report required by this chapter or has engaged or is engaging in any act, practice, or transaction that constitutes a violation of this chapter.

Subtitle 3. Money and Credit

Chapter 535B Mortgage Bankers and Brokers

Ch. 535B, § 535B.8 Operating without a license.

A person, who without first obtaining a license under this chapter, engages in the business or occupation of, or advertises or holds the person out as, or claims to be, or temporarily acts as, a mortgage banker or mortgage broker in this state is guilty of a class "D" felony and may be prosecuted by the attorney general or a **county attorney**.

Subtitle 4. Professional Regulation, Commerce-Related

Chapter 542C Public Accountants

Ch. 542C, § 542C.29 Penalty.

Whenever the board has reason to believe that any person is liable to punishment under this section, it may certify the facts to the attorney general of this state, or to the **county attorney** of the county where the person maintains a business office, who may, in the attorney general's or **county attorney's** discretion, cause appropriate charges to be filed.

Chapter 543C Sales of Subdivided Land Outside of Iowa

Ch. 543C, § 543C.7 Prosecution.

The attorney general shall prosecute all violations of this chapter. Prosecutions shall be instituted by the attorney general upon the written request of the commission. In all criminal proceedings the attorney general may appear before any court or any grand jury and exercise all the powers and perform all the duties in respect to such actions or proceedings which the **county attorney** would otherwise be authorized or required to exercise or perform. In lieu thereof the attorney general may transmit evidence, proof, and information pertaining to such offense to the **county attorney** of the county in which the alleged violation occurred, and such **county attorney** shall prosecute for such violation.

In any such proceeding in which the attorney general has appeared, the **county attorney** shall only exercise such powers and perform such duties as are required by the attorney general. The attorney general shall, within ten days after a conviction for a violation of any provision of this chapter, file with the commission a detailed report showing the date of the conviction, name of the person convicted, and the specific nature of the charge.

Subtitle 5. Regulation of Commercial Enterprises

Chapter 551 Unfair Discrimination

Ch. 551, § 551.6 Enforcement.

It shall be the duty of the **county attorneys**, in their counties, and the attorney general, to enforce the provisions of sections 551.1 to 551.5, inclusive, by appropriate actions in courts of competent jurisdiction.

Chapter 553 Iowa Competition Law

Ch. 553, § 553.7 Attorney general to enforce.

The attorney general, with such assistance as may be required from time to time of the **county attorneys** in their respective counties, shall institute all criminal and civil actions and proceedings brought under this Act in the name of the state.

Title XIV. Property

Subtitle 2. Real Property--Gifts

Chapter 558 Conveyances

Ch. 558, § 558.44 Mandatory recordation of conveyances and leases of agricultural land.

Failure to record a conveyance or lease of agricultural land required to be recorded by this section by the grantee or lessee within the specified time limit is punishable by a fine not to exceed one hundred dollars per day for each day of violation. The county recorder shall record a conveyance or lease of agricultural land presented for recording even though not presented within one hundred eighty days after the date of conveyance or lease. The county recorder shall forward to the **county attorney** a copy of each such conveyance or lease of agricultural land recorded more than one hundred eighty days from the date of conveyance. The **county attorney** shall initiate action in the district court to enforce the provisions of this section. Failure to timely record shall not invalidate an otherwise valid conveyance or lease.

Ch. 558, § 558.46 Real Estate -- Residential Installment Sales Contracts.

... Failure to record a real estate contract required to be recorded by this section by the contract seller within the specified time limit is punishable by a fine not to exceed one hundred dollars per day for each day of violation. The county recorder shall record a real estate contract presented for recording even though not presented within one hundred eighty days of the signing of the contract. The county recorder shall forward to the **county attorney** a copy of each real estate contract recorded more than one hundred eighty days from the date the contract was signed by the contract seller and contract purchaser. The **county attorney** shall initiate action in the district court to enforce the provisions of this section. Fines collected pursuant to this subsection shall be deposited in the general fund of the county.

Chapter 562A Uniform Residential Landlord and Tenant Law

Ch. 562A, § 562A.27A Termination for creating a clear and present danger to others.

... The tenant reports the activities causing the clear and present danger to a law enforcement agency or the **county attorney** in an effort to initiate a criminal action against the person conducting the activities.

Chapter 562B Mobile Home Parks Residential Landlord and Tenant Law

Ch. 562B, § 562B.25A Termination for creating a clear and present danger to

others.

... The tenant reports the activities causing the clear and present danger to a law enforcement agency or the **county attorney** in an effort to initiate a criminal action against the person conducting the activities.

Chapter 569 Acquisition of Title by State or Municipal Corporations

Ch. 569, § 569.2 Bidding in at execution sale.

Such real estate shall be bid in, if for the state, by the attorney general, if for the county, by the **county attorney**, and if for any other municipal corporation, by its attorney or agent appointed for that purpose, the proceeds of any such real estate, when sold, to be covered into the state, county, or municipal treasury, as the case may be, for the use of the general or the special fund to which it rightfully belongs.

Title XV. Judicial Branch and Judicial Procedures

Subtitle 1. Domestic Relations

Chapter 600B Paternity and Obligation for Support

Ch. 600B, § 600B.12 Complaint -- where brought.

The complaint may be made to the **county attorney**.

Ch. 600B, § 600B.19 County attorney to prosecute.

The **county attorney**, on being notified of the facts justifying a complaint as provided in this chapter, or of the filing of such complaint, shall prosecute the matter in behalf of the complainant.

Subtitle 2. Courts

Chapter 602 Judicial Branch

Ch. 602, § 602.6504 Commissioners elected by attorneys.

A **county attorney** shall not be elected to the commission.

Ch. 602, § 602.8107 Collection of fines, penalties, fees, court costs, surcharges, and restitution.

... All fines, penalties, court costs, fees, surcharges, and restitution for court-appointed attorney fees or for expenses of a public defender which are delinquent may be collected by the **county attorney** or the **county attorney's** designee. Thirty-five percent of the amounts collected by the **county attorney** or the person procured or designated by the **county attorney** shall be deposited in the general fund of the county if the **county**

attorney has filed the notice required in section 331.756, subsection 5, unless the **county attorney** has discontinued collection efforts on a particular delinquent amount. The remainder shall be paid to the clerk for distribution under section 602.8108.

...If a **county attorney** does not file the notice and list of cases required in section 331.756, subsection 5, the judicial branch may assign cases to the centralized collection unit of the department of revenue and finance or its designee to collect debts owed to the clerk of the district court.

Subtitle 3. Civil Procedure

Chapter 613 Parties—Causes of Action--Liability

Ch. 613, § 613.9 Service on state.

Service upon the state shall be made by serving a copy of the original notice with a copy of the petition upon the **county attorney** for the county, or counties, in which the real estate is located, and by sending a copy of the original notice and petition by certified mail to the attorney general, at Des Moines. The state shall appear within thirty days after the day such notice is served upon the **county attorney** or within thirty days after such notice is mailed to the attorney general, whichever is later.

Chapter 622 Evidence

Ch. 622, § 622.29 Facsimiles of signatures.

The judicial council shall prescribe rules and procedures for the use of a signature facsimile by a justice of the supreme court or a judge of the court of appeals, or a district judge, district associate judge, magistrate, clerk of the district court, **county attorney**, court reporter, or a law enforcement officer in all instances where a law of this state requires a written signature.

Subtitle 4. Probate -- Fiduciaries

Chapter 633 Probate Code

Ch. 633, § 633.582 Notice on county attorney.

Such notice shall also be served on the **county attorney** of the county in which the petition is filed and on the spouse and children of the absentee as provided by the Rules of Civil Procedure. If there are no spouse or children, such notice shall be served on such persons and in such manner as the court may prescribe.

Subtitle 5. Special Actions.

Chapter 642 Garnishment

Ch. 642, § 642.2 Garnishment of public employer.

... Except as provided in subsection 1, service upon the garnishee shall be made by serving an original notice with a copy of the judgment against the defendant, and with a copy of the questions specified in section 642.5, by certified mail or by personal service upon the attorney general, **county attorney**, city attorney, secretary of the school district, or legal counsel of the appropriate governmental unit. The garnishee shall be required to answer within thirty days following receipt of the notice.

Chapter 661 Mandamus

Ch. 661, § 661.8 When order granted.

The order of mandamus is granted on the petition of any private party aggrieved, without the concurrence of the prosecutor for the state, or on the petition of the state by the **county attorney**, when the public interest is concerned, and is in the name of such private party or of the state, as the case may be in fact brought.

Chapter 663 Habeas Corpus

Ch. 663, § 663.12 County attorney notified.

The court or officer allowing the writ must cause the **county attorney** of the proper county to be informed thereof, and of the time and place where and when it is made returnable.

Title XVI. Criminal Law and Procedure

Subtitle 1. Crime Control and Criminal Acts

Chapter 691 State Criminalistics Laboratory and Medical Examiner

Ch. 691, § 691.1 Laboratory created.

There is hereby created under the control, direction and supervision of the commissioner of public safety a state criminalistics laboratory. The commissioner of public safety may assign the criminalistics laboratory to a division or bureau within the public safety department. The laboratory shall, within its capabilities, conduct analyses, comparative studies, fingerprint identification, firearms identification, questioned documents studies, and other studies normally performed by a criminalistics laboratory when requested by a **county attorney**, medical examiner, or law enforcement agency of this state to aid in any criminal investigation. Agents of the division of criminal investigation and bureau of identification may be assigned to the criminalistics laboratory by the commissioner. New employees shall be appointed pursuant to chapter 19A, and need not qualify as agents for

the division of criminal investigation and bureau of identification, and shall not participate in the peace officers' retirement plan established pursuant to chapter 97A.

Ch. 691, § 691.2 Presumption of qualification -- evidence -- testimony.

A party or the party's attorney may request that an employee or technician testify in person at a criminal trial, administrative hearing, or forfeiture proceeding on behalf of the state or the adverse agency of the state, by notifying the proper **county attorney**, or in the case of an administrative proceeding the adverse agency, at least ten days before the date of the criminal trial, administrative hearing, or forfeiture proceeding. A party or the party's attorney in any other civil proceeding may require an employee or technician to testify in person pursuant to a subpoena.

Ch. 691, § 691.4 Copy of finding to defendant.

The **county attorney** shall give the accused person, or the accused person's attorney, after an indictment or **county attorney's** information has been returned, a copy of each report of the findings of the criminalistics laboratory conducted in the investigation of the indictable criminal charge against the accused person at the time of arraignment, or if such report is received after arraignment, upon receipt, whether or not such findings are to be used in evidence against the accused person. If such report is not given to the accused or the accused person's attorney at least four days prior to trial, such fact shall be grounds for a continuance.

Chapter 692 Criminal History and Intelligence Data

Ch. 692, § 692.15 Reports to department.

... The law enforcement agency making an arrest and securing fingerprints pursuant to section 690.2 or taking a juvenile into custody and securing fingerprints pursuant to section 232.148 shall fill out a final disposition report on each arrest on a form and in the manner prescribed by the commissioner of public safety. The final disposition report shall be forwarded to the **county attorney** in the county where the arrest or taking into custody occurred.

Chapter 692A Sex Offender Registry

Ch. 692A, § 692A.5 Duty to facilitate registration.

... The court may order an appropriate law enforcement agency or the **county attorney** to assist the court in performing the requirements of subsection 1.

Chapter 715A Forgery and Related Fraudulent Criminal Acts

Ch. 715A, § 715A.2A Accommodation of forgery -- penalty.

A person who intentionally violates this chapter is guilty of an aggravated misdemeanor. A person intentionally violates this chapter if the act or acts in violation occur or continue after the attorney general or **county attorney** has notified the person by certified mail that the person is in violation of this chapter.

Chapter 716B Hazardous Waste Offenses

Ch. 716B, § 716B.5 Enforcement.

The attorney general or the **county attorney** for the county in which a violation occurs is responsible for enforcement of this chapter.

Chapter 728 Obscenity

Ch. 728, § 728.4 Rental or sale of hard-core pornography.

A person who knowingly rents, sells, or offers for rental or sale material depicting patently offensive representations of oral, anal, or vaginal intercourse, actual or simulated, involving humans, or depicting patently offensive representations of masturbation, excretory functions, or bestiality, or lewd exhibition of the genitals, which the average adult taking the material as a whole in applying statewide contemporary community standards would find appeals to the prurient interest; and which material, taken as a whole, lacks serious literary, scientific, political, or artistic value, upon conviction is guilty of an aggravated misdemeanor. However, second and subsequent violations of this section by a person who has been previously convicted of violating this section are class "D" felonies.

Charges under this section may only be brought by a **county attorney** or by the attorney general.

Ch. 728, § 728.6 Civil suit to determine obscenity.

person who knowingly rents, sells, or offers for rental or sale material depicting patently offensive representations of oral, anal, or vaginal intercourse, actual or simulated, involving humans, or depicting patently offensive representations of masturbation, excretory functions, or bestiality, or lewd exhibition of the genitals, which the average adult taking the material as a whole in applying statewide contemporary community standards would find appeals to the prurient interest; and which material, taken as a whole, lacks serious literary, scientific, political, or artistic value, upon conviction is guilty of an aggravated misdemeanor. However, second and subsequent violations of this section by a person who has been previously convicted of violating this section are class "D" felonies.

Charges under this section may only be brought by a **county attorney** or by the attorney general.

Ch. 728, § 728.8 Suspension of licenses or permits.

Any person who knowingly permits a violation of section 728.2, 728.3, or 728.5, subsection 6, to occur on premises under the person's control shall have all permits and licenses issued to the person under state or local law as a prerequisite for doing business on such premises revoked for a period of six months. The **county attorney** shall notify all agencies responsible for issuing licenses and permits of any conviction under section 728.2, 728.3, or 728.5, subsection 6.

Ch. 728, § 728.14 Commercial film and photographic print processor reports of depictions of minors engaged in prohibited sexual acts.

A commercial film and photographic print processor who has knowledge of or observes, within the scope of the processor's professional capacity or employment, a film, photograph, video tape, negative, or slide which depicts a minor whom the processor knows or reasonably should know to be under the age of eighteen, engaged in a prohibited sexual act or in the simulation of a prohibited sexual act, shall report the depiction to the **county attorney** immediately or as soon as possible as required in this section. The processor shall not report to the **county attorney** depictions involving mere nudity of the minor, but shall report depictions involving a prohibited sexual act. This section shall not be construed to require a processor to review all films, photographs, video tapes, negatives, or slides delivered to the processor within the processor's professional capacity or employment.

Chapter 729 Infringement of Individual Rights

Ch. 729, § 729.6 Genetic testing.

... If a person commits, is committing, or proposes to commit, an act in violation of this section, an injunction may be granted through an action in district court to prohibit the person from continuing such acts. The action for injunctive relief may be brought by an aggrieved employee, labor organization member, or licensee, or aggrieved prospective employee, member, or licensee, the **county attorney**, or the attorney general.

Chapter 730 Employer-Employee Offenses

Ch. 730, § 730.4 Polygraph examination prohibited.

... When a person commits, is committing, or proposes to commit, an act in violation of this section, an injunction may be granted through an action in district court to prohibit the person from continuing such acts. The action for injunctive relief may be brought by an aggrieved employee or applicant for employment, the **county attorney**, or the attorney general.

Ch. 730, § 730.5 Drug testing of employees or applicants regulated.

... When a person commits, is committing, or proposes to commit, an act in violation of this section, an injunction may be granted through an action in district court to prohibit the person from continuing such acts. The action for injunctive relief may be brought by an aggrieved employee or applicant for employment, the **county attorney**, or the attorney general.

Subtitle 2. Criminal Procedure

Chapter 801 Criminal Procedure Scope and Definitions

Ch. 801, § 801.4 Definitions.

For the purposes of title XVI, unless the context otherwise requires: ... 5. "**County attorney**" includes an authorized assistant of the **county attorney**.

Chapter 803 Jurisdiction of Public Offenses and Place of Trial

Ch. 803, § 803.1 State criminal jurisdiction.

... The jurisdiction of the criminal court includes the prosecution of any individual arrested who is eighteen years of age or older and who is charged with committing a criminal offense. If the individual is alleged to have committed the offense prior to having reached the age of eighteen, that individual or the **county attorney** may petition the criminal court to transfer the matter to juvenile court, pursuant to section 803.5.

Ch. 803, § 803.5 Transfer of jurisdiction.

... The defendant or the **county attorney** may file a motion for the transfer any time within ten days of the initial appearance.

Ch. 803, § 803.6 Transfer of jurisdiction -- juvenile.

... If the court believes that transfer may be appropriate the court shall hold a hearing on whether the child should be transferred. A notice of the time and place of the transfer hearing shall be given to all parties to the case. Prior to the hearing, the court shall provide the defendant's counsel and the **county attorney** with access to the report provided by the juvenile court officer and to all written material to be considered by the court.

Chapter 804 Commencement of Action—Arrest—Dispositions of Prisoners

Ch. 804, § 804.31 Arrest of deaf or hard-of-hearing person -- use of interpreters -- fee.

When a person is detained for questioning or arrested for an alleged violation of a law or ordinance and there is reason to believe that the person is deaf or hard-of-hearing, the peace officer making the arrest or taking the person into custody or any other officer detaining the person shall determine if the person is a deaf or hard-of-hearing person as defined in section 622B.1. If the officer so determines, the officer, at the earliest possible time and prior to commencing any custodial interrogation of the person, shall procure a qualified interpreter in accordance with section 622B.2 and the rules adopted by the supreme court under section 622B.1 unless the deaf or hard-of-hearing person knowingly, voluntarily, and intelligently waives the right to an interpreter in writing by executing a form prescribed by the department of human rights and the Iowa **county attorneys** association.

The interpreter shall interpret the officer's warnings of constitutional rights and protections and all other warnings, statements, and questions spoken or written by any officer, attorney, or other person present and all statements and questions communicated in sign language by the deaf or hard-of-hearing person.

Chapter 805 Citations in Lieu of Arrest

Ch. 805, § 805.8 Scheduled violations.

... Violations of the schedule of axle and tandem axle and gross or group of axle weight violations in section 321.463 shall be scheduled violations subject to the provisions, procedures and exceptions contained in sections 805.6 to 805.11, irrespective of the amount of the fine under that schedule. Violations of the schedule of weight violations shall be chargeable, where the fine charged does not exceed one hundred dollars, only by uniform citation and complaint. Violations of the schedule of weight violations, where the fine charged exceeds one hundred dollars: ... (2) but otherwise, shall be chargeable only upon indictment or **county attorney's** information. In all cases of charges under the schedule of weight violations, the charge shall specify the amount of fine charged under the schedule. Where a defendant is convicted and the fine under the foregoing schedule of weight violations exceeds one hundred dollars, the conviction shall be of an indictable offense although section 805.9 is employed and whether the violation is charged upon uniform citation and complaint, indictment, or **county attorney's** information.

Chapter 808B Interception of Communications

Ch. 808B, § 808B.1 Definitions.

... "Investigative or law enforcement officer" means a peace officer of this state or one of its political subdivisions or of the United States who is empowered by law to conduct investigations of or to make arrests for criminal offenses, the attorney general, or a **county attorney** authorized by law to prosecute or participate in the prosecution of criminal offenses.

Ch. 808B, § 808B.3 Court order for interception by special agents.

The attorney general shall authorize and prepare any application for an order authorizing the interception of wire communications or oral communications. The attorney general may apply to any district court of this state, or request that the **county attorney** in the district where application is to be made deliver the application of the attorney general, for an order authorizing the interception of wire communications or oral communications, and the court may grant, subject to this chapter, an order authorizing the interception of wire communications or oral communications by special state agents having responsibility for the investigation of the offense as to which application is made, when the interception may provide or has provided evidence of the commission of felony offenses involving dealing in controlled substances, as defined in section 124.101, subsection 5.

Ch. 808B, § 808B.6 Reports to state court administrator.

... In January of each year, the attorney general and the **county attorneys** of this state

shall report to the state court administrator and to the administrative offices of the United States district courts all of the following: ...

Chapter 809 Disposition of Seized Property

Ch. 809, § 809.3 Application for immediate return of seized property.

... The claimant shall cause a copy of the application to be delivered to the **county attorney**.

Chapter 812 Confinement of Dangerous Persons and Persons with Mental Incompetence

Ch. 812, § 812.5 Effect of restoration of mental capacity.

If the accused is committed to the department of human services or to the department of corrections for placement at the Iowa medical and classification center under section 812.4, after the expiration of a period not to exceed six months, the court shall upon hearing review the confinement and determine whether there is a substantial probability the accused will regain capacity within a reasonable time. If not, the state shall be directed to institute civil commitment proceedings. When it thereafter appears that the accused can effectively assist in the accused's defense, the department shall give notice to the sheriff and **county attorney** of the proper county of such fact, and the sheriff, without delay, shall receive and hold the accused in custody until the accused is brought to trial or judgment, as the case may be, or is legally discharged, the expense for conveying and returning the accused, or any other, to be paid in the first instance by the county from which the accused is sent, but such county may recover the same from another county or municipal body required to provide for or maintain the accused elsewhere, and the sheriff shall be allowed for the sheriff's services the same fees as are allowed for conveying persons to institutions under section 331.655.

Ch. 812, § 812.3, Rule 3 The grand jury.

... j. Duty of grand jury. The grand jury shall inquire into all indictable offenses brought before it which may be tried within the county, and present them to the court by indictment.

The grand jury shall meet at times specified by order of a district judge. In addition to those times, the grand jury shall meet at the request of the **county attorney** or upon the request of a majority of the grand jurors.

Chapter 813 Iowa Rules of Criminal Procedure

Ch. 813, § 812.2, Rule 5 Information.

Prosecution on information. All indictable offenses may be prosecuted by a trial information. An information charging a person with an indictable offense may be filed with the clerk of the district court at any time, whether or not the grand jury is in session. The **county attorney** shall have the authority to file such a trial information except as herein provided or unless that authority is specifically granted to other prosecuting attorneys by statute.

Chapter 815 Costs—Compensation and Fees—Indigent Defense

Ch. 815, § 815.3 Witnesses called to county attorney investigations.

Witnesses subpoenaed by the **county attorney** pursuant to R.Cr.P. 5 shall receive the same fees and mileage as are allowed witnesses in the district court, and shall be paid in the same manner in which witnesses before the grand jury are paid except that such fees and mileage shall be certified only by the **county attorney**.

Chapter 822 Postconviction Procedure

Ch. 822, § 822.3 How to commence proceeding -- limitation.

A proceeding is commenced by filing an application verified by the applicant with the clerk of the district court in which the conviction or sentence took place. However, if the applicant is seeking relief under section 822.2, subsection 6, the application shall be filed with the clerk of the district court of the county in which the applicant is being confined within ninety days from the date the disciplinary decision is final. All other applications must be filed within three years from the date the conviction or decision is final or, in the event of an appeal, from the date the writ of procedendo is issued. However, this limitation does not apply to a ground of fact or law that could not have been raised within the applicable time period. Facts within the personal knowledge of the applicant and the authenticity of all documents and exhibits included in or attached to the application must be sworn to affirmatively as true and correct. The supreme court may prescribe the form of the application and verification. The clerk shall docket the application upon its receipt and promptly bring it to the attention of the court and deliver a copy to the **county attorney** and the attorney general.

Subtitle 3. Criminal Corrections

Chapter 904 Department of Corrections

Ch. 904, § 904.512 Visits.

Members of the executive council, the attorney general, the lieutenant governor, members of the general assembly, judges of the supreme and district court and court of appeals, judicial magistrates, **county attorneys** and persons ordained or designated as regular leaders of a religious community are authorized to visit all institutions under the control of the Iowa department of corrections at reasonable times. No other person shall be granted admission except by permission of the superintendent.

Ch. 904, § 904.602 Confidentiality of records -- penalty.

The following information regarding individuals receiving or who have received services from the department or from the judicial district departments of correctional services under chapter 905 is public information and may be given to anyone: ... I. Disciplinary reports and decisions which have been referred to the **county attorney** or prosecutor for prosecution, and the following information of all other disciplinary reports: (1) The name

of the subject of the investigation. (2) The alleged infraction involved. (3) The finding of fact and the penalty, if any, imposed as a result of the infraction.

Chapter 907 Deferred Judgment, Deferred or Suspended Sentence and Probation

Ch. 907, § 907.3A Youthful offender deferred sentence -- youthful offender status.

... The court shall hold a hearing prior to a youthful offender's eighteenth birthday to determine whether the youthful offender shall continue on youthful offender status after the youthful offender's eighteenth birthday under the supervision of the court or be discharged. The court shall review the report of the juvenile court regarding the youthful offender and shall hear evidence by or on behalf of the youthful offender, by the **county attorney**, and by the person or agency to whom custody of the youthful offender was transferred. The court shall make its decision after considering the services available to the youthful offender, the evidence presented, the juvenile court's report, the interests of the youthful offender, and interests of the community.

Ch. 907, § 907.4 Deferred judgment docket.

A deferment of judgment under section 907.3 shall be reported promptly by the clerk of the district court, or the clerk's designee, to the state court administrator for entry in the deferred judgment docket. The docket shall contain a permanent record of the deferred judgment including the name and date of birth of the defendant, the district court docket number, the nature of the offense, and the date of the deferred judgment. Before granting deferred judgment in any case, the court shall request of the state court administrator a search of the deferred judgment docket and shall consider any prior record of a deferred judgment against the defendant. The permanent record provided for in this section is a confidential record exempted from public access under section 22.7 and shall be available only to justices of the supreme court, judges of the court of appeals, district judges, district associate judges, judicial magistrates, clerks of the district court, and **county attorneys** requesting information pursuant to this section, or the designee of a justice, judge, magistrate, clerk, or **county attorney**.

Ch. 907, § 907.8 Supervision during probationary period.

In each case wherein the court shall order said person committed to the custody, care, and supervision of the judicial district department of correctional services, the clerk of the district court shall at once furnish the director of the judicial district department of correctional services with certified copies of the indictment or information, the minutes of testimony attached thereto, the judgment entry if judgment is not deferred, and the original mittimus. The **county attorney** shall at once advise the director, by letter, that the defendant has been placed under the supervision of the judicial district department of correctional services and give the director a detailed statement of the facts and circumstances surrounding the crime committed and the record and history of the defendant as may be known to the **county attorney**. If the defendant is confined in the

county jail at the time of sentence, the court may order the defendant held until arrangements are made by the judicial district department of correctional services for the defendant's employment and the defendant has signed the necessary probation papers.

If the defendant is not confined in the county jail at the time of sentence, the court may order the defendant to remain in the county wherein the defendant has been convicted and sentenced and report to the sheriff as to the defendant's whereabouts.

Ch. 907, § 907.8A Sixth judicial district -- determination of issues during probationary period.

A probation hearing conducted by an administrative parole and probation judge shall be conducted in the same manner as hearings regarding revocations or modifications of or discharge from parole. The hearing may be conducted electronically. The probation officer shall notify the **county attorney** at least five days prior to any probation hearing.

The interests of the state shall be represented by the probation officer at the probation hearing, unless the **county attorney** or the **county attorney's** designee elects to assist the probation officer. The board of parole, the department of corrections, and the clerk of the district court in the sixth judicial district shall devise and implement a system for the filing of documents and records of probation hearings conducted under this section. The system shall allow for the electronic filing of records and documents where electronic filing is practicable.

Ch. 907, § 907.9 Discharge from probation.

... At any time that a probation officer determines that the purposes of probation have been fulfilled and the fees imposed under section 905.14 have been paid to or waived by the judicial district department of correctional services, the officer may order the discharge of a person from probation after approval of the district director and notification of the sentencing court, and the **county attorney** who prosecuted the case.

Chapter 909 Fines

Ch. 909, § 909.10 Collection of delinquent amounts by the court.

As used in this section, unless the context otherwise requires, "delinquent amounts" means a fine, court-imposed court costs in a criminal proceeding, or criminal surcharge imposed pursuant to section 911.2, which remains unpaid after two years from the date that the fine, court costs, or surcharge was imposed, and which is not collected by the **county attorney** pursuant to section 602.8107. However, if the fine may be paid in installments pursuant to section 909.3, the fine is not a delinquent amount unless the installment remains unpaid after two years from the date the installment was due.

Chapter 910 Restitution

Ch. 910, § 910.3 Determination of amount of restitution.

The **county attorney** shall prepare a statement of pecuniary damages to victims of the defendant and, if applicable, any award by the crime victim compensation program and expenses incurred by public agencies pursuant to section 321J.2, subsection 9, paragraph

"b", and shall provide the statement to the presentence investigator or submit the statement to the court at the time of sentencing. The clerk of court shall prepare a statement of court-appointed attorney's fees, the expense of a public defender, and court costs including correctional fees claimed by a sheriff pursuant to section 356.7, which shall be provided to the presentence investigator or submitted to the court at the time of sentencing. If these statements are provided to the presentence investigator, they shall become a part of the presentence report. If pecuniary damage amounts are not available at the time of sentencing, the **county attorney** shall provide a statement of pecuniary damages incurred up to that time to the clerk of court. The statement shall be provided no later than thirty days after sentencing. If a defendant believes no person suffered pecuniary damages, the defendant shall so state. If the defendant has any mental or physical impairment which would limit or prohibit the performance of a public service, the defendant shall so state. The court may order a mental or physical examination, or both, of the defendant to determine a proper course of action. At the time of sentencing or at a later date to be determined by the court, the court shall set out the amount of restitution including the amount of public service to be performed as restitution and the persons to whom restitution must be paid. If the full amount of restitution cannot be determined at the time of sentencing, the court shall issue a temporary order determining a reasonable amount for restitution identified up to that time. At a later date as determined by the court, the court shall issue a permanent, supplemental order, setting the full amount of restitution. The court shall enter further supplemental orders, if necessary. These court orders shall be known as the plan of restitution.

Ch. 910, § 910.3A Notification of a homicide victim's county of residence.

The **county attorney** of a county in which a judgment of conviction and sentence under section 707.2, 707.3, 707.4, 707.5, or 707.6A is rendered against a defendant relating to a person's death, shall notify in writing the clerk of the district court of the county of the person's residence. Such notification shall be for the purpose of the county of the person's residence recovering from the defendant the fee and expenses incurred investigating the person's death pursuant to section 331.802, subsection 2.

Chapter 912 Crime Victim Compensation

Ch. 912, § 912.2A Crime victim assistance board.

A crime victim assistance board is established, and shall consist of the following members to be appointed pursuant to rules adopted by the department: a. A **county attorney** or assistant **county attorney**. ...

Ch. 912, § 912.3 Duties of department.

... Publicize through the department, county sheriff departments, municipal police departments, **county attorney** offices, and other public or private agencies, the existence of the crime victim compensation program, including the procedures for obtaining compensation under the program...

Request from the department of human services, the department of workforce development and its division of workers' compensation, the department of public safety, the county sheriff departments, the municipal police departments, the **county attorneys**, or other public authorities or agencies reasonable assistance or data necessary to administer the crime victim compensation program.

Chapter 914 Reprieved, Pardons, Commutations, Remissions, and Restorations of Rights

Ch. 914, § 914.5 Evidence -- testimony -- recommendation.

When an application or recommendation is made to the governor for a reprieve, pardon, commutation of sentence, remission of fines and forfeitures, or restoration of rights of citizenship, the governor may require the judge or clerk of the appropriate court, or the **county attorney** or attorney general by whom the action was prosecuted, to furnish the governor without delay a copy of the minutes of evidence taken on the trial, and any other facts having reference to the propriety of the governor's exercise of the governor's powers in the premises.

Chapter 915 Victim Rights

Ch. 915, § 915.10 Criminal corrections -- victims rights -- penalties.

... "Registered" means having provided the **county attorney** with the victim's written request for registration and current mailing address and telephone number.

Ch. 915, § 915.12. Registration

1. The **county attorney** shall be the sole registrar of victims under this subchapter.
2. A victim may register by filing a written request-for-registration form with the **county attorney**. The **county attorney** shall notify the victims in writing and advise them of their registration and rights under this subchapter.
3. The **county attorney** shall provide a registered victim list to the offices, agencies, and departments required to provide information under this subchapter for notification purposes.

Ch. 915, § 915.13. Notification by county attorney

...The **county attorney** shall notify a victim registered with the **county attorney's** office of the following:...

...The **county attorney** and the juvenile court shall coordinate efforts so as to prevent duplication of notification under this section and section 915.24.

Ch. 915, § 915.18. Notification by board of parole

...Offenders who are being considered for release on parole may be informed of a victim's

registration with the **county attorney** and the substance of any opinion submitted by the victim regarding the release of the offender.

Ch. 915, § 915.21. Victim impact statement

... A victim may file a signed victim impact statement with the **county attorney**, and a filed impact statement shall be included in the presentence investigation report...

...Itemization of any economic loss suffered by the victim as a result of the offense. For purposes of this paragraph, a pecuniary damages statement prepared by a **county attorney** pursuant to section 910.3 may serve as the itemization of economic loss....

Ch. 915, Ch. 915 § 915.24. Notification of victim of juvenile by juvenile court officer

...The juvenile court and the **county attorney** shall coordinate efforts so as to prevent duplication of notification under this section and section 915.13...

Ch. 915, Ch. § 915.35. Child victim services

To the greatest extent possible, a multidisciplinary team involving the **county attorney**, law enforcement personnel, community-based child advocacy organizations, and personnel of the department of human services shall be utilized in investigating and prosecuting cases involving a violation of chapter 709 or 726 or other crime committed upon a victim as defined in subsection 1...

Ch. 915, Ch. § 915.40. Definitions

... "Petitioner" means a person who is the victim of a sexual assault which resulted in alleged significant exposure or the parent, guardian, or custodian of a victim if the victim is a minor, for whom the **county attorney** files a petition with the district court to require the convicted offender to undergo an HIV-related test...

Ch. 915, Ch. § 915.42. Right to HIV-testing of convicted assailant

... Unless a petitioner chooses to be represented by private counsel, the **county attorney** shall represent the victim's interest in all proceedings under this subchapter....

...If a person is convicted of sexual assault or adjudicated delinquent for an act of sexual assault, the **county attorney**, if requested by the petitioner, shall petition the court for an order requiring the convicted offender to submit to an HIV-related test, provided that all of the following conditions are met:

Ch. 915, Ch. § 915.82. Crime victim assistance board

A crime victim assistance board is established, and shall consist of the following members to be appointed pursuant to rules adopted by the department:... **county attorney** or assistant county attorney...

Ch. 915, Ch. § 915.83. Duties of department

...Publicize through the department, county sheriff departments, municipal police departments, **county attorney** offices, and other public or private agencies, the existence of the crime victim compensation program, including the procedures for obtaining compensation under the program.

... Request from the department of human services, the department of workforce development and its division of industrial services, the department of public safety, the county sheriff departments, the municipal police departments, the **county attorneys**, or other public authorities or agencies reasonable assistance or data necessary to administer the crime victim compensation program...