

## Duties of the County Attorney

The County Attorney and the Assistant County Attorney are the chief law enforcement officials of the county. *Iowa County Attorneys Association Prosecutorial Standard 1.1(A)*. The County Attorney and the Assistant County Attorneys shall represent the case of the people as to both civil and criminal jurisdiction. The criminal representation shall be the primary responsibility.

The civil jurisdiction of the County Attorney shall be as specifically required by state law. *Iowa County Attorneys Association Prosecutorial Standard 1.1(B)*. This civil jurisdiction required by state law includes the following duties (including citations to the Iowa Code):

- Conduct legal proceedings relating to the condemnation of private property. 6B.2
- Represent the state in actions to enforce the state's corporate farming laws. 9H.3
- Represent the state in actions to enforce the state's agricultural landholding restrictions. 10.14
- Represent the state in actions to enforce the state's laws regarding agricultural land interests of qualified enterprises. 10D.3
- Cooperate with the auditor of state to secure correction of a financial irregularity. 11.53
- Submit reports as to the condition and operation of the county attorney's office when required by the attorney general. 13.2(1)(h)
- At the direction of any unit commander, bring action for the recovery of National Guard property. 29A.34
- Prosecute an individual who refuses to testify in a military court. 29B.48
- Prosecute contempt of court violations in any military court. 29B.49
- Hear and decide objections to a nomination filed with the county election commissioner. 44.7
- Prosecute or assist in the prosecution of actions to remove public officers from office. 66.11
- Review the report and recommendations of the ethics and campaign disclosure board and proceed to institute the recommended actions or advise the board that prosecution is not merited. 68B.32C & 68B.32D
- Institute proceedings when required to do so by the state labor commissioner. 91.11
- Investigate all child labor complaints. 92.22
- Prosecute all criminal actions for violations of the state's unemployment compensation laws. 96.17
- Enforce the provisions of the Code related to houses used for prostitution or gambling. 99.24
- Attend the hearing, interrogate witnesses, and advise a license-issuing authority relating to the revocation of a license for violation of gambling laws. 99A.7.
- Prosecute actions brought under the state's gambling laws. 99B.19.
- Institute proceedings at the request of the state fire marshal. 100.14
- Represent the state and the fire marshal. 100.20
- Assist the department of public safety in the enforcement of beer and liquor laws. 123.14
- Assist the attorney general in any action seeking to enforce payment of cleanup costs at a clandestine laboratory. 124C.4

- Prosecute cases of adulterated or misbranded drugs. 126.7
- Serve as attorney for the county health care facility administrator in matters relating to the administrator's service as a conservator or guardian for a resident of the health care facility. 135C.24
- At the request of the director of public health, commence legal action to enjoin the unlawful use of radiation-emitting equipment. 136C.5
- Assist in the enforcement of the hotel sanitation code. 137C.30
- Assist in the regulation of home food establishments. 137D.5
- Assist in the regulation of restaurants and food processing plants. 137F.19
- Assist the department of public health in the prosecution of hearing aid dispensers. 154A.23
- Assist the board of pharmacy examiners in prosecution of pharmacists. 155A.5
- Enforce the provisions of chapter 155A regarding the licensing of pharmacists. 155A.26
- Assist the department of public health in enforcing the licensing requirements for cosmetologists. 157.13
- Assist the department of health in enforcing the licensing requirements for barbers. 158.13
- Prosecute violations of the state's veterinary practice laws. 169.19
- Prosecute any violations of state laws related to the dairy marketing commission. 179.11
- Prosecute violations of state law related to meat and poultry inspections. 189A.17
- Cooperate with the secretary of agriculture in the enforcement of label requirements for food packages. 191.7
- Enforce the state's oleomargarine laws. 191.7
- Enforce the state's commercial feed laws. 198.13
- Enforce the state's agricultural seed laws. 199.14
- Enforce the state's fertilizer and soil conditioner laws. 200.18
- Enforce the state's bulk dry milk nutrient products laws. 200A.13
- Enforce the state's agricultural liming material laws. 201A.10
- Carry out duties relating to the commitment of a person with mental retardation. 222.18
- Represent State MHI administrators in transfers to Oakdale. 226.30
- Carry out duties relating to the hospitalization of persons for mental illness. 229.12
- Carry out duties relating to the collection of the costs for the care, treatment, and support of persons with mental illness. 230.25 & 230.27
- Represent children in actions regarding state training schools. 233A.11
- Represent superintendent in cases to recover possession of a minor. 233B.12
- Protect abused dependent adults and shall assist the department in court proceedings, and the county shall pay the cost for legal counsel or guardian ad litem, if dependent adult has no resources. 235B.3
- Prosecute violations of law relating to the family investment, medical assistance, and supplemental assistance programs. 239B.15, 249.13
- Prosecute violations relating to FIP, medical assistance and supplemental assistance. 249A.14
- Enforce, upon complaint, the performance of duties by officers charged with the responsibilities of controlling or eradicating noxious weeds. 317.23

- Commence legal proceedings to remove billboards and signs which constitute a public nuisance. 318.11
- Assist, upon request, the department of transportation's general counsel in the prosecution of violations of common carrier laws and regulations. 327C.30
- Enforce the control of vegetation on railroad property by the railroad corporations. 327F.29
- Diligently enforce state laws and county ordinances. 331.756(1)
- Appear for the state and the county in all cases in which the state or the county is a party. 331.756(2)
- Enforce all forfeited bonds and recognizances and prosecute all proceedings necessary for the recovery of debts, revenues, moneys, fines, penalties, restitution of court-appointed attorney fees ordered pursuant to section 815.9, including the expense of a public defender, and forfeitures accruing to the state, the county or a road district in the county, and all suits in the county against public service corporations which are brought in the name of the state. 331.756(5)(a)
- Commence, prosecute, and defend all actions and proceedings in which a county officer, in the officer's official capacity, or the county is interested or a party. 331.756(6)
- Give advice or a written opinion, without compensation, to the board and other county officers and to township officers, when requested by an officer, upon any matters in which the state, county, or township is interested, or relating to the duty of the officer in any matters in which the state, county, or township may have an interest, but the county attorney shall not appear before the board at a hearing in which the state or county is not interested. 331.756(7)
- Give a receipt to all persons from whom the county attorney receives money in an official capacity and file a duplicate receipt with the county auditor. 331.756(9)
- Make reports relating to the duties and the administration of the county attorney's office to the governor when requested by the governor. 331.756(10)
- Appoint a member of the civil service commission for deputy sheriffs. 341A.2 & 341A.3
- Represent the civil service commission for deputy sheriffs in civil suits initiated by the commission for the proper enforcement of the civil service law. 341A.16
- Present to the grand jury at its next session a copy of the report filed by the department of corrections of its inspection of the jails in the county. 356.43
- Represent the township trustees in counties having a population of less than twenty-five thousand except when the interests of the trustees and the county are adverse. 359.18
- Commence actions, prosecutions, and complaints when so directed by the director of IDR and shall represent the director in any litigation arising from the discharge of his/her duties. 421.19
- Represent the assessor and the board of review in legal proceedings relating to assessments. 441.41
- Represent IDR when authorized to do so. 450.1
- After the seizure of illicit cigarettes, file a forfeiture proceeding in the name of the state upon the request of the director of IDR. 453A.32
- Institute proceedings to enjoin persons from violating water treatment laws. 455B.224
- Represent the state geologist in any action regarding failure to furnish maps. 456.12
- Prosecute violations of Chapter 481A regarding wildlife conservation. 481A.35

- Represent the state insurance commissioner in actions against life insurance companies. 511.7
- Prosecute actions involving motor vehicle service contracts. 516E.15
- Represent the state in any action involving real estate appraisals. 543C.7
- Assist, as requested by the attorney general, with the enforcement of the Iowa competition law. 553.7
- Initiate proceedings to enforce provisions relating to the recordation of conveyances and leases of agricultural land. 558.44
- Bid on real estate on behalf of the county when necessary to secure the county from loss. 569.2
- Prosecute anyone who refuses to register with the sex offender registry. 692A.5
- Furnish, upon request of the governor, a copy of the minutes of evidence and other pertinent facts relating to an application for a pardon, reprieve, commutation, or remission of a fine or forfeiture. 914.5