CHAPTER 625

PRESERVATION OF PUBLIC PEACE

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625.01 CONSERVATORS OF THE PEACE.

The judges of the district court, in vacation, as well as in open court shall enforce laws made for the preservation of the public peace. In the execution of that power, they may require persons to give security to keep the peace, or for their good behavior, or both, in the manner provided in this chapter.

History: *(10548) RL s 5207; 1983 c 359 s 94; 1998 c 254 art 2 s 70*

625.02 COMPLAINT TO JUDGE.

When complaint is made to any judge that any person has threatened to commit an offense against the person or property of another, the judge shall (1) examine the complainant, and any witness who may be produced, on oath, (2) reduce the complaint to writing, and (3) cause it to be subscribed by the complainant.

History: *(10549) RL s 5208; 1983 c 359 s 95*

625.03 WARRANT SHALL ISSUE; WHEN.

If, upon examination, it appears that there is just cause to fear that the offense may be committed, the judge shall issue a signed warrant, reciting the substance of the complaint, and requiring the officer to whom it is directed to apprehend the person complained of and bring the person before the judge, or other court having jurisdiction of the cause.

History: *(10550) RL s 5209; 1983 c 359 s 96; 1986 c 444*

625.04 EXAMINATION.

The judge before whom any person is brought upon charge of having made threats, shall immediately examine the complainant and witnesses in support of the prosecution, on oath, in the presence of the party charged, in relation to any matters pertinent to the charge. Witnesses for the prisoner, if the prisoner has any, shall be subsequently sworn and examined. The prisoner may be assisted by counsel in the proceeding.

History: *(10551) RL s 5210; 1983 c 359 s 97; 1986 c 444*

625.05 RECOGNIZANCE TO KEEP THE PEACE.

If, upon examination, it appears that there is just cause to fear that the offense will be committed by the party complained of, the party shall be required to enter into a recognizance, with sufficient sureties, in such

sum as the judge directs, to keep the peace toward all the people of this state, and especially toward the persons requiring the security, for such term as the judge orders, not exceeding six months. The party complained of shall not be ordered to recognize for appearance at the district court, unless the party is charged with some offense for which the party ought to be held to answer to the court. Upon complying with the order of the judge, the party complained of shall be discharged.

History: *(10552) RL s 5211; 1983 c 359 s 98; 1986 c 444*

625.06 PARTY COMMITTED; WHEN.

If the person ordered to recognize refuses or neglects to comply with the order, the judge shall commit the person to the county jail during the period for which the person was required to give security, or until the person recognizes, stating in the warrant the cause of commitment, with the sum and time for which security was required.

History: *(10553) RL s 5212; 1983 c 359 s 99; 1986 c 444*

625.07 DISCHARGE; COMPLAINANT LIABLE FOR COSTS; WHEN.

If, upon examination, it does not appear that there is just cause to fear that the offense will be committed by the party complained of, the party shall be immediately discharged. If the judge deems the complaint malicious, or without probable cause, the judge shall order the complainant to pay the costs of prosecution. The complainant shall then be answerable to the judge and the officer for their fees.

History: *(10554) RL s 5213; 1983 c 359 s 100; 1986 c 444*

625.08 COSTS.

When no order respecting the costs is made by the judge, they shall be allowed and paid in the same manner as costs in criminal prosecutions. In all cases where a person is required to give security to keep the peace, or for good behavior, the judge may further order the costs of prosecution, or any part of them, to be paid by the person, who shall stand committed until the costs are paid or the person is otherwise legally discharged.

History: *(10555) RL s 5214; 1983 c 359 s 101; 1986 c 444*

625.09 MS 2004 [Repealed, 2006 c 260 art 5 s 54]

625.10 WITNESSES TO RECOGNIZE.

The judge from whose order an appeal is taken shall require any witnesses the judge deems necessary to support the complaint to recognize for their appearance at the court to which appeal is made.

History: *(10557) RL s 5216; 1983 c 359 s 103; 1986 c 444*

625.11 PROCEEDINGS ON APPEAL.

The court before which the appeal is prosecuted may affirm the order of the judge, or discharge the appellant, or may require the appellant to enter into a new recognizance, with sufficient sureties, for a sum and a length of time as the court deems proper. The court of appeals may also make an order relating to the costs of prosecution as it deems just and reasonable.

History: *(10558) RL s 5217; 1983 c 359 s 104; 1984 c 387 s 4*

625.12 FAILURE TO PROSECUTE APPEAL.

If any party appealing fails to prosecute the appeal, the recognizance shall remain in full force and effect as to any breach of the condition, without an affirmation of the judgment or order of the judge, and shall also stand as a security for any costs which shall be ordered by the court appealed to, to be paid by the appellant.

History: *(10559) RL s 5218; 1983 c 359 s 105; 1986 c 444*

625.13 DISCHARGE ON GIVING SECURITY.

Any person committed for not finding sureties, or refusing to recognize as required by the court, may be discharged by any judge on giving the required security.

History: *(10560) RL s 5219; 1983 c 359 s 106*

625.14 RECOGNIZANCE TRANSMITTED TO COURT OF APPEALS.

Every recognizance taken in pursuance of section 625.13 shall be transmitted by the judge to the court of appeals on or before the first day of the next term, and shall be filed and recorded by the clerk of the appellate courts.

History: *(10561) RL s 5220; 1983 c 359 s 107; 1984 c 387 s 5*

625.15 RECOGNIZANCE WITHOUT PROCESS; WHEN.

Every person who, in the presence of any court, makes an affray, or threatens to kill or beat another, or to commit any violence or outrage against the other's person or property, or who, in the presence of the court, contends with hot and angry words, to the disturbance of the peace, may be ordered, without process or any other proof, to recognize for keeping the peace, and being of good behavior for a term not exceeding six months, and, in case of a refusal, may be committed as before directed.

History: *(10562) RL s 5221; 1983 c 359 s 108; 1986 c 444*

625.16 CARRYING DANGEROUS WEAPONS.

Whoever shall go armed with a dirk, dagger, sword, pistol, or other offensive and dangerous weapon, without reasonable cause to fear an assault or other injury or violence to person, family, or property, may, on complaint of any other person having reasonable cause to fear an injury or breach of the peace, be required to find sureties for keeping the peace, for a term not exceeding six months, with the right of appealing as before provided.

History: *(10563) RL s 5222; 1986 c 444*

625.17 JUDGMENT ON RECOGNIZANCE REMITTED; WHEN.

When, upon an action brought on any recognizance, the penalty thereof is adjudged forfeited, the court may remit a portion of the penalty, on the petition of the defendant, as is just and reasonable.

History: *(10564) RL s 5223; 1983 c 359 s 109*

625.18 SURRENDER OF PRINCIPAL; NEW RECOGNIZANCE.

Any surety in a recognizance to keep the peace, or for good behavior, or both, shall have authority and right to take and surrender the principal and, upon the surrender, shall be discharged and exempted from all

liability for any act of the principal, subsequent to the surrender, which would be a breach of the condition of the recognizance. The person so surrendered may recognize anew, with sufficient sureties, before any judge, for the residue of the term, and shall then be discharged.

History: *(10565) RL s 5224; 1983 c 359 s 110; 1986 c 444*