

## HOUSE BILL NO. HB0014

Powers of magistrates.

Sponsored by: Joint Judiciary Interim Committee

A BILL

for

1 AN ACT relating to courts; clarifying and expanding the  
2 powers of full-time and part-time magistrates as specified;  
3 requiring review of orders entered as specified; and  
4 providing for an effective date.

5

6 *Be It Enacted by the Legislature of the State of Wyoming:*

7

8 **Section 1.** W.S. 5-9-214 is created to read:

9

10 **5-9-214. Circuit court to review orders; approval or**  
11 **disapproval.**

12

13 The circuit court shall at each term review and approve or  
14 disapprove, reverse or modify orders made by, and  
15 proceedings had before, magistrates in proceedings under  
16 W.S. 5-9-208(c)(v), (vii) through (ix), (xiii)(F) and

1 (xvii) and 5-9-212(a)(v), (vii), (xi) and (xiii) through  
2 (xv).

3

4 **Section 2.** W.S. 5-9-208(c)(v), (vii), (ix), (xiii),  
5 (xvii) and 5-9-212(a)(v), (vii), (xi), (xiii) and by  
6 creating new paragraphs (xiv) and (xv) are amended to read:

7

8 **5-9-208. Full-time magistrates; powers of magistrates**  
9 **who are authorized to practice law; powers of magistrates**  
10 **who are not authorized to practice law.**

11

12 (c) At the direction of the circuit court judges of a  
13 circuit court, a full-time magistrate of the circuit court  
14 who is not authorized to practice law in Wyoming may within  
15 the county from which appointed:

16

17 (v) Try the action for forcible entry and  
18 ~~detention, or detention only, of real property~~ detainer, as  
19 set forth in W.S. 1-21-1001 through 1-21-1016;

20

21 (vii) Issue attachments, executions and  
22 garnishments, and proceed against the goods and effects of  
23 debtors in certain cases, as provided by law;

24

1           (ix) Try the right of the claimant to property  
2 taken in execution, garnishment or on attachment;

3  
4           (xiii) Enter the following judgments, when the  
5 amount does not exceed the magistrate's jurisdiction:

6  
7                   (A) Judgment by default;

8  
9                   (B) Summary judgment;

10  
11                   (C) Judgment on the pleadings;

12  
13                   (D) Judgment on the confession of a  
14 ~~defendant, when the amount does not exceed the magistrate's~~  
15 ~~jurisdiction~~ party;

16  
17                   (E) Set aside default judgments; and

18  
19                   (F) Issue any order a circuit judge can  
20 enter in chambers.

21  
22           (xvii) In accordance with the Wyoming Rules of  
23 Criminal Procedure, conduct extradition proceedings,

1 initial appearances and preliminary examinations for  
2 persons charged with felonies; ~~or with misdemeanors;~~

3

4 **5-9-212. Part-time magistrates; powers.**

5

6 (a) At the direction of the circuit judges of a  
7 circuit or the supreme court, a part-time magistrate of the  
8 circuit court shall have the powers in respect to every  
9 suit or proceeding pending in the circuit court of the  
10 county for which he was appointed as follows:

11

12 (v) Try the action for forcible entry and  
13 ~~detention, or detention only, of real property~~ detainer, as  
14 set forth in W.S. 1-21-1001 through 1-21-1016;

15

16 (vii) Enter the following judgments, when the  
17 amount does not exceed the magistrate's jurisdiction:

18

19 (A) Judgment by default;

20

21 (B) Summary judgment;

22

23 (C) Judgment on the pleadings;

24

1                    (D) Judgment on the confession of a  
2 ~~defendant, when the amount does not exceed the circuit~~  
3 ~~court's jurisdiction party;~~

4  
5                    (E) Set aside default judgments; and

6  
7                    (F) Issue any order a circuit judge can  
8 enter in chambers.

9  
10                    (xi) In accordance with the Wyoming Rules of  
11 Criminal Procedure, conduct extradition proceedings,  
12 initial appearances and preliminary examinations for  
13 persons charged with felonies; ~~or with misdemeanors;~~

14  
15                    (xiii) Hear and issue orders in peace bond,  
16 stalking and domestic violence cases under ~~W.S. Wyoming~~  
17 Statutes title 7, chapter 3 and title 35, chapter 21; ~~;~~

18  
19                    (xiv) Conduct small claims trials;

20  
21                    (xv) In misdemeanor cases, to conduct  
22 arraignments, accept plea agreements, order the examination  
23 of a defendant who enters a plea of not guilty by reason of  
24 mental illness or deficiency or not triable by reason of

1 mental illness or deficiency, order presentence  
2 investigations, order substance abuse evaluations, order  
3 and conduct pretrial conferences, enter orders for  
4 sentencing, impose sentence, impose terms of probation,  
5 issue orders to show cause, conduct show cause hearings,  
6 and enter such other orders as a circuit judge may enter in  
7 chambers when the circuit judge is unavailable, when the  
8 judge has recused himself from a case or when the judge has  
9 been peremptorily disqualified from hearing a case.

10

11       **Section 3.** This act is effective immediately upon  
12 completion of all acts necessary for a bill to become law  
13 as provided by Article 4, Section 8 of the Wyoming  
14 Constitution.

15

16

(END)