

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), (xviii) and 5-9-212(a)(v), (vii), (xi), (xiii) and
6 by creating new paragraphs (xiv) and (xv) are amended to
7 read:

8

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

12

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

17

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

21

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

1

2

3

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

4

5

6

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

7

8

(A) Judgment by default;

9

10

(B) Summary judgment;

11

12

(C) Judgment on the pleadings;

13

14

15

16

(D) Judgment on the confession of a defendant, when the amount does not exceed the magistrate's jurisdiction-party;

17

18

(E) Set aside default judgments; and

19

20

21

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

22

23

24

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

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

3

4 (xviii) Arraign, try, and sentence defendants in
5 criminal cases amounting to misdemeanors for which the
6 punishment prescribed by law does not exceed imprisonment
7 for more than six (6) months or a fine of not more than
8 seven hundred fifty dollars (\$750.00), or both, and
9 criminal cases in which the defendant is placed on
10 probation for a period exceeding the maximum six (6) months
11 imprisonment sentence under W.S. 31-5-233(e). In relation
12 to such misdemeanors, this includes the power to accept
13 plea agreements, order the examination of a defendant who
14 enters a plea of not guilty by reason of mental illness or
15 deficiency or not triable by reason of mental illness or
16 deficiency, order presentence investigations, order
17 substance abuse evaluations, order and conduct pretrial
18 conferences, enter orders for sentencing, impose sentence,
19 impose terms of probation, issue orders to show cause,
20 conduct show cause hearings and enter such other orders as
21 a circuit judge may enter in chambers when the circuit
22 judge is unavailable, when the judge has recused himself
23 from the case or when the judge has been peremptorily
24 disqualified from hearing a case. In criminal cases

1 amounting to misdemeanors for which the punishment
2 prescribed exceeds imprisonment for more than six (6)
3 months or a fine of more than seven hundred fifty dollars
4 (\$750.00) or both, such magistrate shall have the power to
5 arraign defendants;

6
7 **5-9-212. Part-time magistrates; powers.**

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

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

18
19 (vii) Enter the following judgments, when the
20 amount does not exceed the magistrate's jurisdiction:

21
22 (A) Judgment by default;

23
24 (B) Summary judgment;

1

2

(C) Judgment on the pleadings;

3

4

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

7

8

(E) Set aside default judgments; and

9

10

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

11

12

13

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

17

18

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

21

22

(xiv) Conduct small claims trials;

23

1 (xv) In misdemeanor cases, to conduct
2 arraignments, accept plea agreements, order the examination
3 of a defendant who enters a plea of not guilty by reason of
4 mental illness or deficiency or not triable by reason of
5 mental illness or deficiency, order presentence
6 investigations, order substance abuse evaluations, order
7 and conduct pretrial conferences, enter orders for
8 sentencing, impose sentence, impose terms of probation,
9 issue orders to show cause, conduct show cause hearings,
10 and enter such other orders as a circuit judge may enter in
11 chambers when the circuit judge is unavailable, when the
12 judge has recused himself from a case or when the judge has
13 been peremptorily disqualified from hearing a case.

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

19

20

(END)