

ORIGINAL HOUSE
BILL NO. 0014

ENROLLED ACT NO. 14, HOUSE OF REPRESENTATIVES

FIFTY-SIXTH LEGISLATURE OF THE STATE OF WYOMING
2002 SPECIAL SESSION

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

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

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

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

The circuit court shall at each term review and approve or disapprove, reverse or modify orders made by, and proceedings had before, magistrates in proceedings under W.S. 5-9-208(c)(v), (vii) through (ix), (xiii)(F) and (xvii) and 5-9-212(a)(v), (vii), (xi) and (xiii) through (xv).

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

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

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

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

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

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

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

(A) Judgment by default;

(B) Summary judgment;

(C) Judgment on the pleadings;

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

(E) Set aside default judgments; and

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

(xvii) 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;~~

(xviii) Arraign, try, and sentence defendants in criminal cases amounting to misdemeanors for which the

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punishment prescribed by law does not exceed imprisonment for more than six (6) months or a fine of not more than seven hundred fifty dollars (\$750.00), or both, and criminal cases in which the defendant is placed on probation for a period exceeding the maximum six (6) months imprisonment sentence under W.S. 31-5-233(e). In relation to such misdemeanors, this includes the power to accept plea agreements, order the examination of a defendant who enters a plea of not guilty by reason of mental illness or deficiency or not triable by reason of mental illness or deficiency, order presentence investigations, order substance abuse evaluations, order and conduct pretrial conferences, enter orders for sentencing, impose sentence, impose terms of probation, issue orders to show cause, conduct show cause hearings and enter such other orders as a circuit judge may enter in chambers when the circuit judge is unavailable, when the judge has recused himself from the case or when the judge has been peremptorily disqualified from hearing a case. In criminal cases amounting to misdemeanors for which the punishment prescribed exceeds imprisonment for more than six (6) months or a fine of more than seven hundred fifty dollars (\$750.00) or both, such magistrate shall have the power to arraign defendants;

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

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

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

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

(A) Judgment by default;

(B) Summary judgment;

(C) Judgment on the pleadings;

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

(E) Set aside default judgments; and

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

(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;~~

(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; ~~—~~

(xiv) Conduct small claims trials;

(xv) In misdemeanor cases, to conduct arraignments, accept plea agreements, order the examination of a defendant who enters a plea of not guilty by reason of mental illness or deficiency or not triable by reason of mental illness or deficiency, order presentence investigations, order substance abuse evaluations, order

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and conduct pretrial conferences, enter orders for sentencing, impose sentence, impose terms of probation, issue orders to show cause, conduct show cause hearings, and enter such other orders as a circuit judge may enter in chambers when the circuit judge is unavailable, when the judge has recused himself from a case or when the judge has been peremptorily disqualified from hearing a case.

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

(END)

Speaker of the House

President of the Senate

Governor

TIME APPROVED: _____

DATE APPROVED: _____

I hereby certify that this act originated in the House.

Chief Clerk