

HOUSE BILL NO. HB0278

Judges-qualifications.

Sponsored by: Representative(s) Diercks

A BILL

for

1 AN ACT relating to courts; removing requirement for circuit
 2 court judges to be authorized to practice law in the state;
 3 removing restrictions on magistrates who are not authorized
 4 to practice law in the state; repealing conflicting
 5 provisions; and providing for an effective date.

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

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9 **Section 1.** W.S. 5-9-111(a)(i), 5-9-208(a) and (b),
 10 5-9-212(b) and 7-7-101(a)(intro) are amended to read:

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12 **5-9-111. Qualifications for appointment.**

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14 (a) To be eligible for appointment to the office of
 15 judge of a circuit court, a person shall be:

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17 (i) A qualified elector of the state. ~~;~~ ~~and~~

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2 **5-9-208. Full-time magistrates; powers of**
3 **magistrates.**

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5 (a) At the direction of the circuit judges of a
6 circuit or the supreme court, a full-time magistrate of the
7 circuit court ~~who is authorized to practice law in Wyoming~~
8 may perform all of the duties of a circuit court judge
9 presiding in circuit court as authorized by law and rules.
10 Upon direction, the magistrate shall have all of the powers
11 of a circuit court judge presiding in circuit court as
12 authorized by law and rules. A magistrate shall not preside
13 in or hear or decide any district court proceeding or case
14 in circuit court pursuant to assignment under W.S. 5-3-112.

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16 (b) ~~Notwithstanding subsection (a) of this section~~
17 ~~and~~ Upon request and consent of all parties to a proceeding
18 or case in circuit court and subject to the approval of the
19 circuit judge presiding in the proceeding or case, a full-
20 time magistrate ~~who is authorized to practice law in~~
21 ~~Wyoming~~ may hear and determine any and all matters relating
22 to the proceeding or case that are within the jurisdiction
23 of the circuit court, except the magistrate shall not
24 preside in or hear or decide any district court proceeding

1 or case in circuit court pursuant to assignment under W.S.
2 5-3-112.

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

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6 (b) ~~Notwithstanding subsection (a) of this section~~
7 ~~and~~ Upon request and consent of all parties to a proceeding
8 or case in circuit court and subject to the approval of the
9 circuit judge presiding in the proceeding or case, a part-
10 time magistrate ~~who is authorized to practice law in~~
11 ~~Wyoming~~ may hear and determine any and all matters relating
12 to the proceeding or case that are within the jurisdiction
13 of the circuit court, except the magistrate shall not
14 preside in or hear or decide any district court proceeding
15 or case in circuit court pursuant to assignment under W.S.
16 5-3-112.

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18 **7-7-101. Authority to issue; grounds.**

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20 (a) Any district judge, district court commissioner,
21 circuit judge, magistrate authorized pursuant to W.S.
22 5-9-208 (a), or (b) ~~or (c) (xv) or 5-9-212(a) (ix)~~ or any
23 justice of the peace may issue a search warrant to search
24 for and seize any property:

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2 **Section 2.** W.S. 5-9-111(a)(ii), 5-9-208(c),
3 5-9-212(a) and 5-9-214 are repealed.

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5 **Section 3.** This act is effective July 1, 2003.

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(END)