

ORIGINAL HOUSE
BILL NO. 0026

ENROLLED ACT NO. 18, HOUSE OF REPRESENTATIVES

SIXTIETH LEGISLATURE OF THE STATE OF WYOMING
2009 GENERAL SESSION

AN ACT relating to circuit court magistrates; expanding the sentencing authority of full-time magistrates who are not authorized to practice law in the state as specified; and providing for an effective date.

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

Section 1. W.S. 5-9-208(c)(xviii), (xix), (xx) and by creating a new paragraph (xxi) is 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:

(xviii) Arraign, try, and sentence defendants in criminal cases amounting to misdemeanors for which the punishment prescribed by law does not exceed imprisonment for more than ~~six (6) months or a~~ one (1) year, regardless of the amount of the 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)~~ that may be imposed. 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,

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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~~ where a full-time magistrate may sentence a defendant to imprisonment for not more than one (1) year and the law authorizes imposition of a term of probation that exceeds the maximum term of incarceration established for the offense, the magistrate may sentence the defendant to probation as authorized by such law;

(xix) Correct an illegal sentence imposed in a criminal case or reduce a sentence at any time; ~~and~~

(xx) Preserve and enforce order in his immediate presence and in the proceedings before him; ~~and~~

(xxi) Hear and issue orders in peace bond, stalking and domestic violence cases under Wyoming statutes, title 7, chapter 3 and title 35, chapter 21.

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Section 2. This act is effective July 1, 2009.

(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