

HOUSE BILL NO. HB0026

Circuit court magistrate jurisdiction.

Sponsored by: Representative(s) Buchanan and Peasley and
Senator(s) Nicholas and Ross

A BILL

for

1 AN ACT relating to circuit court magistrates; expanding the
2 sentencing authority of full-time magistrates who are not
3 authorized to practice law in the state 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. 5-9-208(c)(xviii), (xix), (xx) and by
9 creating a new paragraph (xxi) is amended to read:

10

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

14

15 (c) At the direction of the circuit court judges of a
16 circuit court, a full-time magistrate of the circuit court

1 who is not authorized to practice law in Wyoming may within
2 the county from which appointed:

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~~ one (1) year or a fine of not
8 more than ~~seven hundred fifty dollars (\$750.00)~~ one
9 thousand dollars (\$1,000.00), or both., ~~and criminal cases~~
10 ~~in which the defendant is placed on probation for a period~~
11 ~~exceeding the maximum six (6) months imprisonment sentence~~
12 ~~under W.S. 31-5-233(e).~~ In relation to such misdemeanors,
13 this includes the power to accept plea agreements, order
14 the examination of a defendant who enters a plea of not
15 guilty by reason of mental illness or deficiency or not
16 triable by reason of mental illness or deficiency, order
17 presentence investigations, order substance abuse
18 evaluations, order and conduct pretrial conferences, enter
19 orders for sentencing, impose sentence, impose terms of
20 probation, issue orders to show cause, conduct show cause
21 hearings and enter such other orders as a circuit judge may
22 enter in chambers when the circuit judge is unavailable,
23 when the judge has recused himself from the case or when
24 the judge has been peremptorily disqualified from hearing a

1 case. In criminal cases ~~amounting to misdemeanors for which~~
2 ~~the punishment prescribed exceeds imprisonment for more~~
3 ~~than six (6) months or a fine of more than seven hundred~~
4 ~~fifty dollars (\$750.00) or both, such magistrate shall have~~
5 ~~the power to arraign defendants~~ where a full-time
6 magistrate may sentence a defendant to imprisonment for not
7 more than one (1) year and the law authorizes imposition of
8 a term of probation that exceeds the maximum term of
9 incarceration established for the offense, the magistrate
10 may sentence the defendant to probation as authorized by
11 such law;

12
13 (xix) Correct an illegal sentence imposed in a
14 criminal case or reduce a sentence at any time; ~~and~~

15
16 (xx) Preserve and enforce order in his immediate
17 presence and in the proceedings before him; ~~÷~~ and

18
19 (xxi) Hear and issue orders in peace bond,
20 stalking and domestic violence cases under Wyoming
21 statutes, title 7, chapter 3 and title 35, chapter 21.
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