

SENATE FILE NO. SF0011

Circuit court magistrates.

Sponsored by: Joint Judiciary Interim Committee

A BILL

for

1 AN ACT relating to magistrates of the circuit court;  
2 eliminating mandatory full-time magistrates; requiring  
3 supreme court to determine necessity of full-time  
4 magistrate; and providing for an effective date.

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

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8 **Section 1.** W.S. 5-9-206 and 5-9-207 are amended to  
9 read:

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11 **5-9-206. Full-time magistrates; selection.**

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13 (a) In every county receiving the services of a  
14 circuit court and wherein a circuit court judge does not  
15 reside, there ~~shall~~may be one (1) full-time magistrate who  
16 shall meet the qualifications under W.S. 5-9-201.

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1           (b) Upon determination by the supreme court that a  
2 full-time magistrate is necessary, all of the circuit  
3 judges whose circuit includes the county together shall  
4 agree upon a person to fill the office of a full-time  
5 magistrate under subsection (a) of this section. The name  
6 of the agreed upon person shall be submitted for approval  
7 or rejection to the board of county commissioners of the  
8 county wherein the full-time magistrate will serve. Upon  
9 approval by the board, the circuit court shall appoint the  
10 person as a magistrate as provided in W.S. 5-9-202.

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12           (c) When a vacancy occurs in the office of a full-  
13 time magistrate, the supreme court shall determine whether  
14 a full-time magistrate shall be appointed. In making its  
15 determination, the supreme court shall take into account  
16 whether a part-time magistrate will sufficiently meet the  
17 needs of the county. If the supreme court determines that  
18 a full-time magistrate shall not be appointed, a part-time  
19 magistrate may be appointed as provided in W.S. 5-9-210.

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21           **5-9-207. Full-time magistrates; term of office;**  
22 **retention; removal.**

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(a) The term of office of each full-time magistrate selected under W.S. 5-9-206 and appointed under W.S. 5-9-202 shall be four (4) years. The magistrate shall serve for one (1) year after that person's appointment and until the first Monday in January following the next general election after the expiration of that year.

(b) At the general election, the full-time magistrate shall stand for retention in office in the county wherein the magistrate was appointed. Irrespective of any vote of the electorate whereby the magistrate is retained in office, the circuit judges of the circuit by unanimous vote may remove the magistrate.

5       **Section 2.** This act is effective July 1, 2013.

7 (END)