

HOUSE BILL NO. HB0153

Review of circuit court magistrate positions.

Sponsored by: Representative(s) Stith and Olsen and
Senator(s) Kost and Nethercott

A BILL

for

1 AN ACT relating to courts; authorizing the supreme court to
2 review and eliminate previously created full-time
3 magistrate positions as specified; providing factors for
4 review; requiring consultation with the appropriate board
5 of county commissioners; making a conforming amendment; and
6 providing for an effective date.

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

9

10 **Section 1.** W.S. 5-9-206(c), 5-9-207(b) and by
11 creating a new subsection (c) are amended to read:

12

13 **5-9-206. Full-time magistrates; selection.**

14

1 (c) When a vacancy occurs in the office of a
2 full-time magistrate and in accordance with W.S.
3 5-9-207(c), the supreme court shall determine whether a
4 full-time magistrate shall be appointed. In making its
5 determination, the supreme court shall take into account
6 whether one (1) or more part-time magistrates will
7 sufficiently meet the needs of the county. If the supreme
8 court after consultation with the appropriate board of
9 county commissioners, determines that a full-time
10 magistrate shall not be appointed, one (1) or more
11 part-time magistrates ~~shall~~may be appointed as provided in
12 W.S. 5-9-210.

13

14 **5-9-207. Full-time magistrates; term of office;**
15 **retention; removal; elimination of office.**

16

17 (b) At the general election, the full-time magistrate
18 shall stand for retention in office in the county wherein
19 the magistrate was appointed. No retention vote shall be
20 held under this subsection if the supreme court determines
21 that the full-time magistrate position is no longer
22 necessary as provided under subsection (c) of this section.

23 Irrespective of any vote of the electorate whereby the

1 magistrate is retained in office, the circuit judges of the
2 circuit by unanimous vote may remove the magistrate.

3
4 (c) Before any appointment or reappointment of a
5 full-time magistrate for a full-time magistrate office
6 established in accordance with W.S. 5-9-206(b) and after
7 consultation with the appropriate board of county
8 commissioners, the supreme court shall review the need for
9 the full-time magistrate in the affected county. If the
10 supreme court determines that a full-time magistrate is no
11 longer necessary, the supreme court shall issue an order
12 eliminating the full-time magistrate position and cause a
13 certified copy of the order to be filed with the affected
14 circuit court, which shall be evidence of the elimination
15 in all courts of this state. In making a determination
16 under this subsection, the supreme court shall evaluate the
17 caseload of the full-time magistrate being reviewed,
18 consider other resources available for delivering judicial
19 services in the affected county and consider any other
20 factors as the supreme court deems appropriate. Nothing in
21 this subsection shall be construed to prohibit a
22 determination that an eliminated full-time magistrate is
23 again necessary under W.S. 5-9-206(b), nor prohibit the

1 appointment of a part-time magistrate in accordance with
2 W.S. 5-9-210.

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4 **Section 2.** This act is effective July 1, 2021.

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(END)