

IN THE SENATE

SENATE BILL NO. 1339

BY JUDICIARY AND RULES COMMITTEE

AN ACT

RELATING TO THE MAGISTRATE DIVISION; AMENDING SECTION 1-2203, IDAHO CODE,
TO PROVIDE FOR A COUNTY CLERK ON DISTRICT MAGISTRATE COMMISSIONS AND TO
MAKE TECHNICAL CORRECTIONS.

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

SECTION 1. That Section 1-2203, Idaho Code, be, and the same is hereby
amended to read as follows:

1-2203. DISTRICT MAGISTRATES COMMISSION -- MEMBERS. (1) There is
hereby established in each judicial district of the state of Idaho a district
magistrates commission to be known as the "district magistrates commission
of the judicial district," the members of which shall consist of the
chairman of the board of county commissioners of each county in the district
or member of such board designated by the chairman, the mayors of three (3)
municipalities, one (1) of whom shall be from a city of over ten thousand
(10,000) population, in the district to be appointed by the governor, two
(2) qualified electors residing within the district to be appointed by the
governor, the administrative judge of the district or district judge of the
district designated by him, two (2) attorneys nominated by the district bar
associations in each district and appointed by the Idaho state bar, ~~and~~ a
magistrate judge in the district, and a county clerk in the district, to be
appointed by the administrative district judge. Temporary attorney members
may be nominated in such number as the bar association in each district deems
appropriate at any time by the respective district bar association and ap-
pointed by the Idaho state bar to fill any temporary attorney member vacancy
on the district magistrates commissions. Each of the members shall be over
the age of majority and shall be and remain a citizen of the United States, a
bona fide resident of the state and district, and of good moral character.

(2) Forthwith after making any appointments to such commissions, the
respective appointing authorities shall duly certify in writing to the ad-
ministrative director of the courts and to the secretary of state the follow-
ing facts with respect to each appointee:

- (a) Full name;
- (b) Age;
- (c) Residence address;
- (d) If employed, the nature of the appointee's occupation and business
address;
- (e) The name of the district magistrate commission to which appointed;
- (f) The date of expiration of term for which appointed;
- (g) Except for the initial appointees under this act, the name of the
person the appointee succeeds on the commission; and
- (h) If a member other than a mayor, magistrate judge, or district judge,
the appointee's political party.

1 (3) No member, other than the persons appointed while serving as mayor,
2 county commissioner, clerk, magistrate judge, or district judge shall hold
3 any city, county, or state elective office or be employed by the state or any
4 city or county while a member of the commission.

5 (4) The two (2) attorney members shall serve for a term of two (2) years
6 and may succeed themselves for two (2) additional terms. The qualified elec-
7 tor members shall serve terms of six (6) years each and may succeed them-
8 selves. The mayors shall serve terms of six (6) years and may succeed them-
9 selves, provided that their terms will end when they cease to hold the office
10 ~~which that~~ entitles them to membership on the commission. The magistrate
11 judge shall serve a two (2) year term ~~which that~~ may be renewed up to a total
12 of six (6) years. The county clerk shall serve a two (2) year term that may be
13 renewed up to a total of six (6) years. Appointments to fill vacancies shall
14 be made by the initial appointing authority for the unexpired term.

15 (5) A vacancy on the commission shall be caused by a voting member dy-
16 ing, resigning, moving his or her residence outside the district, moving his
17 or her residence to another county and, in the case of a mayor, magistrate
18 judge, district judge, clerk, or county commissioner member, losing his or
19 her status as such official for any reason; provided, however, that except
20 in the case of death or resignation of a member, the member shall continue
21 to serve until a successor is duly appointed and qualified. A vacancy on
22 the commission shall be caused by an attorney member dying, resigning, mov-
23 ing his or her residence to without the district or being suspended or dis-
24 barred from the practice of law. A temporary vacancy on the commission shall
25 be caused by an attorney member currently practicing law in the same firm as
26 an applicant seeking a magistrate judge's position in the commission's judi-
27 cial district, or by an attorney member or a magistrate judge member having
28 been engaged in the practice of law as a partner of such applicant within the
29 last five (5) years. The position of the clerk member shall be temporarily
30 vacated on the commission if an applicant is seeking a magistrate judge's po-
31 sition in the clerk member's county. The position of the clerk member shall
32 be temporarily vacated during any removal process of a magistrate judge. It
33 shall be the duty of any member who has become disqualified for any reason
34 promptly to report that fact in writing to the chairman and secretary of the
35 commission. It shall be the duty of the chairman or secretary promptly to
36 report in writing to the appropriate appointing authority, the existence of
37 any vacancy on the commission.