

STATEMENT OF PURPOSE

RS25000

Since the magistrate division of district court began operation in 1971 there has been a requirement that there be at least one resident magistrate judge in each county, except where the board of county commissioners has waived the right to a resident magistrate judge. As Idaho's population has become more concentrated in our larger counties, this provision has presented challenges to using judicial resources in the most effective manner. Magistrate judges in some of our smaller counties often spend only a portion of one day per week hearing cases in their home county, and spend the rest of the week traveling to other counties to help in handling their increasing caseloads. This bill presents a possible approach to addressing this issue. It would remove the requirement of a resident magistrate judge in every county. It would allow the Supreme Court to move a magistrate judge position from a county having less than 0.4% of the state's population to a larger county in the same judicial district. Based on the 2010 census, this would impact at most nine counties. The Supreme Court could take such action when a vacancy occurs in the magistrate judge position in the low-population county, or with the consent of the resident magistrate judge in such a county. The action could be taken only after consultation with the district magistrates commission, as well as the boards of county commissioners of both the county from which the position is being moved and the county to which the position is being transferred. The germane committees would review these provisions following each decennial census.

FISCAL NOTE

It is difficult to determine how frequently or when transfers of magistrate judge positions would take place, so it is not possible to give a precise estimate of the fiscal impact. The main impact, when such transfers of positions take place, would be a substantial reduction in the funds spent for the travel of magistrate judges to and from their counties of residence, and the use of the time of magistrate judges to actually hear cases rather than driving long distances from one county to another. At current case filing and population levels within the judicial districts that could be affected by this legislation, relocation of a magistrate judge position to a more populous county may reduce the need to seek an additional judgeship. The addition of each new magistrate judge position has a fiscal impact on the general fund of approximately \$163,000 per year. This cost may also be avoided by the enactment of this bill.

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DISCLAIMER: This statement of purpose and fiscal note are a mere attachment to this bill and prepared by a proponent of the bill. It is neither intended as an expression of legislative intent nor intended for any use outside of the legislative process, including judicial review (Joint Rule 18).