

IN THE SENATE

SENATE BILL NO. 1042

BY JUDICIARY AND RULES COMMITTEE

AN ACT

RELATING TO MAGISTRATES; AMENDING SECTION 1-2206, IDAHO CODE, TO REVISE A PROVISION REGARDING A CERTAIN REQUIREMENT FOR A MAGISTRATE AND TO MAKE A TECHNICAL CORRECTION.

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

SECTION 1. That Section 1-2206, Idaho Code, be, and the same is hereby amended to read as follows:

1-2206. MAGISTRATES -- QUALIFICATIONS -- INSTITUTE -- EXCEPTIONS -- OFFICE APPOINTIVE. (1) A magistrate shall be an elector of the state of Idaho and shall reside in the county for which the appointment is made throughout the term of service as magistrate.

(2) To be appointed to the office of magistrate judge, a person must, at the time of such appointment, meet all of the following qualifications:

(a) Be at least thirty (30) years of age;

(b) Be a citizen of the United States;

(c) Have been a legal resident of the state of Idaho for at least two (2) continuous years immediately preceding such appointment;

(d) Have been in good standing as an active or judicial member of the Idaho state bar for at least two (2) continuous years immediately preceding such appointment; and

(e) Have held a license to practice law or held a judicial office in one (1) or more jurisdictions for at least five (5) continuous years immediately preceding such appointment.

For purposes of this section, the following terms have the following meanings:

(a) "Active," "judicial" and "good standing" have the same definitions as those terms are given by rule 301 of the Idaho bar commission rules or any successors to those rules;

(b) "Jurisdiction" means a state or territory of the United States, the District of Columbia or any branch of the United States military; and

(c) "Elector" means one who is lawfully registered to vote.

(3) Magistrates shall ~~not take, within one (1) year of taking office for the first time as magistrates until they have attended,~~ attend an institute on the duties and functioning of the magistrate's office to be held under the supervision of the supreme court, unless such attendance is waived by the supreme court. All magistrates shall be entitled to their actual and necessary expenses while attending institutes. The supreme court will establish the institute to which this subsection refers and will provide that the institute be held at such other times and for such other purposes as it deems necessary and may require the attendance of magistrates.

(4) Notwithstanding the provisions of subsection (2) of this section, all magistrates holding office on the effective date of this act shall be el-

1 igible for appointment to the office of magistrate and for retention in of-
2 fice pursuant to section 1-2220, Idaho Code.