

TITLE 1
COURTS AND COURT OFFICIALS

CHAPTER 22
MAGISTRATE DIVISION OF THE DISTRICT COURT

1-2201. MAGISTRATE DIVISION OF DISTRICT COURT -- ESTABLISHED. Pursuant to the provisions of section 2 of article V of the Idaho Constitution there is hereby established in each county of the state of Idaho a magistrate division of the district court.

[1-2201, added 1969, ch. 104, sec. 1, p. 353.]

1-2202. "MAGISTRATE" DEFINED. As used in this act "magistrate" means a magistrate of the district court appointed under authority of this act.

[1-2202, added 1969, ch. 104, sec. 2, p. 353.]

1-2203. DISTRICT MAGISTRATES COMMISSION -- CREATION -- MEMBERS -- APPOINTMENT -- QUALIFICATIONS. (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:

(a) The chairman of the board of county commissioners of each county in the district or member of such board designated by the chairman;

(b) The mayors of three (3) municipalities, to be appointed by the governor, one (1) of whom shall be from a city of more than ten thousand (10,000) population based on the most recent federal decennial census, which position shall be designated as mayor A, and the other two (2) positions designated as mayor B and mayor C, respectively;

(c) Two (2) qualified electors residing within the district, to be appointed by the governor, one (1) position designated as elector A and the other as elector B;

(d) The administrative district judge of the district or district judge of the district designated by the administrative district judge;

(e) Two (2) attorneys nominated by the district bar associations in each district and appointed by the Idaho state bar, one (1) position designated as attorney A and the other as attorney B;

(f) A magistrate judge in the district, to be appointed by the administrative district judge; and

(g) A county clerk in the district, to be appointed by the administrative district judge.

(2) 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.

(3) Forthwith after making any appointments to such commissions, the respective appointing authorities shall duly certify in writing to the administrative director of the courts and to the secretary of state the following 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 magistrates commission to which appointed;
- (f) The date of expiration of term for which appointed;
- (g) The name of the person the appointee succeeds on the commission and, for a mayor, elector, or attorney member, the member's appropriate designation; and
- (h) If a member other than a mayor, magistrate judge, or district judge, the appointee's political party.

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

[1-2203, added 1969, ch. 104, sec. 3, p. 353; am. 1972, ch. 359, sec. 1, p. 1064; am. 1974, ch. 26, sec. 4, p. 804; am. 1977, ch. 233, sec. 1, p. 692; am. 1991, ch. 114, sec. 1, p. 242; am. 1994, ch. 396, sec. 1, p. 1254; am. 1996, ch. 163, sec. 1, p. 542; am. 2008, ch. 38, sec. 1, p. 90; am. 2020, ch. 131, sec. 1, p. 416; am. 2021, ch. 85, sec. 1, p. 284.]

1-2203A. DISTRICT MAGISTRATES COMMISSION -- TERMS. (1) Except as otherwise provided in this subsection, the mayors shall serve terms on the commission of five (5) years and may succeed themselves, provided that their terms will end when they cease to hold the office that entitles them to membership on the commission. The terms of all mayors serving on a magistrates commission as of September 30, 2021, shall terminate on September 30, 2021, provided, however, the appointing authority may reappoint a mayor to an applicable designated position on the commission. On and after October 1, 2021, with respect to:

- (a) Mayor A, the initial term shall be one (1) year, ending September 30, 2022, and thereafter the term of mayor A shall end on September 30 in years that end in two (2) or seven (7);
- (b) Mayor B, the initial term shall be three (3) years, ending September 30, 2024, and thereafter the term of mayor B shall end on September 30 in years that end in four (4) or nine (9); and
- (c) Mayor C, the initial term shall be five (5) years, ending September 30, 2026, and thereafter the term of mayor C shall end on September 30 in years that end in one (1) or six (6).

(2) Except as otherwise provided in this subsection, the qualified electors shall serve terms on the commission of five (5) years and may succeed themselves, provided that their terms will end when they cease to reside in the district. The terms of all qualified electors serving on a magistrates commission as of September 30, 2021, shall terminate on September 30, 2021, provided, however, the appointing authority may reappoint a qualified elector to an applicable designated position on the commission. On and after October 1, 2021, with respect to:

- (a) Elector A, the initial term shall be two (2) years, ending September 30, 2023, and thereafter the term of elector A shall end on September 30 in years that end in three (3) or eight (8); and
- (b) Elector B, the initial term shall be four (4) years, ending September 30, 2025, and thereafter the term of elector B shall end on September 30 in years that end in zero (0) or five (5).

(3) Except as otherwise provided in this subsection, attorneys shall serve for a term of two (2) years and may succeed themselves for two (2) additional terms. The terms of all attorneys on a magistrates commission on September 30, 2021, shall terminate on September 30, 2021, provided, how-

ever, the appointing authority may reappoint an attorney to an applicable designated position on the commission, subject to the term limit in this subsection. On and after October 1, 2021, with respect to:

(a) Attorney A, the initial term shall be one (1) year, ending September 30, 2022, and thereafter the term of attorney A shall end on September 30 in even-numbered years; and

(b) Attorney B, the initial term shall be two (2) years, ending September 30, 2023, and thereafter the term of attorney B shall end on September 30 in odd-numbered years.

(4) Except as otherwise provided in this subsection, the magistrate judge shall serve for a term of two (2) years and may succeed himself for two (2) additional terms. The terms of all magistrate judges serving on a magistrates commission as of September 30, 2021, shall terminate on September 30, 2021, provided, however, the appointing authority may reappoint a magistrate judge to the magistrates commission, subject to the term limit in this subsection. On and after October 1, 2021, the term of the magistrate judge shall end on September 30 in odd-numbered years.

(5) Except as otherwise provided in this subsection, the county clerk shall serve for a term of two (2) years and may succeed himself for two (2) additional terms. The terms of all county clerks serving on a magistrates commission as of September 30, 2021, shall terminate on September 30, 2021, provided, however, the appointing authority may reappoint a county clerk to the magistrates commission, subject to the term limit in this subsection. On and after October 1, 2021, with respect to the county clerk, the initial term shall be one (1) year, ending September 30, 2022, and thereafter the term of the county clerk shall end on September 30 in even-numbered years.

[1-2203A, added 2021, ch. 85, sec. 2, p. 286.]

1-2203B. DISTRICT MAGISTRATES COMMISSION -- VACANCIES -- TEMPORARY VACANCIES -- TEMPORARY MEMBERS. (1) A vacancy on the commission shall be caused by a voting member dying, resigning, moving his residence outside the district, moving his residence to another county, and, in the case of a mayor, magistrate judge, district judge, county clerk, or county commissioner member, losing his status as such official for any reason; provided, however, that except in the case of death or resignation of a member, the member who is not otherwise disqualified by law from continuing to serve shall continue to serve until a successor is duly appointed and qualified.

(2) In the case of an attorney member, a vacancy on the commission shall also be caused by being suspended or disbarred from the practice of law.

(3) Appointments to fill all vacancies, including temporary vacancies, shall be made by the initial appointing authority for the unexpired term or for the period of any temporary vacancy.

(4) A temporary vacancy on the commission shall be caused by an attorney member currently practicing law in the same firm as an applicant seeking a magistrate judge's position in the commission's judicial district or by an attorney member or a magistrate judge member having been engaged in the practice of law as a partner of such applicant within the last five (5) years.

(5) A temporary vacancy on the commission for the county clerk member shall occur if the magistrate judge position being filled or the removal process of a magistrate judge is in the county clerk's county.

(6) 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 appointed by the Idaho state bar to fill

any temporary attorney member vacancy on the district magistrates commission.

(7) It shall be the duty of any member who has become disqualified for any reason promptly to report that fact in writing to the chairman and secretary of the commission. It shall be the duty of the chairman or secretary promptly to report in writing to the appropriate appointing authority the existence of any vacancy on the commission.

[1-2203B, added 2021, ch. 85, sec. 3, p. 287.]

1-2204. DISTRICT MAGISTRATES COMMISSION -- MEETINGS -- QUORUM -- OFFICERS -- RULES. The district magistrates commission of each judicial district shall meet initially to organize and transact any necessary business on the second Monday of September, 1977, unless earlier convened, and at such other times as shall be necessary in the discharge of its official duties. The commission shall meet at the times and places determined by the commission or by the chairman after reasonable notice. In addition a meeting may be called by any three (3) of the voting members after reasonable notice. A majority of the voting members of the commission shall constitute a quorum. The commission shall act by affirmative vote of a majority of the voting members present. The commission shall elect a vice-chairman to serve until the 30th day of June of the next succeeding year or until a successor is elected. The trial court administrator shall ordinarily serve as secretary of the commission but a member of the commission may be appointed to do so at the discretion of the administrative district judge, or district judge designee. The commission may adopt rules for the administration of its duties not inconsistent with applicable provisions of law. The secretary shall maintain the official minutes of all meetings of actions taken by the commission.

[1-2204, added 1969, ch. 104, sec. 4, p. 353; am. 1977, ch. 233, sec. 2, p. 694; am. 2008, ch. 38, sec. 2, p. 91.]

1-2205. DISTRICT MAGISTRATES COMMISSION -- POWERS AND DUTIES. [EFFECTIVE UNTIL JULY 1, 2024] The district magistrates commission shall have the following powers and duties:

(a) To determine the number and location of magistrate judges to be appointed within the judicial district, subject to appropriations by the legislature, pursuant to section [1-2215](#), Idaho Code; provided, that there shall be at least one (1) resident magistrate judge appointed in each county, except for those counties in which the board of county commissioners, at any time, has adopted by majority vote, without subsequent rescission, a resolution waiving the right to a resident magistrate judge, pursuant to section [31-879](#), Idaho Code;

(b) To appoint the magistrate judges within the district on a nonpartisan merit basis, except as provided in section [1-2220](#), Idaho Code;

(c) To conduct studies for the improvement of the administration of justice within the district and to make recommendations for improvements therein to the legislature, the supreme court, the district court and such other governmental agencies as may be interested in or affected by such recommendations.

The actions of the commission pursuant to subsections (a) and (b) of this section shall be subject to disapproval by a majority of the district judges in the district within thirty (30) days after written notice to the

district judges of the commission's actions, unless such time be extended for good cause by order of the supreme court.

1-2205. DISTRICT MAGISTRATES COMMISSION -- POWERS AND DUTIES. [EFFECTIVE JULY 1, 2024] (1) The district magistrates commission shall have the following powers and duties:

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(b) To appoint the magistrate judges within the district on a nonpartisan merit basis, except as provided in section [1-2220](#), Idaho Code;

(c) To conduct studies for the improvement of the administration of justice within the district and to make recommendations for improvements therein to the legislature, the supreme court, the district court and such other governmental agencies as may be interested in or affected by such recommendations; and

(d) To carry out the provisions of [chapter 60, title 19](#), Idaho Code, assigned to the district magistrates commission.

(2) The actions of the commission pursuant to subsection (1) (a) and (b) of this section shall be subject to disapproval by a majority of the district judges in the district within thirty (30) days after written notice to the district judges of the commission's actions, unless such time be extended for good cause by order of the supreme court.

[1-2205, added 1969, ch. 104, sec. 5, p. 353; am. 1973, ch. 78, sec. 1, p. 124; am. 1977, ch. 233, sec. 3, p. 695; am. 1980, ch. 393, sec. 1, p. 998; am. 1981, ch. 111, sec. 1, p. 167; am. 2008, ch. 38, sec. 3, p. 92; am. 2023, ch. 220, sec. 2, p. 667.]

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, within one (1) year of taking office for the first time as magistrates, 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 eligible for appointment to the office of magistrate and for retention in office pursuant to section [1-2220](#), Idaho Code.

[1-2206, added 1969, ch. 104, sec. 6, p. 353; am. 1979, ch. 149, sec. 1, p. 460; am. 1982, ch. 217, sec. 2, p. 592; am. 1982, ch. 298, sec. 1, p. 760; am. 2015, ch. 310, sec. 1, p. 1215; am. 2019, ch. 185, sec. 1, p. 592.]

1-2207. MAGISTRATES -- TERM -- REMOVAL -- VACANCIES. (1) The term of office of a magistrate shall be four (4) years. The term of office of a magistrate shall begin on the second Monday of January of the odd-numbered year next succeeding his election.

(2) Vacancies in the office of magistrate shall be filled by appointment pursuant to section [1-2205](#), Idaho Code.

(3) Any magistrate appointed pursuant to section [1-2205](#), Idaho Code, and subsection (2) of this section, shall exercise the authority of a magistrate from the date of taking office. A magistrate appointed after the effective date of this act may be removed from office within eighteen (18) months of his appointment by majority vote of all the voting members of the district magistrates commission without cause in accordance with procedures to be established by rules of the Supreme Court.

(4) A magistrate may be removed from office before the expiration of the term to which he was appointed or elected as provided by section [1-2103A](#), Idaho Code.

[1-2207, added 1969, ch. 104, sec. 7, p. 353; am. 1973, ch. 78, sec. 3, p. 124; am. 1974, ch. 116, sec. 1, p. 1286; am. 1977, ch. 233, sec. 4, p. 695; am. 1979, ch. 149, sec. 2, p. 461; am. 1990, ch. 71, sec. 5, p. 155.]

1-2208. ASSIGNMENT OF CASES TO MAGISTRATES. Subject to rules promulgated by the supreme court, the administrative judge in each judicial district or any district judge in the district designated by him may assign to magistrates, severally, or by designation of office, or by class or category of cases, or in specific instances the following matters:

(1) Civil proceedings as follows:

(a) When the amount of money or damages or the value of personal property claimed does not exceed five thousand dollars (\$5,000):

(i) Actions for the recovery of money only arising on contracts express or implied; actions for damages for injury to person, property or reputation or for taking or detaining personal property, or for fraud;

(ii) Actions for rent and distress for rent;

(iii) Actions for claim and delivery;

(iv) Proceedings in attachment, garnishment, wage deductions for the benefit of creditors, trial or right of personal property and exemptions, and supplementary proceedings;

(v) Actions arising under the laws for the incorporation of cities or counties or any ordinance passed in pursuance thereof; actions for the confiscation or abatement of nuisances and the seizure, condemnation and forfeiture of personal property; proceedings in respect of estrays and lost property;

(vi) Actions to collect taxes.

(b) Proceedings in forcible entry, forcible detainer, and unlawful detainer; and

(c) Proceedings for the enforcement and foreclosure of common law and statutory liens of not to exceed five thousand dollars (\$5,000) on real or personal property.

(2) Proceedings in the probate of wills and administration of estates of decedents, minors and incompetents.

(3) The following criminal and quasi-criminal proceedings:

(a) Misdemeanor and quasi-criminal actions;

(b) Proceedings to prevent the commission of crimes;

(c) Proceedings pertaining to warrants for arrest or for searches and seizures; and

(d) Proceedings for the preliminary examination to determine probable cause, commitment prior to trial or the release on bail of persons charged with criminal offenses.

(4) Any juvenile proceedings except those within the scope of the provisions of section [1-2210](#), Idaho Code.

(5) Proceedings under the Idaho traffic infractions act, [chapter 15, title 49](#), Idaho Code.

[1-2208, added 1969, ch. 104, sec. 8, p. 353; am. 1970, ch. 29, sec. 1, p. 59; am. 1972, ch. 36, sec. 1, p. 55; am. 1974, ch. 26, sec. 5, p. 804; am. 1981, ch. 180, sec. 1, p. 315; am. 1982, ch. 353, sec. 5, p. 877; am. 1988, ch. 265, sec. 559, p. 854; am. 1992, ch. 74, sec. 1, p. 210; am. 2000, ch. 250, sec. 1, p. 703; am. 2006, ch. 263, sec. 1, p. 815.]

1-2209. MAGISTRATES -- ADMINISTRATIVE ASSIGNMENTS. Magistrates may be assigned internal administrative functions of the court.

[1-2209, added 1969, ch. 104, sec. 9, p. 353.]

1-2210. ASSIGNMENTS RESTRICTED TO MAGISTRATES WHO ARE ATTORNEYS. (1) The supreme court by rule may specify additional categories of matters assignable to magistrates, except that the following matters may not be assigned to magistrates who are not attorneys:

(a) Civil actions in which the amount of money or damages or the value of property claimed exceeds five thousand dollars (\$5,000), except as otherwise authorized by this act;

(b) Criminal proceedings in which the maximum authorized punishment exceeds the punishment authorized for misdemeanors;

(c) All proceedings involving the custody of minors and all habeas corpus proceedings;

(d) Proceedings for divorce, separate maintenance or annulment; and

(e) Proceedings in quo warranto, or for injunction, prohibition, mandamus, ne exeat, or appointment of a receiver.

(2) The supreme court may assign an attorney magistrate to temporary service on the supreme court, except an attorney magistrate may not be assigned to hear cases in which the attorney magistrate participated, nor may an attorney magistrate be assigned to hear cases which originated in his or her judicial district.

[1-2210, added 1969, ch. 104, sec. 10, p. 353; am. 1972, ch. 36, sec. 2, p. 55; am. 1972, ch. 313, sec. 1, p. 775; am. 1981, ch. 180, sec. 2, p. 316; am. 1992, ch. 74, sec. 2, p. 211; am. 2000, ch. 250, sec. 2, p. 704; am. 2002, ch. 95, sec. 1, p. 263; am. 2006, ch. 263, sec. 2, p. 816.]

1-2211. JURY TRIALS -- SIX-MAN JURIES. When required, trial juries shall be selected and summoned as provided in [title 2](#), Idaho Code. In the case of matters enumerated in section [1-2208](#) tried before a jury whether in district court or in the magistrate's division of district court such jury shall consist of six (6) jurymen, unless the parties agree in open court upon a lesser number.

[1-2211, added 1969, ch. 104, sec. 11, p. 353.]

1-2212. RECORD OF PROCEEDINGS -- REQUEST FOR STENOGRAPHIC REPORTING -- COSTS. A verbatim record of the proceedings and evidence at trials before a magistrate shall be maintained either by electrical devices or by stenographic means, as the magistrate may direct, but if any party to the action requests stenographic reporting of the proceedings, the reporting shall be done stenographically. The requesting party shall pay the costs of reporting the proceedings.

[1-2212, added 1969, ch. 104, sec. 12, p. 353.]

1-2213. APPEALS -- POWERS OF DISTRICT JUDGE. (1) Appeals from final judgments of the magistrate's division shall be taken and heard in the manner prescribed by law or rule.

(2) Unless otherwise provided by law or rule, a district court judge shall review the case on the record on appeal and affirm, reverse, remand, or modify the judgment; provided, that the district judge in his discretion, may remand the case for a new trial with such instructions as he may deem necessary or he may direct that the case be tried de novo before him.

[1-2213, added 1969, ch. 104, sec. 13, p. 353.]

1-2214. OBJECTIONS TO ASSIGNMENT -- WAIVER. All objections to the propriety of an assignment to a magistrate are waived unless made before the trial or hearing begins. No order or judgment is void or subject to colla-

terial [collateral] attack merely because rendered pursuant to improper assignment to a magistrate.

[1-2214, added 1969, ch. 104, sec. 14, p. 353.]

1-2215. ALLOCATION OF APPROPRIATION. The appropriation for the magistrates' divisions of the district courts shall be by separate appropriation to the Supreme Court for such magistrates' divisions, and shall be allocated by the Supreme Court among the judicial districts and for the payment of expenses of magistrates' institutes, from time to time, as may be deemed necessary. Such appropriation shall be used for the payment of salaries and travel and subsistence expenses for magistrates, for the payment of travel and subsistence expenses of district magistrates commissions and for the payment of necessary expenses as may be incurred in holding institutes including travel and subsistence expenses of magistrates and of institute instructors.

[1-2215, added 1969, ch. 104, sec. 15, p. 353; am. 1980, ch. 393, sec. 2, p. 998.]

1-2216. MAGISTRATES PRACTICING LAW. Attorneys who are magistrates may practice law under such conditions as the district judges sitting en banc in the judicial district may provide, subject to Supreme Court rule.

[1-2216, added 1969, ch. 104, sec. 16, p. 353.]

1-2217. FACILITIES AND EQUIPMENT PROVIDED BY COUNTY. Each county in the state shall provide suitable and adequate quarters for the magistrate's division of the district court, including the facilities and equipment necessary to make the space provided functional for its intended use, and shall provide for the staff personnel, supplies, and other expenses of the magistrate's division.

[1-2217, added 1969, ch. 121, sec. 1, p. 381.]

1-2219. MAGISTRATES -- SALARIES AND TRAVEL EXPENSES. The state shall provide for the salaries and travel expenses of the magistrates of the district court.

[1-2219, added 1969, ch. 121, sec. 3, p. 381.]

1-2220. RETENTION OR NONRETENTION OF MAGISTRATE BY VOTE. Any magistrate appointed pursuant to the provisions of section [1-2205](#), Idaho Code, and section [1-2207](#)(2), Idaho Code, shall stand for office in the first general election next succeeding the expiration of the eighteen (18) month period established pursuant to section [1-2207](#), Idaho Code. Any magistrate may, not less than ninety (90) days prior to the holding of the general election next preceding the expiration of his term of office, file in the office of the county clerk of the county for which he is a resident magistrate, accompanied by a filing fee of forty dollars (\$40.00), a declaration of candidacy to succeed himself. If a declaration is not so filed by any magistrate, the vacancy resulting from the expiration of his term of office shall be filled by appointment as herein provided, except that any magistrate who does not file shall be ineligible for appointment within the

same judicial district until two (2) years following the expiration of his last term of office have expired. If such a declaration is filed, his name shall be submitted at the next general election to the voters eligible to vote within the county for which he is appointed, on a nonpartisan judicial ballot, without party designation, which shall read:

"Shall Magistrate (Here insert the name of the magistrate) of (Here insert the name of the county) County of the (Here insert the judicial district number) Judicial District be retained in office?" (Here provision is to be made for voting "Yes" or "No.")

The votes shall be canvassed as provided in [chapter 12, title 34](#), Idaho Code.

If a majority of those voting on the question vote against retaining him in office, upon the expiration of his term of office, a vacancy shall exist which shall be filled by appointment as provided in section [1-2205](#), Idaho Code, except that the magistrate not retained in office shall be ineligible for appointment within the same judicial district until two (2) years following the expiration of his last term of office have expired.

If a majority of those voting on the question vote for retaining him in office, the county clerk shall issue him a certificate of election as provided in section [34-1209](#), Idaho Code, and said magistrate shall, unless removed for cause, remain in office for an additional term of four (4) years, and at the expiration of each such four (4) year term shall be eligible for retention in office by election in the manner herein prescribed.

[I.C., sec. 1-2220, as added by 1973, ch. 78, sec. 2, p. 124; am. 1974, ch. 116, sec. 2, p. 1286; am. 1977, ch. 233, sec. 5, p. 696; am. 1979, ch. 149, sec. 3, p. 461; am. 2003, ch. 55, sec. 1, p. 199.]

1-2221. SENIOR JUDGE -- ASSIGNMENT -- DUTIES AND POWERS -- COMPENSATION AND EXPENSES -- QUALIFICATIONS AND OATH. (1) A magistrate judge who leaves office or retires from the magistrates division of a district court, except a magistrate judge retired under the provisions of section [59-1352](#), Idaho Code, may be designated a senior judge of the state of Idaho by the supreme court.

(2) Upon filing with the secretary of state an oath of office as a senior judge as prescribed in subsection (7) of this section, a senior judge is eligible for temporary assignment, with the consent of the senior judge, by the supreme court to a state court as provided in this subsection, whenever the supreme court determines that the assignment is reasonably necessary and will promote the more efficient administration of justice. A senior judge may sit as a judge of the district court of any county or may sit with the supreme court or court of appeals or may perform such other duties pertaining to the judicial department of government as may be requested.

(3) The assignment of a senior judge shall be made by an order which shall designate the court or duties to which the senior judge is assigned and the duration of the assignment. Promptly after assignment of a senior judge under this section, the supreme court shall cause a certified copy of the order to be sent to the senior judge and another certified copy to the court to which the senior judge is assigned.

(4) Each senior judge assigned as provided in this section has all the judicial powers and duties, while serving under the assignment, of a regularly qualified judge of the court to which the senior judge is assigned.

(5) A senior judge assigned as provided in this section shall receive as compensation for each day the senior judge is actually engaged in the per-

formance of duties under the assignment an amount equal to eighty-five percent (85%) of the daily salary of an active magistrate judge. However, a retired magistrate judge shall not receive for services as a senior judge during any fiscal year a sum of money which when added to the amount of any judicial retirement pay received by the senior judge for the year exceeds the current annual salary of an active magistrate judge; except that this limitation shall not apply if the chief justice of the supreme court determines that extended service by one (1) or more senior judges is required because of extraordinary circumstances, such as a natural disaster or a judge's absence from service due to military service or medical disability. Services by a senior judge under an assignment and receipt of compensation for services shall not reduce or otherwise affect the amount of any retirement pay to which the senior judge otherwise would be entitled. Such additional compensation above the retirement compensation benefits accruing to such senior judge shall be paid from the general fund in accordance with appropriations provided by the legislature.

(6) A senior judge assigned to a court located outside the county in which the senior judge regularly resides shall receive, in addition to any daily compensation, reimbursement for traveling and subsistence expenses necessarily incurred in the performance of duties under the assignment. The expenses shall be paid upon presentation of an itemized statement of the expenses, certified by the senior judge to be correct.

(7) To be eligible for assignment, a senior judge must: maintain a residence within the state; comply with all applicable provisions of the Idaho code of judicial conduct; and take, subscribe and file with the secretary of state, the following oath or affirmation:

"I,....., do solemnly swear (or affirm, as the case may be) that as a senior judge of the state of Idaho, I will support the Constitution of the United States and the Constitution of the State of Idaho, and that upon hereafter accepting any assignment to serve as a senior judge of a court of this state I will faithfully discharge the duties thereof to the best of my ability."

(8) Any period of service rendered by a senior judge shall not in any way be computed for additional retirement benefits, and the state controller shall not receive or deduct any sum for transfer to the public employee retirement system of Idaho.

[1-2221, added 2000, ch. 385, sec. 9, p. 1256; am. 2005, ch. 188, sec. 2, p. 576; am. 2015, ch. 61, sec. 2, p. 170.]

1-2223. MAGISTRATE JUDGES HANDLING JUVENILE DELINQUENCY CASES. (1) Each magistrate judge in a judicial district who is assigned juvenile delinquency matters shall receive instruction in a course designed for training of judges of juvenile courts.

(2) Each magistrate judge to whom this section applies shall attend instruction provided when it is offered for the first time after his appointment, election or assignment, unless he is excused by written order of the supreme court.

(3) The administrative director of the courts shall arrange for giving appropriate instruction to magistrate judges as required by the provisions of this section.

[1-2223, added 1989, ch. 155, sec. 16, p. 395; am. 1991, ch. 98, sec. 1, p. 218.]

1-2224. SENIOR MAGISTRATE JUDGES FUND. (1) There is hereby created in the office of the state treasurer, separate and apart from other funds of the state, a dedicated fund to be known as the senior magistrate judges fund. Moneys deposited into the fund pursuant to section [31-3201A](#), Idaho Code, shall, subject to appropriation, be used by the Idaho supreme court to purchase up to a maximum of forty-eight (48) months of membership service in the public employee retirement system of Idaho under section [59-1363](#), Idaho Code, for retiring magistrate judges of the district court who hold office under the provisions of [chapter 22, title 1](#), Idaho Code, at the time of their retirement. The supreme court's purchase of membership service in the public employee retirement system of Idaho under this section shall also be restricted by any applicable limits and requirements established by the public employee retirement system of Idaho and by the United States internal revenue service.

(2) The actual number of months of membership service the supreme court may purchase on behalf of a person shall be based upon the period of full-time service provided to the judicial department by that person prior to retirement and the person's willingness to perform service as a senior judge if he or she is designated a senior judge by the supreme court pursuant to section [1-2005](#) or [1-2221](#), Idaho Code.

(3) The supreme court may adopt rules for the application and implementation of subsections (1) and (2) of this section including, but not limited to, establishing eligibility requirements and a formula, criteria and procedures for determining the number of months of membership service the court will purchase on behalf of a person.

(4) Moneys deposited into the fund may be allowed to accumulate from year to year for the purposes set forth in this section, and all interest earned on the investment of idle moneys in the fund by the state treasurer shall be returned to the fund.

[1-2224, added 2006, ch. 267, sec. 1, p. 828.]