I.C.R. 2.2. Jurisdiction of Magistrates

Idaho Criminal Rule 2.2 Jurisdiction of Magistrates

(a) Jurisdiction of All Non-attorney Magistrates. The jurisdiction over the following criminal proceedings, when approved by a majority of the district judges in a judicial district, may be assigned to any magistrate pursuant to section 1-2208, Idaho Code:

(1) The arraignment, trial and sentencing of any misdemeanor.

(2) Proceedings pertaining to warrants for arrest or for searches and seizures when a certified non-attorney magistrate, as defined by subsection (b) of this rule, or an attorney magistrate is not available.

(3) The first appearance and setting of bail in other misdemeanor complaints or in a felony complaint when a certified non-attorney magistrate, as defined in subsection (b) of this rule, or an attorney magistrate is not available.

(b) Jurisdiction of Certified Non-attorney Magistrates. The jurisdiction over the following criminal proceedings, when approved by a majority of the district judges in a judicial district, may be assigned to non-attorney magistrates pursuant to section 1-2208, Idaho Code, when such magistrate has received written certification by the Supreme Court that said non-attorney magistrate is qualified to handle criminal proceedings involving incarceration:

(1) The arraignment and trial of any misdemeanor and sentencing upon conviction, whether or not incarceration is involved.

(2) The first appearance, the setting of bail, and the preliminary examination on a criminal complaint for a felony to determine probable cause, commitment prior to trial, or the release on bail of persons charged with a felony.

(3) Proceedings pertaining to warrants for arrest or for searches and seizures.

(c) Assignment of Additional Cases to Attorney Magistrates. The jurisdiction of an attorney magistrate is the same as that of a district judge, but the cases assignable to an attorney magistrate shall be those assignable to magistrates in subsections (a) and (b) above and the following additional cases may be assigned to attorney magistrates when approved by the administrative district judges of a judicial district:

(1) The trial and related hearings, and sentencing upon conviction, of felony proceedings when approved by order of the Supreme Court upon application by the administrative judge of a judicial district.

(2) Extradition proceedings.

(3) Proceedings regarding fugitives from justice.

(4) The performance of any function of a United States magistrate when requested by federal authorities or courts as provided by law. The assignment of this authority and jurisdiction shall be recommended by order of the administrative district judge to specific attorney magistrates and shall be effective when approved by order of the Supreme Court.

(d) Objection to Assignment to Magistrates. Any irregularity in the method or scope of assignment of a criminal proceeding or action to any magistrate under this Rule 2.2 and sections 1-2208 and 1-2210, Idaho Code, and all objections to the propriety of an assignment to a magistrate are waived unless a written objection is filed not later than 7 days after a notice setting the action for trial, pre-trial or hearing on a contested motion and before any contested matter has been submitted to the judge for decision. No order or judgment is void or subject to collateral attack merely because rendered pursuant to an improper assignment to a magistrate.

(e) Special Assignment to Attorney Magistrates. The administrative district judge of a judicial district may by order appoint a specific attorney magistrate to hear and try one or more specific actions which are otherwise triable only by a district judge. The appointed magistrate shall cause an order of the assignment to be served upon all parties to that action.

(f) Enlargement of Cases Assignable. The administrative district judge of a judicial district may by order enlargecategories of cases assignable under Rule 2.2(c) as to the attorney magistrates of the judicial district or of a county within the district, or as to specified attorney magistrates.

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