



## **ICAR 5.1. Criminal Jurisdiction of Magistrate Judges; Assignment of Cases.**

### **Idaho Court Administrative Rule 5.1. Criminal Jurisdiction of Magistrate Judges; Assignment of Cases.**

(a) **Cases Assignable to All Magistrate Judges.** The following criminal proceedings may be assigned to a magistrate judge under Idaho Code § 1-2208:

- (1) arraignment, trial and sentencing in a misdemeanor;
- (2) proceedings pertaining to warrants for arrest or for searches and seizures;
- (3) initial appearance and setting of bail in a misdemeanor or felony proceeding; and

(4) the preliminary examination for a felony to determine probable cause and commitment before trial.

(b) **Assignment of Additional Cases to Magistrate Judge.** The following cases may be assigned to a magistrate judge if approved by their administrative district judge (ADJ):

- (1) trial, related hearings, and sentencing in a felony after:
  - (i) an application by the ADJ; and
  - (ii) a Supreme Court order approving the assignment.

- (2) extradition proceedings;



(3) proceedings regarding fugitives from justice; and

(4) the performance of a function of a United States magistrate judge when requested by federal authorities or courts. This assignment requires:

(i) an ADJ order recommending the assignment; and

(ii) a Supreme Court order approving the assignment.

**(c) Objection to Assignment of a Magistrate Judge.**

**(1) Types of Objections.** Objections may be made to:

(A) an irregularity in the method or scope of assignment of a criminal proceeding or action to a magistrate under this rule and Idaho Code §§ 1-2208 and 1-2210; or

(B) to the propriety of a proceeding to a magistrate judge.

**(2) When objections must be made.** Written objections must be made no later than 7 days after a notice setting the proceeding or action for trial, pre-trial, or hearing on a contested motion and before any contested matter has been submitted to the court for decision.

**(3) Improper assignment.** No order or judgment is void or subject to collateral attack because a magistrate judge was improperly assigned to a proceeding.

**(d) Special Assignment to Attorney Magistrate Judge.** The ADJ may order the appointment of an attorney magistrate judge to hear and try one or more proceedings or actions that are otherwise triable by a district judge. The magistrate judge must have the parties served with notice of the assignment.



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