

# In the Supreme Court of the State of Idaho

IN RE: AMENDMENT OF IDAHO )  
COURT ADMINISTRATIVE RULES 5.1, 6, 7, ) ORDER  
and 23 )  
\_\_\_\_\_ )

The Court, having received a recommendation to amend Idaho Court Administrative Rules 5.1, 6, 7, and 23 and the Court being fully informed:

IT IS ORDERED that Idaho Court Administrative Rule 5.1, 6, 7, and 23 be amended as follows:

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

~~The jurisdiction of a magistrate is the same as that of a district judge, but the cases assignable to a magistrate are:~~

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

- (1) ~~The arraignment, trial and sentencing of in any misdemeanor;~~
- (2) ~~P~~proceedings pertaining to warrants for arrest or for searches and seizures;
- (3) ~~The first initial~~ appearance and setting of bail in a misdemeanor or felony complaint proceeding; and
- (4) the preliminary examination for a felony to determine probable cause and commitment ~~prior to~~ before trial.

- (b) **Assignment of Additional Cases to Magistrate Judge.** The following ~~additional~~ cases may be assigned to a magistrates judge ~~when if~~ approved by their administrative district judges (ADJ) ~~of a judicial district:~~

- (1) ~~The trial, and related hearings, and sentencing upon conviction, of in a felony proceedings when approved by order of the Supreme Court upon application by the administrative judge of a judicial district. after:~~
  - (i) an application by the ADJ; and
  - (ii) a Supreme Court order approving the assignment.

- (2) ~~E~~extradition proceedings;
- (3) ~~P~~proceedings regarding fugitives from justice; and
- (4) ~~T~~he performance of any function of a United States magistrate judge when requested by federal authorities or courts ~~as provided by law. The~~ This assignment ~~of this authority and jurisdiction recommended by order of the administrative district judge to specific magistrates and shall be effective when approved by order of the Supreme Court.~~ requires:
  - (i) an ADJ order recommending the assignment; and
  - (ii) a Supreme Court order approving the assignment.

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

- (1) **Types of Objections.** Objections may be made to:
  - (A) ~~Any~~ an irregularity in the method or scope of assignment of a criminal proceeding or action to any magistrate under this rule and Idaho Code Sections §§ 1-2208, and 1-2210; ~~and all objections or~~
  - (B) ~~to the propriety of an assigningment a proceeding to a magistrate judge. are waived unless a written objection is filed not~~
- (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 judge 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. it is rendered pursuant to an improper assignment to a magistrate.

- (d) **Special Assignment to Attorney Magistrates Judge.** ~~The administrative district judge ADJ of a judicial district may by order the appointment of an specific attorney magistrate judge to hear and try one or more specific proceedings or actions which that are otherwise triable only by a district judge. The appointed magistrate judge must cause an order of the assignment to be served upon all parties to that action. have the parties served with notice of the assignment.~~

**Idaho Court Administrative Rule 6. Special Assignment to Magistrates Judge.**

The An administrative district judge ~~of a judicial district may by order the appointment of a specific magistrate judge to hear and try one or more specific actions which that are otherwise triable only by a district judge. The clerk of the district court shall must cause an order of the assignment to be served upon all parties to that action have the parties served with notice of the assignment.~~

**Idaho Court Administrative Rule 7. Enlargement of Cases Assignable to Magistrate Judges.**

(a) **Civil Cases.** ~~The An~~ administrative district judge (ADJ) of a judicial district may ~~by order~~ enlarge the categories of civil cases assignable to magistrate judges under Idaho Court Administrative Rule (I.C.A.R.) Rule 5(c) ~~as to the magistrates of the judicial district or of a county within the district, or as to specified magistrates.~~ The order may include:

- (1) magistrate judges in the judicial district;
- (2) magistrate judges in a county in the judicial district; or
- (3) specific magistrate judges in the judicial district.

(b) **Criminal Cases.** ~~The An~~ administrative district judge ADJ of a judicial district may ~~by order~~ enlarge categories of the criminal cases assignable to magistrate judges under I.C.A.R. Rule 5.1. ~~as to the magistrates of the judicial district or of a county within the district, or as to specified magistrates.~~ The order may include:

- (1) magistrate judges in the judicial district;
- (2) magistrate judges in a county in the judicial district; or
- (3) specific magistrate judges in the judicial district.

**Idaho Court Administrative Rule 23. Notes, Files and Records - Property of The District Court.**

(a) **Return of information.** ~~Any person who is~~ If a district court reporter is removed by reason of the person's ~~for failure to pass~~ failing a necessary or special examination, or ~~who leaves~~ ends their employment for any reason, shall forthwith ~~and without delay turn over~~ they must immediately transfer to the trial court administrator all:

- (1) notes;
- (2) files;
- (3) records; and
- (4) information concerning any cases, motions or other matters in which the person has taken they took part as a district court reporter. ~~to the trial court administrator of the judicial district, and it is ordered that all such notes~~

(b) **Liability.** All notes, records, files and other information developed in connection with the person's district court reporter's duties as a district court reporter are the property of the district court ~~and that the person shall be.~~ The removed reporter is personally liable for any loss or destruction of said the notes, files, records and or information.

(c) **Transcript re-assignment.** ~~In the event~~ If the preparation of a particular transcript is reassigned to another reporter, ~~the removed court reporter shall forthwith and without delay turn over~~ must immediately transfer to the trial court administrator all notes, files and records concerning the particular matter ~~that is to be transcribed to the trial court administrator.~~

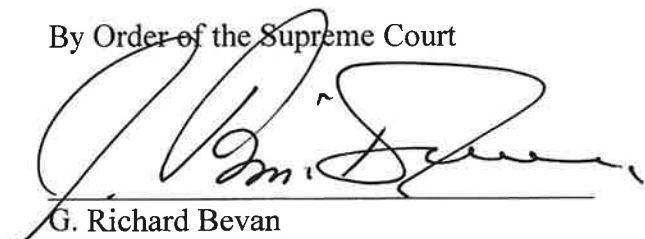
IT IS FURTHER ORDERED that this order and amendment shall be effective when signed.

IT IS FURTHER ORDERED that the above designation of the striking of words from the Rules by lining through them, and the designation of the addition of new portions of the Rules by underlining such new portion is for the purposes of information only as amended, and NO OTHER AMENDMENTS ARE INTENDED. The lining through and underlining shall not be considered a part of the permanent Idaho Court Administrative Rules.

IT IS FURTHER ORDERED that notice of this Order shall be published for three consecutive weeks on the Idaho State Bar's website and in its weekly E-Bulletin, and that as soon as practicable, a summary of the amendment(s) effected by this Order shall be published in one issue of *The Advocate*.

DATED this 1<sup>st</sup> day of August, 2025.

By Order of the Supreme Court

  
G. Richard Bevan  
Chief Justice, Idaho Supreme Court

ATTEST:

  
Melanie Gagnepain, Clerk

I, Melanie Gagnepain, Clerk of the Supreme Court/  
Court of Appeals of the State of Idaho, do hereby  
Certify that the above is a true and correct copy of the  
Order entered in the above entitled  
cause and now on record in my office. WITNESS my  
hand and the Seal of this Court 8-4-25  
Melanie Gagnepain, Clerk

By  Deputy