



ICAR 5.1

Idaho Court Administrative Rule 5.1. Criminal Jurisdiction of Magistrates; 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 Magistrates. The following criminal proceedings 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.

(3) The first appearance and setting of bail in a misdemeanor or felony complaint and the preliminary examination for a felony to determine probable cause and commitment prior to trial.

(b) Assignment of Additional Cases to Magistrates. The following additional cases may be assigned to 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 magistrates and shall be effective when approved by order of the Supreme Court.



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(c) 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 and Idaho Code Sections 1-2208 and 1-2210, 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 because it is rendered pursuant to an improper assignment to a magistrate.

(d) 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 must cause an order of the assignment to be served upon all parties to that action.

(Adopted March 24, 2017; effective July 1, 2017.)

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