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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2012

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A N A C T

RELATING TO COURTS AND CIVIL PROCEDURE -- COURTS

Introduced By: Representatives Walsh, Ajello, Valencia, Marcello, and O`Grady

Date Introduced: January 11, 2012

Referred To: House Judiciary

It is enacted by the General Assembly as follows:

1 SECTION 1. Sections 8-2-11.1, 8-2-39, 8-2-39.1 and 8-2-39.2 of the General Laws in
2 Chapter 8-2 entitled "Superior Court" are hereby amended to read as follows:

3 **8-2-11.1. Administrator/magistrate.** -- (a) Any person holding the position of
4 administrative clerk in the superior court who is a member of the bar of Rhode Island may be
5 ~~appointed~~ nominated administrator/magistrate for a term of ten (10) years and until a successor is
6 appointed and qualified, ~~by the presiding justice,~~ by the governor, on the basis of merit, from a
7 list submitted by the judicial nominating commission, with the advice and consent of the senate,
8 ~~in his or her capacity as administrative judge.~~ Nothing herein shall be construed to prohibit the
9 assignment of an administrator/magistrate to more than one such term, subject to the advice and
10 consent of the senate. Any magistrate in service as of January 1, 2008 who serves at the pleasure
11 of the presiding justice of the superior court may be appointed for a term of ten (10) years with
12 the advice and consent of the senate and until a successor is appointed and qualified.

13 (b) (1) The administrator/magistrate shall have the power to hear and determine such
14 matters as may be assigned to the administrator/magistrate by the presiding justice all to the same
15 effect as if done by a justice of the superior court.

16 (2) Without limiting the generality of the foregoing powers and authority, the
17 administrator/magistrate is authorized and empowered to hear and determine motions in civil and
18 criminal proceedings, formal and special causes, to conduct arraignments, to grant or deny bail, to
19 accept pleas of not guilty, guilty, or nolo contendere, and to impose sentence on a plea of guilty

1 or nolo contendere, all to the same effect as if done by a justice of the superior court.

2 (c) The administrator/magistrate may be authorized:

3 (1) To regulate all proceedings before him or her;

4 (2) To do all acts and take all measures necessary or proper for the efficient performance
5 of his or her duties;

6 (3) To require the production before him or her of books, papers, vouchers, documents,
7 and writings;

8 (4) To rule upon the admissibility of evidence;

9 (5) To issue subpoenas for the appearance of witnesses, to put witnesses on oath, to
10 examine them, and to call parties to the proceeding and examine them upon oath;

11 (6) To adjudicate a person in contempt and to order him or her imprisoned for not more
12 than seventy-two (72) hours, pending review by a justice of the court, for failure to appear in
13 response to a summons or for refusal to answer questions or produce evidence or for behavior
14 disrupting a proceeding;

15 (7) To adjudicate a party in contempt and to order him or her imprisoned for not more
16 than seventy-two (72) hours, pending review by a justice of the court, for failure to comply with a
17 pending order to provide payment or to perform any other act; and

18 (8) To issue a *capias* and/or body attachment upon the failure of a party or witness to
19 appear after having been properly served and, should the court not be in session, the person
20 apprehended may be detained at the adult correctional institution, if an adult, or at the Rhode
21 Island training school for youth, if a child, until the next session of the court.

22 (d) A party aggrieved by an order entered by the administrator/magistrate shall be
23 entitled to a review of the order by a justice of the superior court. Unless otherwise provided in
24 the rules of procedure of the court, the review shall be on the record and appellate in nature. The
25 court shall, by rules of procedure, establish procedures for review of orders entered by the
26 administrator/magistrate, and for enforcement of contempt adjudications of the
27 administrator/magistrate.

28 (e) Final orders of the superior court entered in a proceeding to review an order of the
29 administrator/magistrate may be appealed to the supreme court.

30 (f) The administrator/magistrate shall be:

31 (1) Governed by the commission on judicial tenure and discipline, chapter 16, of this
32 title, in the same manner as justices and judges;

33 (2) Subject to all provisions of the canons of judicial ethics;

34 (3) Subject to all criminal laws relative to judges by virtue of sections 11-7-1 and 11-7-2.

1 **8-2-39. General magistrate -- Appointment, duties and powers.** -- (a) There is hereby
2 created within the superior court the position of general magistrate who shall be ~~appointed~~
3 ~~nominated~~ by the ~~presiding justice of the superior court~~ governor, on the basis of merit, from a
4 list submitted by the judicial nominating commission, with the advice and consent of the senate,
5 for a term of ten (10) years and until a successor is appointed and qualified. Nothing herein shall
6 be construed to prohibit the assignment of the general magistrate to more than one such term,
7 subject to the advice and consent of the senate. The person appointed to serve as general
8 magistrate shall be a member of the bar of Rhode Island. The powers and duties of the general
9 magistrate shall be prescribed in the order appointing him or her.

10 (b) (1) The general magistrate shall assist the court in:

11 (i) The determination of, monitoring, collection, and payment of restitution and court
12 ordered fines, fees, and costs or the ordering of community service in lieu of or in addition to the
13 payment of restitution, fines, fees, and costs, consistent with other provisions of the general laws;

14 (ii) The determination and payment of claims under the violent crimes indemnity fund
15 for the Criminal Injuries Compensation Act of 1972, chapter 25 of title 12;

16 (iii) The determination and payment of claims from the Criminal Royalties Distribution
17 Act of 1983, chapter 25.1 of title 12; and

18 (iv) Such other matters as the presiding justice of the superior court determines are
19 necessary.

20 (2) The chief justice of the supreme court, with the consent of the presiding justice and,
21 if applicable, the chief judge of a particular court, may assign the general magistrate to serve as a
22 magistrate in any court of the unified system. When the general magistrate is so assigned he or
23 she shall be vested, authorized, and empowered with all the powers belonging to the magistrate
24 position to which he or she is specially assigned.

25 (c) The general magistrate will be empowered to hear all motions, pretrial conferences,
26 arraignments, probable cause hearings, bail hearings, bail and probation revocation hearings, and
27 to review all such matters including, but not limited to the above, and to modify the terms and
28 conditions of probation and other court-ordered monetary payments including, but not limited to,
29 the extension of time for probation and court-ordered monetary payments as provided by law.
30 The general magistrate shall have the power to take testimony in connection with all matters set
31 forth herein.

32 (d) The general magistrate may be authorized:

33 (1) To regulate all proceedings before him or her;

34 (2) To do all acts and take all measures necessary or proper for the efficient performance

1 of his or her duties;

2 (3) To require the production before him or her of books, papers, vouchers, documents,
3 and writings;

4 (4) To rule upon the admissibility of evidence;

5 (5) To issue subpoenas for the appearance of witnesses, to put witnesses on oath, to
6 examine them, and to call parties to the proceeding and examine them upon oath;

7 (6) To adjudicate a person in contempt and to order him or her imprisoned for not more
8 than seventy-two (72) hours, pending review by a justice of the relevant court, for failure to
9 appear in response to a summons or for refusal to answer questions or produce evidence or for
10 behavior disrupting a proceeding;

11 (7) To adjudicate a party in contempt and to order him or her imprisoned for not more
12 than seventy-two (72) hours, pending review by a justice of the relevant court, for failure to
13 comply with a pending order to provide payment or to perform any other act; and

14 (8) To issue a *capias* and/or body attachment upon the failure of a party or witness to
15 appear after having been properly served and, should the court not be in session, the person
16 apprehended may be detained at the adult correctional institutions, if an adult, or at the Rhode
17 Island training school for youth, if a child, until the next session of the court.

18 (e) A party aggrieved by an order entered by the general magistrate shall be entitled to a
19 review of the order by a justice of the relevant court. Unless otherwise provided in the rules of
20 procedure of the court, such review shall be on the record and appellate in nature. The court shall,
21 by rules of procedure, establish procedures for review of orders entered by a general magistrate,
22 and for enforcement of contempt adjudications of a general magistrate.

23 (f) Final orders of the superior or family court entered in a proceeding to review an order
24 of a general magistrate may be appealed to the supreme court. Final orders of the district court
25 entered in a proceeding to review an order of the general magistrate may be appealed to the
26 superior court.

27 (g) The general magistrate shall:

28 (1) Receive all credits and retirement allowances as afforded justices under chapter 3 of
29 this title and any other applicable law, including without limitation, section 8-3-16;

30 (2) Receive a salary equivalent to that of a district court judge;

31 (3) (Repealed);

32 (4) Be governed by the commission on judicial tenure and discipline, chapter 16, of this
33 title, in the same manner as justices and judges;

34 (5) Be subject to all provisions of the canons of judicial ethics or code of judicial

1 conduct;

2 (6) Be subject to all criminal laws relative to judges by virtue of sections 11-7-1 and 11-
3 7-2.

4 (h) The provisions of this section shall be afforded liberal construction.

5 (i) The presiding justice of the superior court shall initially appoint such support staff as
6 may be necessary, relating to preparation, investigation, and implementation of the general
7 magistrate's functions. Effective November 15, 1993, the support staff shall be placed under the
8 supervision and management of the superior court, and new appointments or personnel changes in
9 the support staff shall be subject to the directions and approval of the superior court, consistent
10 with any applicable collective bargaining agreements. The general magistrate shall have the
11 power and authority to issue subpoenas and to compel the attendance of witnesses at any place
12 within the state, to administer oaths and to require testimony under oath. The general magistrate,
13 or his or her designee, may serve his or her process or notices in a manner provided for the
14 service of process and notice in civil or criminal actions in accordance with the rules of court.

15 **8-2-39.1. Special magistrate. --** There is hereby created within the superior court the
16 position of special magistrate, who shall be ~~appointed~~ nominated by the ~~presiding justice of the~~
17 ~~superior court~~ governor, on the basis of merit, from a list submitted by the judicial nominating
18 commission, with the advice and consent of the senate, for a period of ten (10) years, and until a
19 successor is appointed and qualified. Nothing contained herein shall be construed to prohibit the
20 reappointment of a special magistrate for one or more additional ten (10) year terms, subject to
21 the advice and consent of the senate. The person appointed to serve as special magistrate shall be
22 a member of the bar of the state of Rhode Island. The special magistrate shall have the duties,
23 responsibilities, powers and benefits as authorized in section 8-2-39.

24 **8-2-39.2. Drug court magistrate -- Appointment, duties and powers. --** (a) There is
25 hereby created within the superior court the position of Drug Court Magistrate who shall be
26 ~~appointed~~ nominated by the ~~presiding justice of the superior court~~ governor, on the basis of merit,
27 from a list submitted by the judicial nominating commission, with the advice and consent of the
28 senate. The persons appointed to serve as Drug Court Magistrates shall be members of the bar of
29 Rhode Island. The powers and duties of the Drug Court Magistrate shall be prescribed in the
30 order appointing him or her in addition to those described herein.

31 The Drug Court Magistrate's term shall be ten (10) years and until a successor is
32 ~~appointed~~ nominated and qualified. Nothing in this article shall prohibit a Drug Court Magistrate
33 from being ~~reappointed~~ renominated for additional ten (10) year terms by the ~~presiding justice of~~
34 ~~the superior court~~ governor, on the basis of merit, from a list submitted by the judicial nominating

1 [commission](#), with the advice and consent of the senate. He or she shall receive a salary equivalent
2 to that received by the special magistrate assigned to the superior court.

3 (b) The Drug Court Magistrate shall be empowered to hear and decide as a superior court
4 justice all matters relating to those adult offenders who come before the jurisdiction of the
5 superior court on any offense relating to the offender's participation in the Adult Drug Court. In
6 addition, the Drug Court Magistrate shall have the power to impose a period of incarceration
7 upon a plea of guilty or nolo contendere, and also have the power to confine any person who has
8 been found to be in violation of any conditions previously imposed by the superior court.

9 (c) The Drug Court Magistrate shall be empowered to hear and decide as a superior court
10 justice all matters that may come before the superior court pursuant to chapter 37.1 of title 11
11 "Sexual Offender Registration and Community Notification."

12 (d) The Drug Court Magistrate and/or the presiding justice of the superior court may fix
13 the venue of any person who is before the superior court as a participant in the Adult Drug Court
14 or who is alleged to be a sexual predator, and who has filed an objection to community
15 notification.

16 (e) The Drug Court Magistrate shall be governed by the commission on judicial tenure
17 and discipline, chapter 16 of title 8 in the same manner as justices and judges; shall be subject to
18 all provisions of the canons of judicial ethics or code of judicial conduct; and shall be subject to
19 all criminal laws relative to judges by virtue of sections 11-7-1 and 11-7-2.

20 (f) A party aggrieved by an order entered by the Drug Court Magistrate shall be entitled
21 to a review of the order by a justice of the Superior Court. Unless otherwise provided in the rules
22 of procedure of the court, such review shall be on the record and appellate in nature. The Superior
23 Court shall, by rules of procedure, establish procedures for reviews of orders entered by a Drug
24 Court Magistrate, and for enforcement of contempt adjudications of a Drug Court Magistrate.

25 SECTION 2. Sections 8-8-8.1 and 8-8-16.2 of the General Laws in Chapter 8-8 entitled
26 "District Court" are hereby amended to read as follows:

27 **8-8-8.1. Administrator/clerk -- Magistrate.** -- (a) Administrator/clerk. - There shall be a
28 district court administrator/clerk who shall be appointed by the chief judge in his or her capacity
29 as administrative head of the court, and who shall hold office at the pleasure of the administrative
30 judge. The administrator/clerk shall perform such duties and attend to such matters as may be
31 assigned to the administrator/clerk by the administrative judge, other than those duties assigned to
32 the chief clerk in section 8-8-19. Said duties may be assigned by the chief judge.

33 (b) Magistrate. - Any person ~~holding the position of district court administrator/clerk~~
34 who is a member of the bar of Rhode Island may be ~~appointed~~ [nominated](#) district court magistrate

1 by the ~~chief judge in his or her capacity as administrative head of the court,~~ governor, on the basis
2 of merit, from a list submitted by the judicial nominating commission, subject to the advice and
3 consent of the senate. The district court magistrate shall hold said office for a term of ten (10)
4 years and until a successor is appointed and qualified; and the magistrate shall retain whatever
5 right he or she may have to the position of district court administrator/clerk pursuant to this
6 section. Nothing herein shall be construed to prohibit the ~~appointment~~ nomination of the
7 magistrate for more than one term, subject to the advice and consent of the senate. Any person
8 holding office of district court magistrate on July 1, 1999 may continue in full authority in said
9 position until such time as ~~an appointment~~ a nomination is made and the nominee qualified
10 pursuant to this subsection.

11 (c) The district court magistrate shall have the power to hear and determine such matters
12 as may be assigned to the district court magistrate by the chief judge all to the same effect as if
13 done by a judge of the district court, including, but not limited to:

14 (1) Matters relating to the determination of, monitoring, collection, and payment of
15 restitution and court ordered fines, fees, and costs or the ordering of community service in lieu of
16 or in addition to the payment of restitution, fines, fees, and costs, consistent with other provisions
17 of the general laws;

18 (2) Arraignments and pretrial motions in misdemeanor, petty misdemeanor, violation,
19 and ordinance cases and initial appearances and probable cause hearings in felony cases;

20 (3) Bail hearings pursuant to R.I. Const., Art. I, Sec. IX and all other bail matters
21 pursuant to chapter 13 of title 12 and the rules of criminal procedure, including but not limited to
22 motions to modify bail, bail revocation hearings, bail forfeiture hearings, and bail source
23 hearings;

24 (4) All matters relating to fugitives from justice pursuant to chapter 9 of title 12;

25 (5) Probation revocation hearings;

26 (6) All matters relating to small claims and consumer claims pursuant to chapter 16 of
27 title 10, including any pretrial motions including motions relating to the special service of
28 process, the entry of defaults and default judgments, the trial of such cases and the entry of
29 judgment after such trials, and all matters relating to the enforcement of such judgments,
30 including but not limited to the ordering of installment payments and trustee process; and

31 (7) Complaints for judicial review of the decision of an administrative agency pursuant
32 to chapter 35 of title 42 by making proposed findings of fact and recommendations for the
33 disposition of the complaints to a judge of the court. Any party may object to any portion of the
34 magistrate's proposed findings and recommendations within ten (10) days after receipt of a copy

1 thereof. That party shall file with the clerk of the sixth division of the district court and serve on
2 all parties written objections which shall specifically identify the portions of the proposed
3 findings and recommendations to which objection is made and the basis for the objection. A
4 judge shall make a de novo determination of those portions to which objection is made and may
5 accept, reject, or modify, in whole or in part, the findings or recommendations made by the
6 magistrate. Absent a timely objection filed in accordance with this subdivision, the proposed
7 prevailing party shall, upon expiration of the ten (10) days following the service of the
8 magistrate's proposed findings and recommendations, submit a proposed order for signature of
9 the judge to whom the case has been assigned.

10 (8) [Deleted by P.L. 2008, ch. 1, section 3].

11 (d) The magistrate may be authorized:

12 (1) To regulate all proceedings before him or her;

13 (2) To do all acts necessary or proper for the efficient performance of his or her duties;

14 (3) To require the production before him or her of books, papers, vouchers, documents,
15 and writings;

16 (4) To rule upon the admissibility of evidence;

17 (5) To issue subpoenas for the appearance of witnesses, to put witnesses on oath, to
18 examine them, and to call parties to the proceeding and examine them upon oath;

19 (6) To adjudicate a person in contempt and to order him or her fined or to order him or
20 her imprisoned for not more than seventy-two (72) hours, pending review by a judge of the court,
21 for failure to appear in response to a summons or for refusal to answer questions or produce
22 evidence or for behavior disrupting a proceeding or other contempt of his or her authority;

23 (7) To adjudicate a person in contempt and to order him or her fined or to order him or
24 her imprisoned for not more than seventy-two (72) hours, pending review by a judge of the court,
25 for failure to comply with a pending order to provide payment or to perform any other act;

26 (8) To issue a capias and/or body attachment for the failure of a party or witness to
27 appear after having been properly served or given notice by the court and, should the court not be
28 in session, the person apprehended may be detained at the adult correctional institution, if an
29 adult, or at the Rhode Island training school for youth, if a child, until the next session of the
30 court;

31 (9) To issue writs of habeas corpus to bring before him or her or a judge of the court any
32 person in jail or in prison to be examined as a witness in a suit or proceeding, civil or criminal,
33 pending before the court, or whose presence is necessary as a party or otherwise necessary so that
34 the ends of justice may be attained, and for no other purpose; and

1 (10) To issue warrants of arrest and search warrants to the same extent as an associate
2 judge of the court.

3 (e) Except as otherwise indicated, a party aggrieved by an order entered by the district
4 court magistrate shall be entitled to a review of the order, whether by appeal or otherwise, by a
5 judge of the court. The court shall, by rules of procedure, establish procedures for review of
6 contempt and adjudications of the magistrate.

7 (f) The magistrate shall be:

8 (1) Governed by the commission on judicial tenure and discipline, chapter 16 of this
9 title, in the same manner as justices and judges;

10 (2) Subject to all provisions of the canons of judicial ethics;

11 (3) Subject to all criminal laws relative to judges by virtue of sections 11-7-1 and 11-7-2.

12 (g) The provisions of this section shall be afforded liberal construction.

13 **8-8-16.2. District court clerk/magistrate.** -- (a) Any person who is a member of the bar
14 of Rhode Island may be ~~appointed~~ nominated district court clerk/magistrate by the ~~chief judge in~~
15 ~~his or her capacity as administrative head of the court~~ governor, on the basis of merit, from a list
16 submitted by the judicial nominating commission, subject to the advice and consent of the senate.
17 The district court clerk/magistrate shall hold that office for a term of ten (10) years and until a
18 successor is ~~appointed~~ nominated and qualified. Nothing herein shall be construed to prohibit the
19 ~~assignment~~ nomination of the district court clerk/magistrate to more than one such term, subject
20 to the advice and consent of the senate. The district court clerk/magistrate shall have the power to
21 hear and determine any matters that may be assigned to the district court clerk/magistrate by the
22 chief judge all to the same effect as if done by a judge of the district court, including, but not
23 limited to, matters relating to the determination of, monitoring, collection and payment of
24 restitution and court ordered fines, fees and costs or the ordering of community service in lieu of
25 or in addition to the payment of restitution, fines, fees and costs, consistent with other provisions
26 of the general laws.

27 (b) The clerk/magistrate may be authorized:

28 (1) To regulate all proceedings before him or her;

29 (2) To do all acts necessary or proper for the efficient performance of his or her duties;

30 (3) To require the production before him or her of books, papers, vouchers, documents
31 and writings;

32 (4) To rule upon the admissibility of evidence;

33 (5) To issue subpoenas for the appearance of witnesses, to put witnesses on oath, to
34 examine them and to call parties to the proceeding and examine them upon oath;

1 (6) To adjudicate a person in contempt and to order him or her fined or to order him or
2 her imprisoned for not more than seventy-two (72) hours, for failure to appear in response to a
3 summons or for refusal to answer questions or produce evidence or for behavior disrupting a
4 proceeding or other contempt of his or her authority; provided; however, that no such
5 imprisonment shall occur prior to review by a judge of the court.

6 (7) To adjudicate a person in contempt and to order him or her fined or to order him or
7 her imprisoned for not more than seventy-two (72) hours, for failure to comply with a pending
8 order to provide payment or to perform any other act; provided, however, that no such
9 imprisonment shall occur prior to review by a judge of the court.

10 (8) To issue a *capias* and/or body attachment for the failure of a party or witness to
11 appear after having been properly served or given notice by the court and, should the court not be
12 in session, the person apprehended may be detained at the adult correctional institutions, if an
13 adult, or at the Rhode Island training school for youth, if a child, until the next session of the
14 court;

15 (9) To issue writs of habeas corpus to bring before him or her or a judge of the court any
16 person in jail or in prison to be examined as a witness in a suit or proceeding, civil or criminal,
17 pending before the court, or whose presence is necessary as a party or otherwise necessary so that
18 the ends of justice may be attained, and for no other purpose; and

19 (10) To issue warrants of arrest and search warrants to the same extent as an associate
20 judge of the court.

21 (c) Except as otherwise indicated, a party aggrieved by an order entered by the district
22 court clerk/magistrate shall be entitled to a review of the order, whether by appeal or otherwise,
23 by a judge of the court. The court shall, by rules of procedure, establish procedures for review of
24 contempt and adjudications of the clerk/magistrate.

25 (d) The district court clerk/magistrate shall:

26 (1) Be governed by the commission on judicial tenure and discipline, pursuant to chapter
27 16 of this title, in the same manner as justices and judges;

28 (2) Be subject to all provisions of the canons of judicial ethics;

29 (3) Be subject to all criminal laws relative to judges by virtue of sections 11-7-1 and 11-
30 7-2.

31 (4) Receive any salary that may be established by the state court administrator pursuant
32 to section 8-15-4. The provisions of this section shall be afforded liberal construction.

33 SECTION 3. Section 8-8.2-1 of the General Laws in Chapter 8-8.2 entitled "Traffic
34 tribunal" is hereby amended to read as follows:

1 **8-8.2-1. Establishment -- Rule-making authority -- Adjudication of violations. --** (a)

2 There is hereby established a traffic tribunal which shall be charged with the administration and
3 adjudication of traffic violations within its jurisdiction. The traffic tribunal shall be under the
4 supervision of the chief magistrate of the traffic tribunal, who shall be the administrative head of
5 the traffic tribunal and shall have the power to make rules for regulating practice, procedure and
6 business within the traffic tribunal. Pursuant to section 8-6-2, said rules shall be subject to the
7 approval of the supreme court. Such rules, when effective, shall supersede any statutory
8 regulation in conflict therewith. Any person who has been a member of the bar of Rhode Island
9 may be appointed chief magistrate of the traffic tribunal. The chief magistrate of the traffic
10 tribunal shall be ~~appointed~~ nominated by the ~~chief justice of the supreme court,~~ governor, on the
11 basis of merit, from a list submitted by the judicial nominating commission, with the advice and
12 consent of the senate, for a period of ten (10) years and until a successor is ~~appointed~~ nominated
13 and qualified. Nothing contained herein shall be construed to prohibit the ~~reappointment~~
14 renomination of the chief magistrate for one or more ten (10) year terms subject to the advice and
15 consent of the senate. Compensation for the chief magistrate shall be equal to that of an associate
16 judge of the district court.

17 (b) The judges and magistrates of the traffic tribunal shall hear and determine cases as
18 provided by law. No district court judge appointed pursuant to chapter 8 of this title shall be
19 assigned to perform duties of a judge or magistrate of the traffic tribunal under this chapter. The
20 chief magistrate of the traffic tribunal may assign a judge or magistrate who is authorized to hear
21 and decide cases in the traffic tribunal to serve as administrative judge or magistrate of the traffic
22 tribunal and the administrative judge or magistrate shall perform such administrative duties as
23 may be delegated to him or her by the chief magistrate. Once assigned to the position, the
24 administrative judge or magistrate shall hold said administrative position for the remainder of his
25 or her respective term as a judge or magistrate of the traffic tribunal.

26 (c) (i) Those judges of the administrative adjudication court in active service on July 1,
27 1999 shall serve within the traffic tribunal. Whenever the total number of judges and magistrates
28 in the traffic tribunal exclusive of the chief magistrate shall be less than seven (7), the chief
29 justice of the supreme court, with the advice and consent of the senate, may, as needed, assign a
30 duly qualified member of the bar of this state to act as a magistrate to fill such vacancy and shall
31 submit his or her name to the senate for confirmation. In the event of a vacancy in the position of
32 chief magistrate, the chief justice of the supreme court shall appoint a successor in accordance
33 with subsection 8-8.2-1(a). Any magistrate assigned under this section shall serve a term of ten
34 (10) years and until a successor is appointed and qualified, and shall be in the unclassified service

1 of the state. Nothing herein shall be construed to prohibit the assignment of a magistrate to more
2 than one such term, subject to the advice and consent of the senate. Compensation for any such
3 magistrate shall be determined by the chief magistrate of the traffic tribunal subject to
4 appropriation by the general assembly but in no event shall the compensation be equal to or more
5 than that of an associate judge of the district court. Magistrates of the traffic tribunal shall
6 participate in the state retirement system in the same manner as all members of the unclassified
7 service.

8 (ii) If any judge of the traffic tribunal shall retire, or a vacancy becomes available
9 through death, disability or any other reason, the position shall be filled by a magistrate consistent
10 with the provisions of this section.

11 (d) Each judge and magistrate of the traffic tribunal shall devote full time to his or her
12 judicial duties, except as may be otherwise provided by law. He or she shall not practice law
13 while holding office, nor shall he or she be a partner or associate of any person in the practice of
14 law.

15 (e) Judges and magistrates of the traffic tribunal shall be subject to the provisions of R.I.
16 Const. Art. XI; to the code of judicial conduct or successor code promulgated by the supreme
17 court of this state, to the jurisdiction of the Commission on Judicial Tenure and Discipline in
18 accordance with chapter 16 of this title; and to the administrative authority and control of the
19 chief justice of the supreme court in accordance with chapter 15 of this title, except that sections
20 8-15-3 and 8-15-3.1 shall not apply to judges ~~and/or magistrates~~ of the traffic tribunal.

21 (f) The traffic tribunal shall be a tribunal of record and shall have a seal with such words
22 and devices as it shall adopt.

23 (g) Judges and magistrates of the traffic tribunal shall have the power to administer oaths
24 and affirmations.

25 (h) Administrative/supervisory officials. - (1) There shall be an assistant to the
26 administrative magistrate of the traffic tribunal who shall be appointed by and serve at the
27 pleasure of the chief magistrate and who shall perform such clerical and administrative duties as
28 may be assigned to him or her by the chief magistrate of the traffic tribunal and the administrative
29 judge or magistrate of the traffic tribunal. The assistant to the administrative judge or magistrate
30 shall have the power to administer oaths and affirmations within the state.

31 (2) There shall be a clerk of the traffic tribunal who shall be appointed by and serve at
32 the pleasure of the chief magistrate of the traffic tribunal; provided, however, that, effective July
33 1, 1999, the first clerk of the traffic tribunal shall be that person holding the position of
34 administrator/clerk of the administrative adjudication court as of May 1, 1998, and that person

1 shall hold office for the balance of a term of twelve (12) years which began on September 1,
2 1992, without the necessity of appointment by the governor or advice and consent of the senate.
3 The clerk of the traffic tribunal shall exercise his or her functions under the direction and control
4 of the chief magistrate of the traffic tribunal and the administrative judge or magistrate of the
5 traffic tribunal. The clerk of the traffic tribunal shall have the power to administer oaths and
6 affirmations within the state.

7 (i) Clerical Personnel/Court Recorders. - (1) The chief magistrate of the traffic tribunal
8 shall appoint deputy clerks and assistance clerks for the traffic tribunal to serve at his or her
9 pleasure. All such clerks may administer oaths and affirmations within the state.

10 (2) The chief magistrate of the traffic tribunal shall appoint sufficient court recorders to
11 enable all proceedings to be recorded by electronic means and who shall assist in such other
12 clerical duties as may be prescribed from time to time by the chief magistrate of the traffic
13 tribunal.

14 (3) The chief magistrate of the traffic tribunal shall employ such clerical assistants in
15 addition to deputy clerks as may be required in the traffic tribunal to perform clerical duties.

16 SECTION 4. Sections 8-10-3.1 and 8-10-3.2 of the General Laws in Chapter 8-10
17 entitled "Family Court" are hereby amended to read as follows:

18 **8-10-3.1. Magistrates -- Appointment, duties, and powers.** -- (a) The ~~chief judge of the~~
19 ~~family court~~ governor may ~~appoint~~ nominate magistrates, with the advice and consent of the
20 senate, to assist the court in the conduct of its business. A person ~~appointed~~ nominated to serve as
21 a magistrate shall be a member of the bar of Rhode Island and shall be chosen on the basis of
22 merit, from a list submitted by the judicial nominating commission. The powers and duties of
23 magistrates shall be prescribed in the order appointing them.

24 (b) In addition, magistrates may assist the court in:
25 (1) the enforcement and implementation of chapter 23.1 of title 15,
26 (2) the determination of matters that come before the court pursuant to section 8-10-4,
27 chapter 1 of title 14, chapters 5, 7, 8, 9, 10 and 16 of title 15, chapter 19 of title 16, chapter 11 of
28 title 40, and chapter 5 of title 40.1.

29 Magistrates shall be empowered to hear and determine all motions, pretrial conferences,
30 arraignments of juvenile offenders, probable cause hearings, and review of all such matters,
31 including but not limited to, the temporary placement, custody, disposition and adoption of
32 children, orders of support, final divorce decrees, and the taking of testimony in conducting all
33 hearings relative thereto subject to the review provided for in subsection (d).

34 (c) The magistrates shall serve a term of ten (10) years and until a successor is ~~appointed~~

1 nominated and qualified and his or her powers and duties shall be prescribed in the order
2 appointing him or her or in the rules of procedure of the family court. Any magistrate in service
3 as of January 1, 2008 who serves at the pleasure of the chief judge of the family court may be
4 ~~appointed~~ nominated by the governor for a term of ten (10) years with the advice and consent of
5 the senate and until a successor is ~~appointed~~ nominated and qualified. Nothing herein shall be
6 construed to prohibit the ~~assignment~~ nomination of a magistrate to more than one such term,
7 subject to the advice and consent of the senate. The magistrates may be authorized:

8 (1) To regulate all proceedings before him or her;

9 (2) To do all acts and take all measures necessary or proper for the efficient performance
10 of his or her duties;

11 (3) To require the production before him or her of books, papers, vouchers, documents,
12 and writings;

13 (4) To rule upon the admissibility of evidence;

14 (5) To issue subpoenas for the appearance of witnesses, to put witnesses on oath, to
15 examine them, and to call parties to the proceeding and examine them upon oath;

16 (6) To adjudicate a person in contempt and to order him or her imprisoned for not more
17 than seventy-two (72) hours, pending review by a justice of the court, for failure to appear in
18 response to a summons or for refusal to answer questions or produce evidence or for behavior
19 disrupting a proceeding;

20 (7) To adjudicate a party in contempt and to order him or her imprisoned for not more
21 than seventy-two (72) hours, pending review by a justice of the court, for failure to comply with a
22 pending order to provide support or to perform any other act; and

23 (8) To issue a *capias* and/or body attachment upon the failure of a party or witness to
24 appear after having been properly served and, should the family court not be in session, the
25 person apprehended may be detained at the adult correctional institution, if an adult, or at the
26 Rhode Island training school for youth, if a child, until the next session of the family court.

27 (d) A party aggrieved by an order entered by a magistrate shall be entitled to a review of
28 the order by a justice of the family court. Unless otherwise provided in the rules of procedure of
29 the family court, such review shall be on the record and appellate in nature. The family court shall
30 by rules of procedure establish procedures for review of orders entered by a magistrate, and for
31 enforcement of contempt adjudications of a magistrate.

32 (e) Final orders of the family court entered in a proceeding to review an order of a
33 magistrate may be appealed to the supreme court.

34 (f) The magistrates shall be empowered to hear *de novo* all applications for income

1 withholding pursuant to chapter 16 of title 15 and appeals of administrative agency orders of the
2 department of human services to withhold income under chapter 16 of title 15.

3 (g) The magistrates shall be empowered to hear all matters relating to the revocation or
4 nonrenewal of a license of an obligor due to non-compliance with a court order of support, in
5 accordance with chapter 11.1 of title 15.

6 (h) The magistrates may be authorized by the chief judge to hear those matters on the
7 domestic abuse prevention calendar and the nominal calendar.

8 [See section 12-1-15 of the General Laws.]

9 **8-10-3.2. General magistrate of the family court.** -- (a) There is hereby created within
10 the family court the position of general magistrate of the family court who shall be ~~appointed~~
11 nominated by the ~~chief judge of the family court~~ governor, on the basis of merit, from a list
12 submitted by the judicial nominating commission with the advice and consent of the senate for a
13 term of ten (10) years and until a successor is ~~appointed~~ nominated and qualified. Nothing herein
14 shall be construed to prohibit the ~~assignment~~ nomination of the general magistrate to more than
15 one such term, subject to the advice and consent of the senate.

16 (b) The general magistrate shall be an attorney at law and a member in good standing of
17 the Rhode Island bar.

18 (c) The primary function of the general magistrate shall be the enforcement of child
19 support decrees, orders, and law relative to child support. The general magistrate shall have all
20 the authority and powers vested in magistrates by virtue of sections 8-10-3, 8-10-3.1, 9-15-19, 9-
21 15-21, 9-14-26, 9-18-8, 9-18-9, and 36-2-3, and any other authority conferred upon magistrates
22 by any general or public law or by any rule of procedure or practice of any court within the state.

23 (d) The chief justice of the supreme court with the agreement of the chief judge of the
24 family court may specially assign the general magistrate to any court of the unified judicial
25 system; provided, however, that the general magistrate may be assigned to the superior court
26 subject to the prior approval of the presiding justice of the superior court. When the general
27 magistrate is so assigned he or she shall be vested, authorized, and empowered with all the
28 powers belonging to the magistrates of the court to which he or she is specially assigned.

29 (e) The general magistrate shall:

30 (1) Receive all credits and retirement allowances as afforded justices under chapter 3 of
31 this title and any other applicable law;

32 (2) Be governed by the commission on judicial tenure and discipline, chapter 16 of this
33 title, in the same manner as justices and workers' compensation judges;

34 (3) Be entitled to a special license plate under section 31-3-47;

- 1 (4) Receive a salary equivalent to that of a district court judge;
- 2 (5) Be subject to all the provisions of the canons of judicial ethics; and
- 3 (6) Be subject to all criminal laws relative to judges by virtue of sections 11-7-1 and 11-
- 4 7-2.

5 (f) The provisions of this section shall be afforded liberal construction.

6 SECTION 5. Section 8-16.1-6 of the General Laws in Chapter 8-16.1 entitled "Judicial

7 Selection" is hereby amended to read as follows:

8 **8-16.1-6. Nomination and appointment of judges. [Repealed effective June 30, 2012.]**

9 == (a) (1) The governor shall immediately notify the commission of any vacancy or prospective

10 vacancy of a judge [or magistrate](#) of any state court other than the Rhode Island supreme court.

11 The commission shall advertise for each vacancy and solicit prospective candidates and shall

12 consider names submitted from any source. Within ninety (90) days of any vacancy the

13 commission shall publicly submit the names of not less than three (3) and not more than five (5)

14 highly qualified persons for each vacancy to the governor.

15 (2) Notwithstanding any other law to the contrary, any individual whose name was

16 publicly submitted to the governor by the commission as described in subsection (1) above, shall

17 also be eligible for subsequent nomination by the governor for any vacancy or prospective

18 vacancy of a judge [or magistrate](#) in the same court for which that particular individual had

19 previously applied except for a vacancy in the position of presiding justice, chief justice, or chief

20 judge.

21 (3) Such individuals shall remain eligible for nomination to fill any vacancy or

22 prospective vacancy within the same court to which they previously applied for a period of five

23 (5) years from the date their name or names were publicly submitted to the governor by the

24 commission unless such individuals withdraw from future consideration in writing to the judicial

25 nominating commission. However, such individuals must reapply for any subsequent vacancy or

26 prospective vacancy in the same court for the position of presiding justice, chief justice, or chief

27 judge.

28 (4) Subject to the eligibility requirements set forth above, the governor shall fill any

29 vacancy of any judge [or magistrate](#) of the Rhode Island superior court, family court, district court,

30 workers' compensation court, or any other state court which the general assembly may from time

31 to time establish, by nominating one of the three (3) to five (5) highly qualified persons

32 forwarded to him or her by the commission for the court where the vacancy occurs, or by

33 nominating another individual who has previously applied for a vacancy or prospective vacancy

34 within the same court and whose name had been previously publicly submitted to the governor

1 within the previous five (5) years.

2 (b) The governor shall fill any vacancy within twenty-one (21) days of the public
3 submission by the commission.

4 (c) Each nomination shall be delivered forthwith to the secretary of the senate for
5 presentation to the senate, and by and with the advice and consent of the senate, each nominee
6 shall be appointed by the governor to serve subject to the general laws. The senate shall, after
7 seven (7) calendar days of receipt of the nomination consider the nomination, but if the senate
8 fails within sixty (60) days after the submission to confirm the nominee or if the senate does not
9 by a majority vote of its members extend the deliberation an additional seven (7) calendar days,
10 the governor shall appoint some other person to fill the vacancy and shall submit his or her
11 appointment to the senate for confirmation in like manner until the senate shall confirm the
12 nomination. If the nominee is rejected by the senate, the commission shall submit a new list of
13 three (3) to five (5) candidates to the governor for the purpose of nomination in accordance with
14 this chapter. Any new list may include but need not be limited to the names of any candidates
15 who were previously submitted to the governor by the commission but who were not forwarded
16 to the senate for its advice and consent.

17 (d) During the time for consideration of the nominees by the senate, the senate judiciary
18 committee shall conduct an investigation and public hearing on the question of the qualifications
19 of the nominee or nominees. At the public hearing, the testimony of every witness shall be taken
20 under oath and stenographic records shall be taken and maintained. Further, the senate judiciary
21 committee shall during the course of its investigation and hearing have the power upon majority
22 vote of the committee members present to issue witness subpoenas, subpoenas duces tecum, and
23 orders for the production of books, accounts, papers, records, and documents which shall be
24 signed and issued by the chairperson of the committee, or the person serving in his or her
25 capacity. All such subpoenas and orders shall be served as subpoenas in civil cases in the superior
26 court are served, and witnesses so subpoenaed shall be entitled to the same fees for attendance
27 and travel as provided for witnesses in civil cases in the superior court. If the person subpoenaed
28 to attend before the committee fails to obey the command of the subpoena without reasonable
29 cause, refuse to be sworn, or to be examined, or to answer a legal and pertinent question, or if any
30 person shall refuse to produce books, accounts, papers, records, and documents material to the
31 issue, set forth in an order duly served on him or her, the committee by majority vote of the
32 committee members present may apply to any justice of the superior court, for any county, upon
33 proof by affidavit of the fact, for a rule or order returnable in not less than two (2) nor more than
34 five (5) days, directing the person to show cause before the justice who made the order or any

1 other justice of the superior court, why he or she should not be adjudged in contempt. Upon the
2 return of the order, the justice before whom the matter is brought on for hearing shall examine
3 under oath the person, and the person shall be given an opportunity to be heard, and if the justice
4 shall determine that the person has refused without reasonable cause or legal excuse to be
5 examined or to answer a legal and pertinent question, or to produce books, accounts, papers,
6 records, and documents material to the issue which he or she was ordered to bring or produce, he
7 or she may forthwith commit the offender to the adult correctional institution, there to remain
8 until the person submits to do the act which he or she was so required to do, or is discharged
9 according to law.

10 (e) The committee shall, for the purpose of investigating the qualifications of the
11 nominee or nominees, be furnished with a report compiled by the state police in conjunction with
12 the attorney general's office indicating the determinations and findings of the state police and
13 attorney general's office investigations concerning the background of the nominee or nominees,
14 and the report shall include, but not be limited to, the following:

15 (1) Whether the nominee has ever been convicted of or pleaded guilty to a misdemeanor
16 or felony in this or any other state or foreign country;

17 (2) Whether the nominee has ever filed a personal bankruptcy petition or an assignment
18 for the benefit of creditors in this or any other state or foreign country; and whether the nominee
19 has ever been a partner in, held ten percent (10%) or more of stock in, or held office in any sole
20 proprietorship, partnership, or corporation that has been involved in bankruptcy or receivership
21 actions as a debtor or because of insolvency at the time the nominee was a partner in, held ten
22 percent (10%) or more stock in, or held office in any such sole proprietorship, partnership, or
23 corporation;

24 (3) Whether the nominee has ever had a civil judgment rendered against him or her
25 arising out of an allegation of fraud, misrepresentation, libel, slander, professional negligence, or
26 any intentional tort in this state or any other state or foreign country;

27 (4) The state police in conjunction with the attorney general's department shall provide
28 in their report the names and addresses of each and every source of their information.

29 (f) The reports set forth in this section shall be delivered to the chairperson and members
30 of the senate judiciary committee in addition to the nominee or nominees only prior to the
31 commencement of the public hearing. Provided, however, that if the nominee or nominees
32 withdraw or decline the appointment prior to the public hearing then the report or reports shall be
33 returned to the chairperson of the judiciary committee and destroyed.

34 (g) The committee shall also require a financial statement to be submitted by each

1 nominee, prior to the public hearing, to the chairperson of the senate judiciary committee, to
2 investigate each nominee to determine his or her compliance with the provisions of chapter 14 of
3 title 36.

4 (h) Any associate justice of any state court who is appointed to serve as the chief or
5 presiding justice of that court on an interim basis shall retain his or her status as an associate
6 justice until the appointment to chief or presiding justice is made permanent.

7 (i) In case a vacancy shall occur when the senate is not in session, the governor shall
8 appoint some person from a list of three (3) to five (5) persons submitted to the governor by the
9 commission to fill the vacancy until the senate shall next convene, when the governor shall make
10 an appointment as provided in this section.

11 **8-16.1-6. Nomination and appointment of judges. [Effective June 30, 2012.]** -- (a) The
12 governor shall immediately notify the commission of any vacancy or prospective vacancy of a
13 judge [or magistrate](#) of any state court other than the Rhode Island supreme court. The commission
14 shall advertise for each vacancy and solicit prospective candidates and shall consider names
15 submitted from any source. Within ninety (90) days of any vacancy the commission shall publicly
16 submit the names of not less than three (3) and not more than five (5) highly qualified persons for
17 each vacancy to the governor. The governor shall fill any vacancy of any judge [or magistrate](#) of
18 the Rhode Island superior court, family court, district court, workers' compensation court, or any
19 other state court which the general assembly may from time to time establish, by nominating one
20 of the three (3) to five (5) highly qualified persons forwarded to him or her by the commission for
21 the court where the vacancy occurs.

22 (b) The governor shall fill any vacancy within twenty-one (21) days of the public
23 submission by the commission.

24 (c) Each nomination shall be forwarded forthwith to the senate, and by and with the
25 advice and consent of the senate, each nominee shall be appointed by the governor to serve
26 subject to the general laws. The senate shall, after seven (7) calendar days of receipt of the
27 nomination consider the nomination, but if the senate fails within sixty (60) days after the
28 submission to confirm the nominee or if the senate does not by a majority vote of its members
29 extend the deliberation an additional seven (7) calendar days, the governor shall appoint some
30 other person to fill the vacancy and shall submit his or her appointment to the senate for
31 confirmation in like manner until the senate shall confirm the nomination. If the nominee is
32 rejected by the senate, the commission shall submit a new list of three (3) to five (5) candidates to
33 the governor for the purpose of nomination in accordance with this chapter. Any new list may
34 include but need not be limited to the names of any candidates who were previously submitted to

1 the governor by the commission but who were not forwarded to the senate for its advice and
2 consent.

3 (d) During the time for consideration of the nominees by the senate, the senate judiciary
4 committee shall conduct an investigation and public hearing on the question of the qualifications
5 of the nominee or nominees. At the public hearing, the testimony of every witness shall be taken
6 under oath and stenographic records shall be taken and maintained. Further, the senate judiciary
7 committee shall during the course of its investigation and hearing have the power upon majority
8 vote of the committee members present to issue witness subpoenas, subpoenas duces tecum, and
9 orders for the production of books, accounts, papers, records, and documents which shall be
10 signed and issued by the chairperson of the committee, or the person serving in his or her
11 capacity. All such subpoenas and orders shall be served as subpoenas in civil cases in the superior
12 court are served, and witnesses so subpoenaed shall be entitled to the same fees for attendance
13 and travel as provided for witnesses in civil cases in the superior court. If the person subpoenaed
14 to attend before the committee fails to obey the command of the subpoena without reasonable
15 cause, refuse to be sworn, or to be examined, or to answer a legal and pertinent question, or if any
16 person shall refuse to produce books, accounts, papers, records, and documents material to the
17 issue, set forth in an order duly served on him or her, the committee by majority vote of the
18 committee members present may apply to any justice of the superior court, for any county, upon
19 proof by affidavit of the fact, for a rule or order returnable in not less than two (2) nor more than
20 five (5) days, directing the person to show cause before the justice who made the order or any
21 other justice of the superior court, why he or she should not be adjudged in contempt. Upon the
22 return of the order, the justice before whom the matter is brought on for hearing shall examine
23 under oath the person, and the person shall be given an opportunity to be heard, and if the justice
24 shall determine that the person has refused without reasonable cause or legal excuse to be
25 examined or to answer a legal and pertinent question, or to produce books, accounts, papers,
26 records, and documents material to the issue which he or she was ordered to bring or produce, he
27 or she may forthwith commit the offender to the adult correctional institution, there to remain
28 until the person submits to do the act which he or she was so required to do, or is discharged
29 according to law.

30 (e) The committee shall, for the purpose of investigating the qualifications of the
31 nominee or nominees, be furnished with a report compiled by the state police in conjunction with
32 the attorney general's office indicating the determinations and findings of the state police and
33 attorney general's office investigations concerning the background of the nominee or nominees,
34 and the report shall include, but not be limited to, the following:

1 (1) Whether the nominee has ever been convicted of or pleaded guilty to a misdemeanor
2 or felony in this or any other state or foreign country;

3 (2) Whether the nominee has ever filed a personal bankruptcy petition or an assignment
4 for the benefit of creditors in this or any other state or foreign country; and whether the nominee
5 has ever been a partner in, held ten percent (10%) or more of stock in, or held office in any sole
6 proprietorship, partnership, or corporation that has been involved in bankruptcy or receivership
7 actions as a debtor or because of insolvency at the time the nominee was a partner in, held ten
8 percent (10%) or more stock in, or held office in any such sole proprietorship, partnership, or
9 corporation;

10 (3) Whether the nominee has ever had a civil judgment rendered against him or her
11 arising out of an allegation of fraud, misrepresentation, libel, slander, professional negligence, or
12 any intentional tort in this state or any other state or foreign country;

13 (4) The state police in conjunction with the attorney general's department shall provide
14 in their report the names and addresses of each and every source of their information.

15 (f) The reports set forth in this section shall be delivered to the chairperson and members
16 of the senate judiciary committee in addition to the nominee or nominees only prior to the
17 commencement of the public hearing. Provided, however, that if the nominee or nominees
18 withdraw or decline the appointment prior to the public hearing then the report or reports shall be
19 returned to the chairperson of the judiciary committee and destroyed.

20 (g) The committee shall also require a financial statement to be submitted by each
21 nominee, prior to the public hearing, to the chairperson of the senate judiciary committee, to
22 investigate each nominee to determine his or her compliance with the provisions of chapter 14 of
23 title 36.

24 (h) Any associate justice of any state court who is appointed to serve as the chief or
25 presiding justice of that court on an interim basis shall retain his or her status as an associate
26 justice until the appointment to chief or presiding justice is made permanent.

27 (i) In case a vacancy shall occur when the senate is not in session, the governor shall
28 appoint some person from a list of three (3) to five (5) persons submitted to the governor by the
29 commission to fill the vacancy until the senate shall next convene, when the governor shall make
30 an appointment as provided in this section.

1 SECTION 6. This act shall take effect upon passage.

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EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF
A N A C T
RELATING TO COURTS AND CIVIL PROCEDURE -- COURTS

1 This act would vest with the governor the sole authority to nominate, on the basis of
2 merit, from a list submitted by the judicial nominating commission with the advice and consent of
3 the senate, all judges and magistrates, to all courts.

4 This act would take effect upon passage.

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