

AN INITIATIVE FOR AN ACT

Concerning the appointment of district court magistrates, and, in connection therewith, authorizing the Chief Justice of the Supreme Court to appoint magistrates to assist the district courts in specified pretrial criminal proceedings.

Be it enacted by the People of the State of San Andreas:

SECTION 1. Declaration.

The People find and declares that:

- (a) District courts are experiencing an increasing volume of criminal filings requiring prompt judicial review before trial;
- (b) The timely determination of probable cause, pretrial release conditions, and other preliminary matters is essential to protecting both public safety and the constitutional rights of defendants;
- (c) The appointment of district court magistrates will improve the efficient administration of justice while preserving the authority of district judges to preside over arraignments, trials, sentencings, and other proceedings requiring the exercise of judicial authority by an appointed judge;
- (d) The Supreme Court possesses general administrative authority over the judicial branch and is the appropriate appointing authority for district court magistrates.

SECTION 2.

In the San Andreas Revised Statutes, add Part 5 to Article 5 of Title 13 as follows:

PART 15

DISTRICT COURT MAGISTRATES

13-5-1501. District court magistrates created.

- (1) There are hereby created the offices of District Court Magistrate within each judicial district.
- (2) District court magistrates shall perform judicial duties assigned by this part and by rule of the Supreme Court.
- (3) A district court magistrate is not a district judge and shall possess only those powers expressly granted by statute or rule of the Supreme Court.

13-5-1502. Appointment.

- (1) District court magistrates shall be appointed by the Chief Justice of the Supreme Court.
- (2) Prior to making an appointment, the Chief Justice may solicit recommendations from the Chief Judge of the judicial district in which the vacancy exists.
- (3) Each magistrate shall take the constitutional oath of office before assuming judicial duties.

13-5-1503. Qualifications.

A person appointed as a district court magistrate shall:

- (a) Be admitted to practice law in the State of San Andreas;
- (b) Have been licensed to practice law for not less than five years immediately preceding appointment;
- (c) Be a resident of the State of San Andreas;
- (d) Meet any additional qualifications established by rule of the Supreme Court.

13-5-1504. Tenure.

- (1) District court magistrates shall serve at the pleasure of:
 - (a) The Chief Judge of the judicial district in which the magistrate serves; and
 - (b) The Chief Justice of the Supreme Court.

(2) Either the Chief Judge of the district court or the Chief Justice may remove a magistrate from office without cause.

13-5-1505. Jurisdiction.

A district court magistrate may conduct the following proceedings in criminal matters:

- (a) Advisements;
- (b) Initial appearances;
- (c) Probable cause hearings following warrantless arrests;
- (d) First appearance hearings;
- (e) Bond and pretrial release hearings;
- (f) Issuance of arrest warrants and search warrants;
- (g) Issuance of summonses;
- (h) Review of affidavits in support of criminal complaints;
- (i) Appointment of counsel for indigent defendants;
- (j) Setting, modifying, or revoking conditions of bond;
- (k) Any additional pretrial matter assigned by statute or rule of the Supreme Court that does not require final adjudication of guilt.

13-5-1506. Proceedings reserved to district judges.

Notwithstanding any other provision of law, a district court magistrate shall not conduct:

- (a) Arraignments at which a plea is accepted;
- (b) Jury trials;
- (c) Bench trials on the merits;
- (d) Acceptance of felony guilty pleas;

- (e) Sentencing hearings;
- (f) Probation revocation hearings resulting in imprisonment;
- (g) Civil or criminal contempt proceedings involving incarceration;
- (h) Any proceeding specifically reserved by law to a district judge.

Such proceedings shall be conducted only by a duly appointed district judge.

13-5-1507. Orders.

Orders entered by a district court magistrate within the authority granted by this part shall have the same force and effect as orders entered by a district judge unless modified or vacated by a district judge.

13-5-1508. Review.

- (1) Any party may seek review of a magistrate's order by filing a motion for review with the district court.
- (2) A district judge may affirm, modify, vacate, or remand any order entered by a magistrate.
- (3) Filing a motion for review does not automatically stay the magistrate's order unless so ordered by a district judge.

SECTION 3.

In the San Andreas Revised Statutes, amend any provision of Title 16 requiring a "judge" to conduct an initial appearance or probable cause hearing to include a district court magistrate appointed pursuant to Part 15 of Article 5 of Title 13.

SECTION 4.

In the San Andreas Revised Statutes, amend Title 16 to provide that arraignments in felony and misdemeanor criminal proceedings shall be conducted only by a district judge appointed pursuant to the Constitution of the State of San Andreas and not by a district court magistrate.

SECTION 5.

Nothing in this act shall be construed to diminish the constitutional authority of the Supreme Court over the administration of the judicial branch or the supervisory authority of the Chief Judge of each judicial district over magistrates assigned within that district.

SECTION 6.

If any provision of this act or its application is held invalid, the invalidity shall not affect other provisions or applications of the act that can be given effect without the invalid provision or application.

SECTION 7. Effective date.

This act shall take effect January 1, 2027, if approved by the voters at the November 2026 general election.