

CHAPTER 5

MAGISTRATE

ARTICLE 5-1 Magistrate Court Established; Jurisdiction

There is hereby established in the Town a magistrate's court which shall have jurisdiction of all violations of this code, and jurisdiction concurrently with justices of the peace of precincts in which the Town is located of violation of laws of the state committed within the limits of the Town.

ARTICLE 5-2 Presiding Officer

5-2-1 Town Magistrate

5-2-2 Powers and Duties of Town Magistrate

Section 5-2-1 Town Magistrate

The presiding officer of the magistrate's court shall be the Town Magistrate, who shall be appointed by the Council. The Magistrate shall serve for a term of two years, with the beginning and ending of the term to be specified at the time of appointment. During such term, a Magistrate may be removed by Council only for cause.

[Ord. 388, 5/10/2011]

Section 5-2-2 Powers and Duties of Town Magistrate

The powers and duties of the magistrate shall include:

- A. The powers and duties set forth and conferred upon him/her under the provisions of the state constitution and statutes, this code, and the ordinances and resolutions of the Town.
- B. The keepings of a docket in which shall be entered each action and the proceedings of the court therein.
- C. The responsibility for fixing and receiving all bonds and bails and receiving all fines, penalties, fees and other monies provided by law.
- D. Payment of all fees, fines, penalties and other monies collected by the court to the treasurer.
- E. Submitting a monthly report to the Council summarizing court activities for that month.
- F. Preparation of a schedule of traffic violations not involving the death of a person, listing specific bail for each violation.
- G. Designation of a deputy other than the law enforcement officer and a specific location at which the deputy shall, during hours when the court is not open, set the amount of bail in accordance

with the foregoing schedule and collect such bail, or accept proper bail bonds in lieu thereof, for and on behalf of the court.

ARTICLE 5-3 **Proceedings of Court**

- 5-3-1 Proceedings
- 5-3-2 Bail

Section 5-3-1 **Proceedings**

- A. The proceedings shall be conducted in accordance with the state constitution, the applicable state statutes and rules of the state supreme court pertaining to police courts. The proceedings shall also be conducted in accordance with the Rules of Criminal Procedure for the Superior Court, unless otherwise prescribed, and providing this code and resolutions of the Town are not in conflict therewith.
- B. The magistrate court proceedings shall be commenced by complaint under oath and in the name of the state setting forth the offense charged with and such particulars of time, place, person, and property as to enable the defendant to understand distinctly the character of the offense complained of and to answer the complaint.
- C. If the magistrate is satisfied that the offense complained of has been committed by the person charged, he/she shall issue a summons or a warrant of arrest. Before issuing a summons or warrant of arrest on a complaint, the magistrate may subpoena and examine witnesses as to the truth of the complaint.

Section 5-3-2 **Bail**

The defendant, at any time after arrest, and before conviction, shall be admitted to bail, if bailable.

ARTICLE 5-4 **Court Fees**

- 5-4-1 Deferred Prosecution Fee
- 5-4-2 Court Security Fee
- 5-4-3 Default Judgment Fee
- 5-4-4 Warrant Issuance Fee

Section 5-4-1 **Deferred Prosecution Fee**

- A. A deferred prosecution fee of one hundred and twenty dollars (\$120.00) shall be imposed for any person placed on diversion, probation, or deferred prosecution programs. A judge or hearing officer may waive all or any part of the fee if the payment of the fee would cause a hardship to the defendant.

[Ord. 338, 12/14/2006; Ord. 377, 8/10/2010]

Section 5-4-2 Court Security Fee

- A. A person who has been convicted of a criminal offense, petty offense, found responsible of a civil offense, or placed in a court-authorized diversion program in the Jerome Municipal Court shall pay a Court Security Fee in the amount of \$20 for each case in which they were convicted, found responsible, or the prosecution was deferred. The Court Security Fee shall be assessed and become due upon sentencing, the imposition of the fine or penalty, or the Order granting deferred prosecution.
- a. "Court-authorized diversion program," as used in this section, means a program in which an individual charged with any civil, criminal or petty offense is not prosecuted for the offense on successful completion of an authorized diversion program, including authorized defensive driving courses.
- B. There is hereby created a Court Security Fund, which shall be for the purpose of funding the Court's security measures. The Court Security Fund shall be established as a designated fund account with the Town's finance department. The Municipal Court shall collect Court Security Fees and deposit them in the Court Security Fund account. The Town Finance Department may invest the monies in the Fund in the same manner as other Town funds. Interest earned on fund monies shall be deposited in the Fund.
- C. The fund shall be administered by Court Administration solely for security personnel, services and items, and expenditures shall be as determined by the Presiding Magistrate. The fund shall be used to supplement, but not supplant, budgeted funds.
- a. For purposes of this article, the term "security personnel, services and items" includes:
- (1) the purchase or repair of X-ray machines and conveying systems;
 - (2) handheld metal detectors;
 - (3) walkthrough metal detectors;
 - (4) identification cards and systems;
 - (5) electronic locking and surveillance equipment;
 - (6) video conferencing systems;
 - (7) bailiffs or contract security personnel during times when they are providing appropriate security services;
 - (8) signage;
 - (9) confiscated weapon inventory and tracking systems;
 - (10) locks, chains, alarms, or similar security devices;
 - (11) the purchase or repair of bullet-proof glass, walls and/or windows;
 - (12) continuing education on security issues for court personnel and security personnel;
 - and
 - (13) Firearms training and related equipment.

[Ord. 338, 12/14/2006; Ord. 348, eff. 11/08/2007; Ord. 377, eff. 9/10/2010; Ord. 444, 12/11/18].

Section 5-4-3 Default Judgment Fee

Any person who fails to appear on a civil traffic complaint wherein a judgment for the State or Town is entered, shall be assessed a default judgment fee in the amount of seventy dollars (\$70.00) per charge; however, if subsequently, the judgment is dismissed, the fee shall also be dismissed.

[Ord. 316, 2/24/2002; Ord. 377, eff. 9/10/2010].

Section 5-4-4 Warrant Issuance Fee

Any person who fails to appear on a criminal charge, or fails to obey a court order, which results in the issuance of a warrant for their arrest, shall be assessed, at the time of sentencing, a warrant fee in the amount of one hundred dollars (\$100.00).

[Ord. 316, 2/24/2002; Ord. 377, eff. 9/10/2010].