

HOUSE BILL No. 2383

By Committee on Judiciary

2-9

1 AN ACT concerning courts; relating to district magistrate judges; allowing
2 certain municipal judges to take the examination to be certified by the
3 supreme court as qualified to be a district magistrate judge; amending
4 K.S.A. 20-337 and repealing the existing section.

5
6 *Be it enacted by the Legislature of the State of Kansas:*

7 Section 1. K.S.A. 20-337 is hereby amended to read as follows: 20-
8 337. (a) Any person who ~~takes office as district magistrate judge on~~
9 ~~January 10, 1977, and any person who thereafter is elected or appointed to~~
10 ~~the office of district magistrate judge and, in either event, and who has not~~
11 ~~been regularly admitted to practice law in Kansas, as required by~~
12 ~~subsection (c)(3) of K.S.A. 20-334, and amendments thereto, shall be~~
13 issued a temporary certificate permitting such judge to commence upon
14 the duties of office, conditioned that such judge becomes certified as being
15 qualified to hold such office; as provided ~~herein in this section.~~

16 (b) (1) The supreme court shall provide by rule for the examination of
17 ~~such district magistrate judges, persons described in this section in order~~
18 ~~to ensure that each such district magistrate judge person possesses the~~
19 ~~minimum skills and knowledge necessary to carry out the duties of such~~
20 ~~the office of district magistrate judge. Such examination shall be~~
21 administered without charge; and shall be given at least once each six
22 months at a time and place designated by the supreme court.

23 (2) If a district magistrate judge *described in subsection (a)* fails to
24 successfully complete such examination within ~~eighteen (18)~~ months after
25 the date ~~said such judge takes office, said such judge shall forfeit his or her~~
26 ~~the office and the district magistrate judge position for which such judge~~
27 ~~was elected or appointed shall be vacant at the expiration of such eighteen-~~
28 ~~month 18-month period. A district magistrate judge who fails to~~
29 successfully complete any examination may take such examination again
30 at the next time it is offered prior to the expiration of such eighteen-month
31 period. Any person who fails to successfully complete the examination
32 within the prescribed time shall be ineligible for election or appointment as
33 a district magistrate judge, unless such person subsequently meets all the
34 qualifications prescribed by ~~subsection (c)(3) of K.S.A. 20-334, and~~
35 ~~amendments thereto.~~

36 (3) *The supreme court, upon request, shall allow a person who has*

1 *held the position of municipal judge in any city in this state for a period of*
2 *not less than 10 years to take the examination administered under this*
3 *section. The results of such examination shall have no effect on the*
4 *person's eligibility to hold the position of municipal judge.*

5 (4) Any person who successfully completes the examination
6 administered under this section shall be certified by the supreme court as
7 qualified to hold ~~such~~ *the office of district magistrate judge*. Any district
8 magistrate judge who has been ~~so~~ certified shall be eligible for reelection
9 or retention in office as provided ~~in this act~~ *by law*.

10 (c) The supreme court shall prepare a manual ~~which shall contain~~
11 *that contains* the substantive and procedural rules of law and principles of
12 judicial conduct ~~which that~~ *that* are deemed necessary to be understood and
13 practiced by a district magistrate judge. Such manual shall be given to
14 each district magistrate judge who is required to be examined under this
15 section ~~subsequent to the time of~~ *after* such judge's election or
16 appointment *and to each person who requests to be examined under*
17 *subsection (b)(3)*. ~~From time to time, as the necessity arises,~~ Such manual
18 shall be amended and supplemented to reflect changes in the law or code
19 of judicial conduct.

20 Sec. 2. K.S.A. 20-337 is hereby repealed.

21 Sec. 3. This act shall take effect and be in force from and after its
22 publication in the statute book.