



Judicial Council of California

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Subject Details (With Text)

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Title: Judicial Council-Sponsored Legislation (Subordinate Judicial Officers): Court Commissioners as Magistrates (Action Required)

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Title

Judicial Council-Sponsored Legislation (Subordinate Judicial Officers): Court Commissioners as Magistrates (Action Required)

Summary

The Policy Coordination and Liaison Committee, Trial Court Presiding Judges Advisory Committee, and the Criminal Law Advisory Committee recommend that the Judicial Council sponsor legislation to amend Penal Code section 808 to include “court commissioners,” a type of subordinate judicial officer, within the definition of those who may serve as a magistrate. Penal Code section 808 currently defines “magistrates” as the judges of the Supreme Court, Courts of Appeal, and superior courts. Since the duties of magistrates are easily distinguishable from the duties of judges, commissioner responsibilities could be increased to include magistrate duties without causing undue confusion. By expanding the pool of judicial officers who are authorized to exercise magistrate powers, the proposal is designed to promote court efficiencies, enhance access to justice, and provide court leadership with more flexibility to equitably address judicial workloads.

Recommendation

The Policy Coordination and Liaison Committee, the Criminal Law Advisory Committee, and the Trial Court Presiding Judges Advisory Committee recommend that the Judicial Council sponsor legislation to amend Penal Code section 808 as follows: Amend the statement in Penal Code section 808 defining those who may serve as magistrates by adding subdivision (d), “court commissioners” to the definitional statement.