

CHAPTER 433  
FORMERLY  
SENATE BILL NO. 24

AN ACT CONCURRING IN A PROPOSED AMENDMENT TO ARTICLE IV OF THE DELAWARE CONSTITUTION OF 1897, AS AMENDED, RELATING TO THE JUDICIARY AND THE CHIEF MAGISTRATE OF THE JUSTICE OF THE PEACE COURT.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE (Two-thirds of all members elected to each house thereof concurring therein):

WHEREAS, an amendment to the Constitution of the State of Delaware was proposed in the 144<sup>th</sup> General Assembly, as follows:

“AN ACT PROPOSING AN AMENDMENT TO ARTICLE IV OF THE DELAWARE CONSTITUTION OF 1897, AS AMENDED, RELATING TO THE JUDICIARY AND THE CHIEF MAGISTRATE OF THE JUSTICE OF THE PEACE COURT.”

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE (Two-thirds of all members elected to each house thereof concurring therein):

Section 1. Amend Article IV, Section 2 of the Delaware Constitution of 1897, as amended, by deleting the word “and” after the words “Family Court;” and before the number “(4)”, and by inserting after the language “Common Pleas, one of whom after appointment shall reside in each County of the State”, the following:

“; and (5) the Chief Magistrate of the Justice of the Peace Court”.

Section 2. Amend Article IV, Section 3 of the Delaware Constitution of 1897, as amended, in the first sentence thereof, by deleting the word “and” after the words “Judges of the Family Court” and before the words “Chief Judge and Judges of the Court of Common Pleas” and inserting in lieu thereof a comma (“,”), and by inserting after the words “Chief Judge and Judges of the Court of Common Pleas” the phrase “and the Chief Magistrate of the Justice of the Peace Court”.

Section 3. Amend Article IV, Section 3 of the Delaware Constitution of 1897, as amended, in the sixth sentence thereof, by deleting the word “or” after the words “Associate Judge of the Family Court” and before the words “Chief Judge or Judge of the Court of Common Pleas” and inserting in lieu thereof a comma (“,”), and by inserting after the words “Chief Judge or Judge of the Court of Common Pleas” the phrase “or the Chief Magistrate of the Justice of the Peace Court”.

Section 4. Amend Article IV, Section 4 of the Delaware Constitution of 1897, as amended, by deleting the word “and” after the words “Judges of the Family Court” and before the words “the Chief Judge and Judges of the Court of Common Pleas” and inserting in lieu thereof a comma (“,”), and by inserting after the words “Chief Judge and Judges of the Court of Common Pleas” the phrase “and the Chief Magistrate of the Justice of the Peace Court”.

Section 5. Amend Article IV, Section 29 of the Delaware Constitution of 1897, as amended, by deleting the section and its title in its entirety and inserting in lieu thereof the following:

“§29 Justices of the Peace; term of office; powers of the Chief Magistrate and Justices of the Peace.

Section 29. (a) There shall be appointed, as hereinafter provided, such number of persons to the Office of Justice of the Peace as directed by law, who shall be commissioned as follows:

1. Upon first appointment and confirmation, a Justice of the Peace shall be commissioned for four (4) years;
2. Upon second and subsequent appointments and confirmation, a Justice of the Peace shall be commissioned for six (6) years;
3. The Chief Magistrate shall serve a term of office subject to the provisions of Section 3 of this Article.

(b) Until the General Assembly shall otherwise provide, the Chief Magistrate and the individual Justices of the Peace, respectively, shall each singly exercise all the powers which any law of the State vests in a Justice of the Peace, whether as members of the Justice of the Peace Court system or otherwise. The Chief Magistrate shall also exercise all the powers of a State Judge.”.

Section 6. Amend Article IV, Section 30 of the Delaware Constitution of 1897, as amended, by deleting the title of that section in its entirety and inserting in lieu thereof the following:

“§ 30 Justices of the Peace, Chief Magistrate, and judges of legislative courts; appointment by Governor; terms of office.”.

Section 7. Amend Article IV, Section 30 of the Delaware Constitution of 1897, as amended, by adding to the end of that section the following:

“The Chief Magistrate shall be appointed and confirmed subject to the provisions of Section 3 of this Article.”.

Section 8. The Chief Magistrate of the Justice of the Peace Court in office at the time this amended Article IV of this Constitution becomes effective shall hold his or her office until the expiration of his or her term and shall receive the compensation provided by law.”; and

WHEREAS, the proposed amendment was adopted by two-thirds of all members elected to each house of the 144<sup>th</sup> General Assembly;

NOW THEREFORE:

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE (Two-thirds of all members elected to each house thereof concurring therein):

Section 1. The proposed amendment is hereby concurred in and adopted and shall forthwith become a part of the Constitution of the State of Delaware.

Approved July 01, 2010