

HOUSE BILL

0084A

1

HB0084A

AN ACT relating to courts; creating the Wyoming Circuit Court System to replace and supplant justice of the peace courts and county courts; providing for the creation of circuit court districts and the appointment of circuit court judges; specifying the jurisdiction and power of circuit courts; specifying procedures for circuit courts; providing for the appointment of circuit court commissioners and adjunct commissioners and specifying their powers and duties; granting rulemaking authority; and providing for an effective date.

HOUSE BILL 0084A

Introduced by: W.B. Felt

HOUSE ACTION ON HOUSE BILL

1/14 ☒ Introduced
 Aye ___ No ___ Ex ___ Ab ___
☒ Read First Time and Ref. to Committee No. 02
☐ Failed Introduction
 Aye ___ No ___ Ex ___ Ab ___
1 Returned from Committee No. ___
 with Recommendation: ___
☐ Do Pass; ☐ Amend & Do Pass; ☐ Do Not Pass;
☐ W/O Recomm; ☐ Re-Refer to Committee No. ___
1/15 Re-referred to Committee No. 1
2/2 Returned from Committee No. 1
 with Recommendation: ___
☐ Do Pass; ☒ Amend & Do Pass; ☐ Do Not Pass;
☐ W/O Recomm; ☐ Re-Refer to Committee No. ___
2/4 Considered in Comm. of Whole
☒ Amended
☒ Recommended Do Pass
☐ Failed Comm. of Whole
☐ Indefinitely Postponed
☐ Other: ___
2/5 Read Second Time
☐ Amended
☒ Do Pass
☐ Do Not Pass
☐ Accelerated to 3rd Rdg.
2/6 Read Third Time
☐ Amended
☒ Passed ☐ Failed
 Aye 22 No 28 Ex ___ Ab ___
☐ Held for Reconsideration
☐ Motion to Reconsider
☐ Passed ☐ Failed
 Aye ___ No ___ Ex ___ Ab ___
☐ Third Reading Vote (On Reconsideration)
☐ Passed ☐ Failed
 Aye ___ No ___ Ex ___ Ab ___
2/6 Sent to Senate (No Amendments)
 Sent to LSO for Engrossing
2/6 ENGROSSED
 Sent to Senate

SENATE ACTION ON HOUSE BILL

2/7 Received. Read First Time.
 Referred to Committee No. 2
2/25 Returned from Committee No. 2
 with Recommendation: ___
☐ Do Pass; ☐ Amend & Do Pass; ☒ Do Not Pass;
☐ W/O Recomm; ☐ Re-Refer to Committee No. ___
1 Re-referred to Committee No. ___
1 Returned from Committee No. ___
 with Recommendation: ___
☐ Do Pass; ☐ Amend & Do Pass; ☐ Do Not Pass;
☐ W/O Recomm; ☐ Re-Refer to Committee No. ___
1 Considered in Comm. of Whole
☐ Amended
☐ Recommended Do Pass
☐ Failed Comm. of Whole
☐ Indefinitely Postponed
☐ Other: ___
1 Read Second Time
☐ Amended
☐ Do Pass
☐ Do Not Pass
☐ Accelerated to 3rd Rdg.
1 Read Third Time
☐ Amended
☐ Passed ☐ Failed
 Aye ___ No ___ Ex ___ Ab ___
☐ Held for Reconsideration
☐ Motion to Reconsider
☐ Passed ☐ Failed
 Aye ___ No ___ Ex ___ Ab ___
☐ Third Reading Vote (On Reconsideration)
☐ Passed ☐ Failed
 Aye ___ No ___ Ex ___ Ab ___
1 Sent to House
1 Sent for Enrolling
 HEA No. ___
1 Signed by Speaker
1 Signed by President
1 Approved by Governor
 Chapter No. ___

FIFTY-FOURTH WYOMING STATE LEGISLATURE
HOUSE OF REPRESENTATIVES
GENERAL SESSION
1997

SEQUENCE : 4208

FEBRUARY 6 1997

BILL : HB0084A
AMENDMENT:

11:35 AM

MOVED BY :
TITLE1 :
TITLE2 :
ACTION : THIRD READING REGULAR

SECONDED BY:

ANDERSON, J.... N
ANDERSON, R.... N
BADGETT..... A
BAKER..... A
BARKER..... A
BEBOUT..... N
BENSEL..... N
BERRY..... A
BETTS..... N
BOSWELL..... A
BURNS..... N
CASE..... A
CHILDERS..... N
DECARIA..... A
DEEGAN..... A
DIERCKS..... N
ESQUIBEL..... A
EYRE..... N
GARCIA..... A
HAGEMAN..... N
HANES..... A
HARRISON..... N
HESSENTHALER... A
HINES..... N
HUCKFELDT..... N
JOHNSON..... A
LAW..... N
LUTHI..... A
MASSIE..... A
MCGRAW..... A

MCMURTREY..... N
MEULI..... A
MORROW..... A
NAGEL..... A
NICHOLAS..... A
OSBORN..... N
PARADY..... A
PASENEAUX..... N
PERKINS..... N
PHILP..... N
RARDIN..... A
REESE..... N
ROBINSON..... A
ROSE..... A
ROSS..... A
RYCKMAN..... A
SESSIONS..... A
SHREVE..... N
SIMONS..... N
SMITH..... N
STAFFORD..... N
STEINBRECH..... N
TANNER..... A
TEMPEST..... A
TIPTON..... A
TOMASSI..... N
WASSERBURGER... A
WILLFORD..... N
ZANETTI..... A
HINCHEY, MR SPK N

VOTE REQ: MAJORITY OF MEMBERSHIP REQUIRED

AYES : 32
NOES : 28
EXCUSED : 0
ABSENT : 0
CONFLICT: 0

A=AYE N=NO E=EXCUSED
X=ABSENT C=CONFLICT

INTRODUCED

HOUSE BILL NO. HB0084

Circuit court system.

Sponsored by: Joint Judiciary Interim Committee

A BILL

for

1 AN ACT relating to courts; creating the Wyoming Circuit
2 Court System to replace and supplant justice of the peace
3 courts and county courts; providing for the creation of
4 circuit court districts and the appointment of circuit court
5 judges; specifying the jurisdiction and power of circuit
6 courts; specifying procedures for circuit courts; providing
7 for the appointment of circuit court commissioners and
8 adjunct commissioners and specifying their powers and
9 duties; granting rulemaking authority; and providing for an
10 effective date.

11

12 *Be It Enacted by the Legislature of the State of Wyoming:*

13

14 **Section 1.** W.S. 5-8-101 through 5-8-170 are created to
15 read:

16

17

CHAPTER 8

18

CIRCUIT COURTS

1
2 **5-8-101. Definitions; construction of provisions.**

3
4 (a) As used in this act:

5
6 (i) "Felony" means a criminal offense for which
7 the penalty authorized by law includes imprisonment in a
8 state penal institution for more than one (1) year;

9
10 (ii) "High misdemeanor" means a misdemeanor for
11 which the penalty authorized by law exceeds the jurisdiction
12 of municipal courts;

13
14 (iii) "Misdemeanor" means a criminal offense less
15 than a felony;

16
17 (iv) "This act" means W.S. 5-8-101 through
18 5-8-170.

19
20 (b) When no special provision is otherwise made by
21 law, the circuit court shall be vested with all inherent
22 powers which are possessed by courts of record in this
23 state.

24
25 **5-8-102. Circuit court districts created; expense.**

1

2 (a) There is created the Wyoming Circuit Court System
3 which shall be state funded and shall replace the justice of
4 peace courts and the county courts.

5

6 (b) The Wyoming supreme court shall determine the
7 circuit court districts and the number and location of the
8 judges who are to serve the circuit court system, subject to
9 the approval of the legislature through the state budget
10 process. Determinations by the supreme court shall be
11 based on criteria which includes the population of each
12 county, geographical factors, as well as the case workload
13 for the system.

14

15 (c) The supreme court shall from time to time, but
16 not less than every ten (10) years after the establishment
17 of the circuit court system, conduct studies to determine
18 the number of judges and their location required for the
19 circuit court system.

20

21 (d) The judicial salaries, salaries of the clerical
22 staff, supplies, operating costs, jury and witness expenses
23 and other expenses of the circuit court shall be paid by the
24 state.

25

1 **5-8-103. Concurrent jurisdiction; terms of court.**

2

3 (a) All circuit court judges shall have concurrent
4 jurisdiction throughout the state.

5

6 (b) Regular terms of the circuit court shall be held
7 in the circuit court, one (1) term beginning on the second
8 Monday in January and one (1) term beginning on the second
9 Monday in July of each year.

10

11 **5-8-104. Justice of peace courts and county courts**
12 **supplanted and replaced.**

13

14 (a) In any county in which there are one (1) or more
15 justice of the peace courts, the circuit court shall
16 supplant and replace the justice of peace courts of the
17 county and shall exercise the jurisdiction previously
18 exercised by the justice of peace courts.

19

20 (b) In any county in which a county court has been
21 established, at the effective date of this act the county
22 court shall be known as the "Circuit Court of the State of
23 Wyoming, (Number of the Circuit Court Judicial District)
24 Circuit, (Name of county) County," and the county judge
25 presiding at the effective date of this act shall thereafter

1 be designated circuit court judge of the "Circuit Court of
2 the State of Wyoming, (Number of the Circuit Court Judicial
3 District) Circuit."

4

5 **5-8-105. Dispositions of fines and penalties under**
6 **general state laws.**

7

8 All fines and penalties under the general laws of the state
9 shall be paid into the county treasury to the credit of the
10 public school fund to the county.

11

12 **5-8-106. Supreme court to adopt rules; rules of civil**
13 **and criminal procedure to govern courts; exception.**

14

15 The supreme court is hereby vested with management and
16 supervisory powers over the circuit courts of the state of
17 Wyoming, and shall, by rule of the supreme court, establish
18 procedures and regulations for the effective and expeditious
19 administration of the business of the circuit courts and
20 shall establish fees and costs for those courts. The
21 Wyoming Rules of Civil Procedure and the Wyoming Rules of
22 Criminal Procedure as amended or supplemented from time to
23 time, shall govern circuit courts unless those rules or any
24 parts thereof are declared inapplicable by the supreme
25 court. Commissioners, as used in the Wyoming Rules of

1 Criminal Procedure, shall include circuit court judges and
2 circuit court commissioners.

3

4 **5-8-107. Name of court; presider.**

5

6 In the counties in which a circuit court is established, the
7 court shall be called the "Circuit Court of the State of
8 Wyoming, (Name of the Circuit Court Judicial District)
9 Circuit, (Name of county) County," which shall be a court of
10 record. The circuit court shall be presided over by a
11 circuit judge.

12

13 **5-8-108. Term of judges.**

14

15 (a) The terms of circuit court judges shall be four
16 (4) years. Each judge selected under the provisions of
17 article 5, section 4 of the Wyoming constitution shall serve
18 for one (1) year after the appointment and until the first
19 Monday in January following the next general election after
20 the expiration of such year. The judge shall, at such
21 general election, stand for retention in office within the
22 circuit of residence as provided in article 5, section 4 of
23 the Wyoming constitution.

24

1 (b) All circuit court judges who are presiding at the
2 effective date of this act shall stand for retention at the
3 end of the term for which they were retained as county court
4 judges.

5
6 (c) A circuit court judge who is permanently
7 transferred to a different circuit shall serve for one (1)
8 year after the transfer and until the first Monday in
9 January following the next general election after the
10 expiration of such year. The judge shall, at such general
11 election, stand for retention in office within the new
12 circuit of residence as provided in article 5, section 4 of
13 the Wyoming constitution.

14
15 **5-8-109. Judges to be nonpartisan; manner of**
16 **nomination and appointment.**

17
18 Judges of the circuit court shall be nonpartisan, and shall
19 be nominated, appointed and retained as provided by article
20 5, section 4 of the Wyoming constitution.

21
22 **5-8-110. Qualifications for appointment.**

23
24 (a) To be eligible for appointment to the office of
25 judge of a circuit court, a person shall:

1

2 (i) Be a qualified elector of the state;

3

4 (ii) Be authorized to practice law in Wyoming;

5 and

6

7 (iii) Have practiced law for a period of at least
8 three (3) years.

9

10 **5-8-111. Instruction of judges.**

11

12 The supreme court of Wyoming may provide by rule for
13 instruction of judges and court commissioners of the circuit
14 court by whatever means the supreme court deems appropriate.

15

16 **5-8-112. Appointment to fill vacancies in office.**

17

18 Vacancies occurring in the office of judge of circuit court
19 shall be filled as provided by article 5, section 4 of the
20 Wyoming constitution.

21

22 **5-8-113. Delivery of official records and papers to**
23 **successor in office.**

24

1 If the office of judge of a circuit court becomes vacant by
2 reason of death, removal from office, or otherwise, the
3 senior circuit court judge, or if there is none, the clerk
4 of the district court shall take charge of the official
5 records and papers of the judge and deliver them to the
6 successor in office of that judge.

7

8 **5-8-114. Jurisdiction of successor is same as that of**
9 **predecessor in office.**

10

11 A judge of a circuit court with whom the records of the
12 predecessor have been deposited has the same jurisdiction
13 over all actions and proceedings entered in such records as
14 if they were originally commenced before that judge.

15

16 **5-8-115. Bond.**

17

18 Each judge of a circuit court shall be bonded in the sum of
19 five thousand dollars (\$5,000.00) for the faithful
20 performance of duties during the term in office. The bond
21 shall be made payable to the state of Wyoming and shall be
22 filed with the clerk of the district court.

23

24 **5-8-116. Salaries of judges; traveling expenses.**

25

1 Each judge of a circuit court shall receive an annual salary
2 provided by W.S. 5-1-110(a)(iii). When a new salary is
3 effective for any judge of a circuit court upon new
4 appointment or the commencement of a new term, it shall be
5 effective for all judges of the circuit courts. In addition
6 to salary, the state shall reimburse a judge of a circuit
7 court for those traveling expenses actually incurred when
8 the business of the circuit court requires attendance more
9 than five (5) miles from the place where the judge regularly
10 holds court.

11

12 **5-8-117. Oath.**

13

14 Before assuming the duties of office, a judge of a circuit
15 court shall take and subscribe before a supreme court
16 justice, a district court judge or a circuit court judge an
17 oath of office prescribed by the constitution of Wyoming.

18

19 **5-8-118. Judge may be district court commissioner;**
20 **private practice of law prohibited; commissioner of circuit**
21 **court permitted to practice law.**

22

23 A judge of a circuit court may be appointed to and hold the
24 office of district court commissioner. A judge of a circuit
25 court shall devote full time to the office and may not

1 engage in the private practice of law. A commissioner of a
2 circuit court, who is otherwise authorized to practice law
3 in Wyoming, may engage in the private practice of law so
4 long as that practice does not conflict with the duties as
5 commissioner of a circuit court.

6

7 **5-8-119. Judges may hold court for each other;**
8 **expenses of judge holding court in another circuit court**
9 **county; disqualification of judge; change of venue**
10 **prohibited.**

11

12 (a) The judges of the circuit courts may hold court
13 for each other and shall do so when required by the supreme
14 court. The expenses of judges of a circuit court holding
15 court in any circuit court other than their own, including
16 travel expenses and their expenses while holding court,
17 shall be charged to the contingent fund of the court in
18 which they are holding court.

19

20 (b) A party to any action in circuit court may
21 disqualify a circuit court judge as provided by rules
22 adopted by the supreme court. Upon disqualification, or
23 inability for any reason to fulfill the duties, the circuit
24 court judge shall appoint another circuit court judge from
25 that or a different circuit court, or a circuit court

1 commissioner from that circuit court if no other circuit
2 court judge is available to try the action.

3

4 (c) There shall be no change of venue for civil
5 actions triable in circuit court.

6

7 **5-8-120. Judicial robe.**

8

9 While holding court, judges of a circuit court shall wear a
10 black judicial robe.

11

12 **5-8-121. Seal of court.**

13

14 Each circuit court shall have a seal. Each court shall use
15 a seal having upon it the inscription: "Circuit Court of
16 the State of Wyoming" together with the number of the
17 circuit in which the same is to be used. The seal of a
18 circuit court shall be affixed by a stamp that reproduces
19 legibly under photographic processes. A judge of a circuit
20 court shall affix the seal to every jurat or certificate of
21 official acts without additional fee.

22

23 **5-8-122. Budget.**

1 The circuit courts shall submit budgets for the operation of
2 the circuit courts to the supreme court for approval and
3 upon approval to the state legislature.
4

5 **5-8-123. Clerical assistants.**
6

7 A judge or judges of a circuit court shall appoint a clerk
8 of court and clerical assistants as may be necessary for the
9 efficient operation of the court, within the limits of the
10 approved budget and subject to the approval of the supreme
11 court.
12

13 **5-8-124. County to provide quarters; state to furnish**
14 **certain property for judges.**
15

16 The board of county commissioners shall provide suitable
17 quarters to house the circuit court and shall suitably
18 furnish the courtroom with necessary furniture and fixtures
19 and furnish the chamber office of each judge with the
20 necessary office furniture and fixtures for court function
21 in accordance with this act. Each judge shall be furnished
22 by the state of Wyoming, without charge, the American and
23 Wyoming state flags, the latest edition of the Wyoming
24 statutes, cumulative supplements thereto and the latest
25 session laws of Wyoming. All property furnished to a judge

1 shall remain the property of the governmental unit supplying
2 the same, and upon termination of a judge's term of office,
3 shall be transmitted to the successor in office.
4

5 **5-8-125. Court continuously in session.**
6

7 The circuit court shall be continuously in session.
8

9 **5-8-126. Business hours; judge to be always available**
10 **for criminal matters.**
11

12 Circuit courts shall be open for the transaction of business
13 during regular business hours. In criminal matters the judge
14 shall be available at all times for fixing and accepting
15 bail, issuing warrants including search warrants, and
16 conducting arraignment proceedings.
17

18 **5-8-127. Process extends throughout state.**
19

20 The process of a circuit court shall extend throughout the
21 state.
22

23 **5-8-128. Civil jurisdiction.**
24

1 (a) Each circuit court has exclusive original civil
2 jurisdiction within the boundaries of the state as follows:

3

4 (i) An action where the prayer for recovery is an
5 amount not exceeding seven thousand dollars (\$7,000.00),
6 exclusive of court costs;

7

8 (ii) Actions to recover specific personal
9 property the value of which does not exceed seven thousand
10 dollars (\$7,000.00), exclusive of court costs and shall be
11 prosecuted in accordance with W.S. 1-15-301 through
12 1-15-306;

13

14 (iii) Actions to foreclose or enforce a lien on
15 or security interest in personal property perfected under
16 the Uniform Commercial Code, W.S. 34.1-1-101 through
17 34.1-10-104, when the amount claimed on the lien or security
18 interest does not exceed seven thousand dollars (\$7,000.00),
19 exclusive of court costs;

20

21 (iv) Actions for small claims as provided by W.S.
22 1-21-201 through 1-21-205;

23

24 (v) Actions for forcible entry or detainer as
25 provided by W.S. 1-21-1001 through 1-21-1016;

1

2 (vi) Actions to foreclose and enforce the
3 following statutory liens only when the amount claimed on
4 the lien does not exceed seven thousand dollars (\$7,000.00),
5 exclusive of court costs:

6

7 (A) Construction liens as provided by W.S.
8 29-2-101 through 29-2-109;

9

10 (B) Liens for labor and materials as
11 provided by W.S. 29-4-101 and 29-4-102; and

12

13 (C) Liens for labor and services as provided
14 by W.S. 29-5-101 through 29-5-106 and 29-7-101 through
15 29-7-202.

16

17 (vii) Actions to dispose of an abandoned vehicle
18 as provided by W.S. 31-13-112(e), regardless of the value of
19 the abandoned vehicle.

20

21 (b) The circuit court may issue writs of attachment or
22 garnishment as provided by W.S. 1-15-101 through 1-15-212
23 and 1-15-401 through 1-15-511, and may issue judgment,
24 execution and stay of execution, and order the sale of the
25 property seized under execution as provided by W.S. 1-19-101

1 through 1-19-108 and 1-21-401 through 1-21-703. A writ of
2 execution issuing from a circuit court shall be in the form
3 and subject to the provisions of W.S. 1-17-308.

4
5 (c) The judge may submit to arbitration any civil
6 matter pending in circuit court, upon agreement of the
7 parties as provided by W.S. 1-21-801 through 1-21-804, or
8 upon application of either party showing an arbitration
9 agreement and refusal of the opposing party to arbitrate as
10 provided by W.S. 1-36-101 through 1-36-119.

11
12 (d) The provisions of W.S. 5-1-107 pertaining to the
13 exercise of personal jurisdiction apply in the circuit
14 courts.

15
16 **5-8-129. Jurisdiction to hear action disputing**
17 **boundaries or title to real property.**

18
19 Circuit courts have no jurisdiction over any action in which
20 the boundaries of, or the title to real property is in
21 issue, except actions to foreclose and enforce statutory
22 liens authorized by W.S. 5-8-128(a)(vi).

23
24 **5-8-130. Criminal jurisdiction.**

25

1 Circuit courts have jurisdiction in all criminal cases
2 amounting to misdemeanors. Jurisdiction shall also include
3 those criminal cases in which the defendant is placed on
4 probation for a period exceeding the maximum six (6) months
5 imprisonment sentence under W.S. 31-5-233(e).

6

7 **5-8-131. Authority to set bail; preliminary**
8 **examinations.**

9

10 (a) Judges of the circuit court or circuit court
11 commissioners are authorized to set bail before trial in
12 accordance with this subsection and with the rules of the
13 supreme court. Judges of the circuit court and circuit
14 court commissioners shall have the power and the duty to
15 decide promptly the bail application of any person arrested
16 for a violation of state law within the circuit court
17 county, whether or not the formal document charging the
18 person with a violation of state law has been filed with the
19 court.

20

21 (b) Preliminary examinations for persons charged with
22 a felony shall be conducted by the circuit court judge or
23 circuit court commissioner.

24

1 (c) Preliminary examinations of persons charged with a
2 high misdemeanor shall not be conducted for a determination
3 of probable cause.
4

5 **5-8-132. Powers generally.**
6

7 (a) A circuit court may:
8

9 (i) Preserve and enforce order in its immediate
10 presence and in the proceedings before it according to the
11 Wyoming Rules of Criminal Procedure and punish for contempt
12 as provided therein;
13

14 (ii) Compel obedience to its judgments, orders
15 and processes;
16

17 (iii) Control, in furtherance of justice, the
18 conduct of its ministerial officers, and of all other
19 persons in any manner connected with judicial proceedings
20 before it, in every matter pertaining thereto;
21

22 (iv) Issue warrants, including search warrants,
23 summonses, subpoenas or other process in civil and criminal
24 cases;
25

1 (v) Administer oaths and affirmations and take
2 bail, acknowledgements, affidavits and depositions;

3

4 (vi) Amend and control its process and orders to
5 make them conformable to law and justice;

6

7 (vii) Proceed to trial, render judgment, and
8 grant writs of execution to carry into effect any order or
9 judgment of the court;

10

11 (viii) Solemnize marriages.

12

13 **5-8-133. Probation; correction and reduction of**
14 **sentence.**

15

16 The circuit court may place a criminal defendant on
17 probation pursuant to W.S. 7-13-301 through 7-13-307. The
18 court may correct an illegal sentence at any time and may
19 correct a sentence imposed in an illegal manner. The court
20 may reduce the sentence. If the court reduces the sentence,
21 such reduction shall be noted in the criminal docket as an
22 entry in the docket.

23

24 **5-8-134. Filing fee.**

25

1 For all civil matters the circuit court shall collect from
2 the plaintiff a filing fee of ten dollars (\$10.00).

3

4 **5-8-135. Subpoena duces tecum.**

5

6 A judge of a circuit court may issue a subpoena duces tecum
7 requiring the production of any relevant book, writing or
8 document. To obtain a subpoena duces tecum the person
9 applying for it must present an affidavit describing the
10 desired writing, photograph, document or book with
11 reasonable certainty, and naming the person who is to
12 produce it, and state that to the best of the affiant's
13 belief the papers or other writings are relevant to the
14 trial of the case. Any such judge may punish for contempt
15 any party failing to appear or failing to produce the paper
16 or other writing or render a judgment against a party
17 failing to comply with a subpoena duces tecum without good
18 cause.

19

20 **5-8-136. Request for jury in civil actions; right to**
21 **jury in criminal actions.**

22

23 In civil actions in a circuit court, a jury shall be
24 considered waived unless requested by either party at the
25 time of filing their initial pleadings. In criminal

1 proceedings in a circuit court the accused shall have the
2 right to a trial by jury unless such right is waived as
3 provided by the Wyoming Rules of Criminal Procedure.
4

5 **5-8-137. Jury lists.**
6

7 Jurors shall be selected from the jury lists selected for
8 the district courts of the state pursuant to the provisions
9 of W.S. 1-11-101 through 1-11-204.
10

11 **5-8-138. Abstract of judgment; lien of judgment on**
12 **real estate; lien on real estate in another county.**
13

14 (a) At any time while the papers in any case in which
15 a judgment has been rendered by a circuit court are retained
16 by the court, the judge shall certify and deliver an
17 abstract of the judgment to any person on the payment of a
18 five dollar (\$5.00) fee.
19

20 (b) The judgment creditor in any judgment rendered in
21 circuit court, if the judgment is not appealed or stayed,
22 may file with the clerk of the district court of the county
23 in which the judgment was rendered a transcript thereof,
24 certifying therein the amount paid thereon, if any. The
25 clerk shall enter the case on the execution docket, together

1 with the amount of the judgment and the time of filing the
2 transcript. If within ten (10) days after the judgment was
3 rendered, the judgment debtor pays the same or gives bond
4 for stay of execution, the circuit judge shall immediately
5 certify that fact to the clerk of the district court who
6 shall enter a memorandum thereof upon the execution docket.
7 The cost of the transcript, the filing and the entry on the
8 docket shall be paid by the party who files the transcript
9 and may be taxed to the other party. The judgment shall be
10 a lien on the real estate of the judgment debtor within the
11 county from the day the transcript is filed. Execution may
12 be issued on the judgment at any time after filing the
13 transcript as if the judgment had been rendered in the
14 district court.

15

16 (c) The judgment creditor in any judgment rendered by
17 any circuit court in this state and filed in the judgment
18 record of the district court, may file a transcript of the
19 judgment record of the district court with the clerk of the
20 district court in any other county within this state where
21 the judgment debtor owns real estate. The judgment is a
22 lien upon all real estate of the judgment debtor in any
23 county in which the transcript is filed from the date of
24 filing. The clerk of the district court of any county in
25 which the transcript is filed shall enter the judgment upon

1 the judgment records of the court in the same manner as
2 judgments are rendered in that court.

3

4 **5-8-139. Reporting of proceedings; preservation**
5 **thereof.**

6

7 In any judicial proceedings before the circuit court, unless
8 waived by the parties whenever the presiding judge of a
9 circuit court shall deem it necessary, or upon the request
10 of either party, the court shall provide for the reporting
11 of the testimony and proceedings, with objections made, the
12 rulings of the court, and oral and written charges. The
13 reporting may be made by stenographic reporting, electronic
14 recording or other appropriate means authorized by the
15 court.

16

17 **5-8-140. Appointment of special reporters;**
18 **certification of transcript.**

19

20 If the record is to be made by a stenographic reporter, the
21 judge shall appoint a special stenographic reporter to
22 report the testimony and proceedings. If the record is made
23 by means of electronic recording, the judge shall appoint a
24 special reporter to make the electronic recording, and in
25 those cases in which it is required, the judge shall appoint

1 an official stenographer to furnish with reasonable
2 diligence a typewritten transcript of the testimony and
3 proceedings. The report of the official stenographer, when
4 typewritten and certified by him as a correct transcript of
5 the testimony and proceedings in the case, shall be prima
6 facie a correct statement of such testimony and proceedings.
7 The signature of the stenographer on the certification of
8 the transcript shall be duly acknowledged by him before a
9 notary public or judicial officer of this state.

10

11 **5-8-141. Civil and criminal cases reviewed on record.**

12

13 In civil and criminal cases a judge of a district court
14 shall review the case on the record on appeal.

15

16 **5-8-142. Stay of execution on judgment; bond.**

17

18 In a civil matter no execution on a judgment may be stayed
19 unless and until the party applying for the appeal, or
20 someone for him, gives bond in an amount and with sufficient
21 surety approved by the judge of the district court or the
22 clerk of the district court, to abide by such judgment as
23 may be rendered on appeal if such appeal is perfected, or if
24 not so perfected, then to satisfy the judgment of the
25 circuit court. If such bond is furnished by or on behalf of

1 any party against whom the judgment has been rendered for
2 money or property or both, the bond shall be conditioned for
3 the performance and satisfaction of such judgment or order
4 as may be entered against such party on appeal, and for the
5 payment of all costs and damages which may be awarded
6 against him in the district court. If the appeal is by a
7 party against whom there is no recovery except for costs,
8 the bond shall be conditioned for the payment of such costs
9 and damages as may be awarded against him on the appeal.

10

11 **5-8-143. Security on appeal.**

12

13 The district court to which an appeal is taken from a
14 circuit court in a civil case may on motion for good cause
15 shown, after five (5) days notice to the appellant, require
16 the appellant to give new or additional security. If the
17 security is not given within the time prescribed by the
18 district court, the appeal shall be dismissed with costs,
19 and the judgment of the circuit court shall remain in
20 effect, and the district court shall enter judgment and
21 award execution thereon, with costs, against the appellant
22 and surety.

23

24 **5-8-144. Time and manner for taking appeals.**

25

1 Appeals from the district court to the supreme court of
2 Wyoming shall be taken within the time and in the manner for
3 taking appeals prescribed by the Wyoming Rules of Appellate
4 Procedure.

5

6 **5-8-145. Docket books.**

7

8 Docket books of the circuit courts shall be uniform
9 throughout the state, and the form shall comply with the
10 form approved by the Wyoming supreme court with the advice
11 of the director of the state department of audit. Each
12 judge of a circuit court shall keep a separate criminal
13 docket, civil docket and small claims docket.

14

15 **5-8-146. Index to docket books.**

16

17 A judge of a circuit court shall keep an alphabetical index
18 to the docket, in which the judge shall enter the names of
19 the parties to each judgment, with a reference to the page
20 of entry. The judge shall enter the names of defendants in
21 the index, in the alphabetical order of the first letter of
22 the family name.

23

24 **5-8-147. Receipts for money paid into court.**

25

1 When any money is paid into a circuit court, a receipt for
2 said amount shall be issued promptly upon a form prescribed
3 by the director of the state department of audit. The
4 receipts shall be prenumbered in numerical sequence. The
5 original copy shall be delivered to the payor and a copy
6 shall be filed in the office of the issuing judge. The
7 receipts shall be prenumbered by the printer, and the
8 printer shall give to the director a receipt showing the
9 numbers so printed. The circuit court shall pay all fines,
10 forfeitures and other penalties to the appropriate county
11 treasurer and all fees, costs and other receipts to the
12 state treasurer.

13

14 **5-8-148. Failure of judge to give receipt constitutes**
15 **cause for removal from office.**

16

17 Failure, refusal, or neglect of a judge of a circuit court
18 to give receipt for any money paid into the circuit court is
19 misconduct, which constitutes cause for removal from office.

20

21 **5-8-149. Deposit of money with county or state**
22 **treasurer.**

23

24 When any fines, forfeitures, or costs are deposited with the
25 judge of a circuit court pursuant to any action or

1 proceedings in the court, or pursuant to any order, decree
2 or judgment of the court, the money in the judge's
3 possession shall be deposited no later than the tenth day
4 following the month of receipt with the appropriate county
5 or state treasurer. If the money has not been so deposited
6 by the tenth day of the month and no just cause is shown,
7 said judge shall forfeit twenty-five dollars (\$25.00) a day
8 for each day after the tenth day of the month during which
9 no deposits have been made.

10

11 **5-8-150. Director to establish uniform accounting**
12 **system.**

13

14 The director of the state department of audit shall
15 establish, supervise, and as necessary from time to time,
16 modify a uniform system of accounting, including a system of
17 audit for circuit courts, to provide for the proper and
18 uniform accounting of all money received and disbursed by
19 circuit courts, and all judges of the circuit courts shall
20 comply therewith.

21

22 **5-8-151. Failure to keep accounts constitutes cause**
23 **for removal from office.**

24

1 Failure to keep accounts pursuant to the system established
2 by the director of the state department of audit or failure
3 to account for money paid into and disbursed by the circuit
4 court is misconduct, which may constitute cause for removal
5 from office.

6

7 **5-8-152. Bank accounts.**

8

9 The accounting system established by the director of the
10 state department of audit may provide for bank accounts for
11 each circuit court in which money received by the circuit
12 court may be deposited and disbursed as provided therein,
13 and for such records, reports and procedures as the director
14 requires. Money received as fines, forfeitures or court
15 costs may not be deposited in the same bank account as money
16 received in civil matters. If a bank account is established
17 into which fines, costs or forfeitures are deposited, the
18 accounting system established by the director shall require,
19 where available, the use of accounts in a financial
20 institution listed in W.S. 9-4-817(a) which earn interest,
21 in which the deposits are subject to payment upon demand and
22 which are insured or secured as provided in W.S. 9-4-817(c).
23 Interest earned on deposits of fines and forfeitures in such
24 accounts shall be forwarded monthly to the appropriate
25 county treasurer and credited to the county public school

1 fund. Interest earned on all other deposits in such
2 accounts shall be forwarded to the state treasurer quarterly
3 and credited to the victim's compensation account within the
4 earmarked revenue fund.

5

6 **5-8-153. Examination of accounts.**

7

8 The accounts of each circuit court shall be examined in
9 accordance with W.S. 16-4-122 and 16-4-123.

10

11 **5-8-154. Annual accounts submitted to director.**

12

13 Each circuit court shall submit annual accounts to the
14 director of the state department of audit under regulations
15 prescribed by the director.

16

17 **5-8-155. Suit to enforce collection or transmittal of**
18 **finances; failure to transmit constitutes cause for removal**
19 **from office; liability on judge's bond.**

20

21 (a) If it is apparent through examination conducted by
22 the director of the state department of audit or a designee,
23 or by other means, that any fines or forfeitures have not
24 been transmitted, the county attorney shall bring suit to
25 enforce the collection or transmittal, or both. Failure to

1 transmit fines, forfeitures or costs is misconduct which
2 constitutes cause for removal from office.

3

4 (b) The official bond of a judge of a circuit court
5 shall secure, and there shall be liability thereon, for the
6 failure to transmit such fines, forfeitures, or costs
7 imposed by the judge.

8

9 5-8-156. Examination of court records by public,
10 director, attorney general and county attorneys permitted.

11

12 The records kept by a judge of a circuit court shall be
13 public and available for examination during the regular
14 business hours of the court. The director of the state
15 department of audit, the attorney general or the county
16 attorney of the particular county in which the circuit court
17 is situated may examine them at any time upon demand.

18

19 5-8-157. Appointment of commissioners and adjunct
20 commissioners.

21

22 Subject to W.S. 5-8-163, judges of the circuit court may
23 appoint such number of commissioners and adjunct
24 commissioners of the circuit court as the public interest
25 may require. The circuit court judge shall determine the

1 geographical area within which the commissioners and adjunct
2 commissioners may serve.

3

4 **5-8-158. Term of office; removal.**

5

6 Except as provided by W.S. 5-8-163, commissioners and
7 adjunct commissioners of the circuit court shall hold office
8 at the pleasure of the circuit court and may be similarly
9 removed.

10

11 **5-8-159. Qualifications for commissioners and adjunct**
12 **commissioners.**

13

14 (a) Commissioners of the circuit court shall be
15 qualified electors of the circuit for which appointed and
16 authorized to practice law in Wyoming.

17

18 (b) Adjunct commissioners of the circuit court shall
19 be qualified electors of the circuit for which appointed.

20

21 **5-8-160. Circuit court to enter order appointing**
22 **commissioners and adjunct commissioners.**

23

24 The circuit court in open court shall enter the order
25 appointing each commissioner and adjunct commissioner of the

1 circuit court and shall enter the order upon the journal. A
2 certified copy of the journal entry shall be evidence of the
3 appointment in all courts of this state.

4

5 **5-8-161. Oath.**

6

7 Commissioners of the circuit court, before entering upon the
8 discharge of their official duties, shall take and subscribe
9 before a circuit court judge or a clerk of a court of record
10 the oath of office prescribed by the constitution of
11 Wyoming.

12

13 **5-8-162. Powers of commissioners and adjunct**
14 **commissioners.**

15

16 (a) Each commissioner of the circuit court may:

17

18 (i) Conduct arraignment proceedings for persons
19 charged with a misdemeanor;

20

21 (ii) Accept guilty pleas and receive payments for
22 fines or bonds in misdemeanor cases;

23

24 (iii) Incarcerate persons charged with the
25 commission of offenses triable in the circuit court;

1

2 (iv) Conduct initial appearance proceedings for
3 persons charged with a felony;

4

5 (v) Issue warrants, including search warrants;

6

7 (vi) Fix and accept bail;

8

9 (vii) Preserve and enforce order in the
10 commissioner's immediate presence and in the proceedings
11 before the commissioner;

12

13 (viii) Perform marriage ceremonies.

14

15 (b) In the event of absence, inability or
16 disqualification of the circuit judge, and at the direction
17 of the circuit judge or the supreme court, a circuit court
18 commissioner shall have all of the powers and may perform
19 all of the duties of the circuit judge as authorized by law
20 and rules.

21

22 (c) Each adjunct commissioner of the circuit court
23 may:

24

1 (i) Accept guilty pleas and receive payments for
2 fines or bonds in misdemeanor cases;

3

4 (ii) Fix and accept bail;

5

6 (iii) Preserve and enforce order in the adjunct
7 commissioner's immediate presence and in the proceedings
8 before the adjunct commissioner;

9

10 (iv) Perform marriage ceremonies.

11

12 (d) If the person charged signs a waiver, the adjunct
13 commissioner may conduct arraignment proceedings for persons
14 charged with a misdemeanor.

15

16 (e) By order of a circuit court judge for individual
17 cases or by a general order for small claims an adjunct
18 commissioner may:

19

20 (i) Hear matters involving small claims;

21

22 (ii) Conduct trials on misdemeanor matters for
23 which the penalty is not more than seven hundred fifty
24 dollars (\$750.00) or six (6) months in jail, or both,

1 provided the defendant waives trial by the circuit court
2 judge in writing;

3

4 (iii) Issue search warrants and arrest warrants.

5

6 5-8-163. Commissioners, adjunct commissioners
7 mandatory in certain counties.

8

9 (a) In every county within which a circuit court judge
10 does not reside, there shall be appointed at least one (1)
11 commissioner who shall be a resident of said county,
12 provided that if in any such county there is no person
13 available or qualified to be appointed as a commissioner,
14 there shall be appointed at least one (1) adjunct
15 commissioner who is a resident of said county.

16

17 (b) Prior to initial appointment of a commissioner or
18 adjunct commissioner under this section, the board of county
19 commissioners shall submit to the presiding circuit court
20 judge, for each position to be filled, a list of no more
21 than three (3) attorneys who are qualified electors of the
22 county, or, if there is no person available or qualified to
23 serve as circuit court commissioner, a list of not more than
24 three (3) qualified electors of the county who are not
25 attorneys. The presiding circuit court judge shall select

1 and appoint not more than three (3) commissioners or adjunct
2 commissioners from the list submitted by the county
3 commissioners.

4

5 (c) Commissioners or adjunct commissioners appointed
6 under this section shall serve for a term of four (4) years.
7 Within two (2) months prior to the expiration of the term of
8 a commissioner or adjunct commissioner appointed under this
9 section, the board of county commissioners shall submit a
10 recommendation to the presiding circuit court regarding
11 reappointment for an additional four (4) year term. If the
12 court commissioner or adjunct commissioner is not
13 reappointed by the circuit court judge, the county
14 commissioners shall submit a list of persons in accordance
15 with subsection (b) of this section from which the
16 appointment shall be made.

17

18 (d) Any vacancy in the position of a circuit court
19 commissioner or adjunct commissioner shall be filled for the
20 remainder of the term in accordance with the procedures in
21 subsection (b) of this section.

22

23 **5-8-164. Salary.**

24

1 The commissioner of a circuit court who receives state funds
2 for judicial salaries and salaries for the court
3 commissioners shall receive compensation determined by the
4 legislature. A claim for compensation shall be made by
5 voucher, verified under oath, setting forth in detail the
6 services performed, time expended and amount of compensation
7 claimed. No claim for compensation shall be paid unless
8 approved and allowed by a judge of the circuit court.

9

10 **5-8-165. Record of official actions.**

11

12 Each commissioner of the circuit court shall enter a record
13 of official actions in a journal in the circuit court. Such
14 entries shall be signed by the commissioner.

15

16 **5-8-166. Bond.**

17

18 Each commissioner of the circuit court shall be bonded in
19 the sum of one thousand dollars (\$1,000.00) for the faithful
20 performance of duties during term in office. The bond shall
21 be made payable to the state of Wyoming and shall be filed
22 with the clerk of the district court.

23

24 **5-8-167. Judicial business pending before justices of**
25 **the peace considered pending before circuit courts; judges**

1 of circuit court considered judicial successors in office to
2 justices; disposition of records of justices and courts.

3

4 In any county in which a circuit court is established, no
5 judicial business may be transacted after such establishment
6 by any justice of the peace court. All judicial business
7 pending before any justice of the peace in such county shall
8 be considered to be pending before the circuit court, and
9 the judges of the circuit court shall in all respects be the
10 judicial successors in office of all such justices and
11 courts of said county. All judicial files, records and
12 dockets belonging to or appertaining to the office of such
13 justices of the peace and courts of such counties shall be
14 filed in the appropriate office of the several circuit
15 courts and safely kept therein, or may be stored and shall
16 in all respects constitute records of the circuit courts.

17

18 **5-8-168. Judicial Retirement.**

19

20 Judges of the circuit court shall participate in the Wyoming
21 retirement system.

22

23 **5-8-169. Repeal of statutes not to affect offenses**
24 **committed before January 1, 1999; pending prosecutions.**

25

1 The repeal of any statutes by this act shall not affect any
2 act or offense done or committed, or any penalty or
3 forfeiture incurred, or any right established, accrued, or
4 accruing on or before January 1, 1999, or any prosecution,
5 suit or action pending on that day. Every such pending
6 prosecution, suit or action shall be proceeded in, tried and
7 determined in the circuit court which succeeds to the
8 jurisdictions of the justice of the peace courts and the
9 county courts.

10

11 **5-8-170. Circuit courts system to become operative in**
12 **1999; nominations for constable and justice of the peace not**
13 **acceptable.**

14

15 The county clerks shall not accept nominations for the
16 office of justice of the peace nor conduct elections for the
17 office of justice of the peace in the primary election or
18 general election of 1998, or any elections thereafter.

19

20 **Section 2.** The term of office of each justice of the
21 peace elected or appointed prior to the effective date of
22 this act shall terminate January 1, 1999.

23

24 **Section 3.** Notwithstanding any other provision of this
25 act:

1

2 (a) The supreme court shall determine the initial
3 circuit court districts and the number and location of the
4 judges who are to serve the circuit court system not later
5 than April 1, 1998.

6

7 (b) For each vacant office of circuit court judge, the
8 judicial nominating commission shall submit a list of three
9 (3) nominees to the governor not later than May 15, 1998.

10

11 (c) If the governor fails to make any appointment
12 within thirty (30) days after the list of nominees is
13 submitted to him, the appointment shall be made by the chief
14 justice of the supreme court within fifteen (15) days, but
15 in no event later than January 1, 1999.

16

17 (d) Circuit court judges appointed under this section
18 shall take office January 1, 1999.

19

20 **Section 4.**

21

22 (a) Except as provided in subsections (b) and (c) of
23 this act, this act is effective July 1, 1997.

24

1 (b) W.S. 5-8-106 and 5-8-111 are effective July 1,
2 1998.

3

4 (c) Except for W.S. 5-8-106 and 5-8-111, section 1 of
5 this act is effective January 1, 1999.

6

7 (END)

FISCAL NOTE

	FY 1998	FY 1999	FY 2000
NON-ADMINISTRATIVE IMPACT			
<u>Revenue Increases:</u>			
GENERAL FUND	0	78,000	155,000

Source of revenue:

	FY 1999	FY 2000
Civil fees:	\$15,000	\$30,000
Criminal fees:	\$62,500	\$125,000

Assumptions:

Fiscal impact becomes effective in January 1, 1999.

Anticipated Cost To:

GENERAL FUND	0	462,000	925,000
--------------	---	---------	---------

Source of expenditure:

This legislation replaces the Justice of the Peace Court System and County Court System with a Circuit Court System. The responsibility of defining the Circuit Court boundaries and staffing lies with the Supreme Court with funding left to legislative appropriation. The Supreme Court currently has projected the change to cost an additional \$1,387,000 in general funds over the next three fiscal years.

Prepared by: Holly Hansen

Phone: 777-7590

HB 84

HOUSE BILL NO. HB0084A

Circuit court system.

Sponsored by: Joint Judiciary Interim Committee

A BILL

for

1 AN ACT relating to courts; creating the Wyoming Circuit
2 Court System to replace and supplant justice of the peace
3 courts and county courts; providing for the creation of
4 circuit court districts and the appointment of circuit court
5 judges; specifying the jurisdiction and power of circuit
6 courts; specifying procedures for circuit courts; providing
7 for the appointment of circuit court commissioners and
8 adjunct commissioners and specifying their powers and
9 duties; granting rulemaking authority; providing for the
10 appointment of justice commissioners as specified; and
11 providing for effective dates.

12

13 *Be It Enacted by the Legislature of the State of Wyoming:*

14

15 **Section 1.** W.S. 5-8-101 through 5-8-167 are created to
16 read:

17

18

CHAPTER 8

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CIRCUIT COURTS

5-8-101. Definitions; construction of provisions.

(a) As used in this act:

(i) "Felony" means a criminal offense for which the penalty authorized by law includes imprisonment in a state penal institution for more than one (1) year;

(ii) "High misdemeanor" means a misdemeanor for which the penalty authorized by law exceeds the jurisdiction of municipal courts;

(iii) "Misdemeanor" means a criminal offense less than a felony;

(iv) "This act" means W.S. 5-8-101 through 5-8-167.

(b) When no special provision is otherwise made by law, the circuit court shall be vested with all inherent powers which are possessed by courts of record in this state.

1 **5-8-102. Circuit court districts created; expense.**

2

3 (a) There is created the Wyoming Circuit Court System
4 which shall be state funded and shall replace the justice of
5 peace courts and the county courts.

6

7 (b) The Wyoming supreme court shall determine the
8 circuit court districts and the number and location of the
9 judges who are to serve the circuit court system, subject to
10 the approval of the legislature through the state budget
11 process. Determinations by the supreme court shall be
12 based on criteria which includes the population of each
13 county, geographical factors, as well as the case workload
14 for the system.

15

16 (c) The supreme court shall from time to time, but
17 not less than every ten (10) years after the establishment
18 of the circuit court system, conduct studies to determine
19 the number of judges and their location required for the
20 circuit court system.

21

22 (d) The judicial salaries, salaries of the clerical
23 staff, supplies, operating costs, jury and witness expenses
24 and other expenses of the circuit court shall be paid by the
25 state.

1

2 **5-8-103. Concurrent jurisdiction; terms of court.**

3

4 (a) All circuit court judges shall have concurrent
5 jurisdiction throughout the state.

6

7 (b) Regular terms of the circuit court shall be held
8 in the circuit court, one (1) term beginning on the second
9 Monday in January and one (1) term beginning on the second
10 Monday in July of each year.

11

12 **5-8-104. Justice of peace courts and county courts**
13 **supplanted and replaced.**

14

15 (a) In any county in which there are one (1) or more
16 justice of the peace courts, the circuit court shall
17 supplant and replace the justice of peace courts of the
18 county and shall exercise the jurisdiction previously
19 exercised by the justice of peace courts.

20

21 (b) In any county in which a county court has been
22 established, at the effective date of this act the county
23 court shall be known as the "Circuit Court of the State of
24 Wyoming, (Number of the Circuit Court Judicial District)
25 Circuit, (Name of county) County," and the county judge

1 presiding at the effective date of this act shall thereafter
2 be designated circuit court judge of the "Circuit Court of
3 the State of Wyoming, (Number of the Circuit Court Judicial
4 District) Circuit." A circuit court shall exercise the
5 subject matter jurisdiction previously exercised by a county
6 court and any additional jurisdiction conferred by statute.

7

8 (c) Circuit courts shall exercise uniform jurisdiction
9 throughout the state.

10

11 **5-8-105. Dispositions of fines and penalties under**
12 **general state laws.**

13

14 All fines and penalties under the general laws of the state
15 shall be paid into the county treasury to the credit of the
16 public school fund of the county.

17

18 **5-8-106. Supreme court to adopt rules; rules of civil**
19 **and criminal procedure to govern courts; exception.**

20

21 The supreme court is hereby vested with management and
22 supervisory powers over the circuit courts of the state of
23 Wyoming, and shall, by rule of the supreme court, establish
24 procedures and regulations for the effective and expeditious
25 administration of the business of the circuit courts and

1 shall establish fees and costs for those courts. The
2 Wyoming Rules of Civil Procedure, the Wyoming Rules of
3 Criminal Procedure and the Wyoming Rules of Appellate
4 Procedure as amended or supplemented from time to time,
5 shall govern circuit courts unless those rules or any parts
6 thereof are declared inapplicable by the supreme court.
7 Commissioners, as used in the Wyoming Rules of Criminal
8 Procedure, shall include circuit court judges and circuit
9 court commissioners.

10

11 **5-8-107. Name of court; presider.**

12

13 In the counties in which a circuit court is established, the
14 court shall be called the "Circuit Court of the State of
15 Wyoming, (Name of the Circuit Court Judicial District)
16 Circuit, (Name of county) County," which shall be a court of
17 record. The circuit court shall be presided over by a
18 circuit judge.

19

20 **5-8-108. Term of judges.**

21

22 (a) The terms of circuit court judges shall be four
23 (4) years. Each judge selected under the provisions of
24 article 5, section 4 of the Wyoming constitution shall serve
25 for one (1) year after the appointment and until the first

1 Monday in January following the next general election after
2 the expiration of such year. The judge shall, at such
3 general election, stand for retention in office within the
4 circuit of residence as provided in article 5, section 4 of
5 the Wyoming constitution.

6

7 (b) All circuit court judges who are presiding at the
8 effective date of this act shall stand for retention at the
9 end of the term for which they were retained as county court
10 judges.

11

12 (c) A circuit court judge who is permanently
13 transferred to a different circuit shall serve for one (1)
14 year after the transfer and until the first Monday in
15 January following the next general election after the
16 expiration of such year. The judge shall, at such general
17 election, stand for retention in office within the new
18 circuit of residence as provided in article 5, section 4 of
19 the Wyoming constitution.

20

21 5-8-109. Judges to be nonpartisan; manner of
22 nomination and appointment.

23

1 Judges of the circuit court shall be nonpartisan, and shall
2 be nominated, appointed and retained as provided by article
3 5, section 4 of the Wyoming constitution.

4

5 **5-8-110. Qualifications for appointment.**

6

7 (a) To be eligible for appointment to the office of
8 judge of a circuit court, a person shall:

9

10 (i) Be a qualified elector of the state;

11

12 (ii) Be authorized to practice law in Wyoming;

13 and

14

15 (iii) Have practiced law for a period of at least
16 three (3) years.

17

18 **5-8-111. Instruction of judges.**

19

20 The supreme court of Wyoming may provide by rule for
21 instruction of judges and court commissioners of the circuit
22 court by whatever means the supreme court deems appropriate.

23

24 **5-8-112. Appointment to fill vacancies in office.**

25

1 Vacancies occurring in the office of judge of circuit court
2 shall be filled as provided by article 5, section 4 of the
3 Wyoming constitution.
4

5 **5-8-113. Delivery of official records and papers to**
6 **successor in office.**
7

8 If the office of judge of a circuit court becomes vacant by
9 reason of death, removal from office, or otherwise, the
10 senior circuit court judge, or if there is none, the clerk
11 of the district court shall take charge of the official
12 records and papers of the judge and deliver them to the
13 successor in office of that judge.
14

15 **5-8-114. Jurisdiction of successor is same as that of**
16 **predecessor in office.**
17

18 A judge of a circuit court with whom the records of the
19 predecessor have been deposited has the same jurisdiction
20 over all actions and proceedings entered in such records as
21 if they were originally commenced before that judge.
22

23 **5-8-115. Bond.**
24

1 Each judge of a circuit court shall be bonded in the sum of
2 five thousand dollars (\$5,000.00) for the faithful
3 performance of duties during the term in office. The bond
4 shall be made payable to the state of Wyoming and shall be
5 filed with the clerk of the district court.

6

7 **5-8-116. Salaries of judges; traveling expenses.**

8

9 Each judge of a circuit court shall receive an annual salary
10 provided by W.S. 5-1-110(a)(iii). When a new salary is
11 effective for any judge of a circuit court upon new
12 appointment or the commencement of a new term, it shall be
13 effective for all judges of the circuit courts. In addition
14 to salary, the state shall reimburse a judge of a circuit
15 court for those traveling expenses actually incurred when
16 the business of the circuit court requires attendance more
17 than five (5) miles from the place where the judge regularly
18 holds court.

19

20 **5-8-117. Oath.**

21

22 Before assuming the duties of office, a judge of a circuit
23 court shall take and subscribe before a supreme court
24 justice, a district court judge or a circuit court judge an
25 oath of office prescribed by the constitution of Wyoming.

1

2 5-8-118. Judge may be district court commissioner;
3 private practice of law prohibited; commissioner of circuit
4 court permitted to practice law.

5

6 A judge of a circuit court may be appointed to and hold the
7 office of district court commissioner. A judge of a circuit
8 court shall devote full time to the office and may not
9 engage in the private practice of law. A commissioner of a
10 circuit court, who is otherwise authorized to practice law
11 in Wyoming, may engage in the private practice of law so
12 long as that practice does not conflict with the duties as
13 commissioner of a circuit court.

14

15 5-8-119. Judges may hold court for each other;
16 expenses of judge holding court in another circuit court
17 county; disqualification of judge; change of venue
18 prohibited.

19

20 (a) The judges of the circuit courts may hold court
21 for each other and shall do so when required by the supreme
22 court. The expenses of judges of a circuit court holding
23 court in any circuit court other than their own, including
24 travel expenses and their expenses while holding court,

1 shall be charged to the contingent fund of the court in
2 which they are holding court.

3

4 (b) A party to any action in circuit court may
5 disqualify a circuit court judge as provided by rules
6 adopted by the supreme court. Upon disqualification, or
7 inability for any reason to fulfill the duties, the circuit
8 court judge shall appoint another circuit court judge from
9 that or a different circuit court, or a circuit court
10 commissioner from that circuit court if no other circuit
11 court judge is available to try the action.

12

13 (c) There shall be no change of venue for civil
14 actions triable in circuit court.

15

16 **5-8-120. Judicial robe.**

17

18 While holding court, judges of a circuit court shall wear a
19 black judicial robe.

20

21 **5-8-121. Seal of court.**

22

23 Each circuit court shall have a seal. Each court shall use
24 a seal having upon it the inscription: "Circuit Court of
25 the State of Wyoming" together with the number of the

1 circuit in which the same is to be used. The seal of a
2 circuit court shall be affixed by a stamp that reproduces
3 legibly under photographic processes. A judge of a circuit
4 court shall affix the seal to every jurat or certificate of
5 official acts without additional fee.

6

7 **5-8-122. Budget.**

8 The circuit courts shall submit budgets for the operation of
9 the circuit courts to the supreme court for approval and
10 upon approval to the state legislature.

11

12 **5-8-123. Clerical assistants.**

13

14 A judge or judges of a circuit court shall appoint a clerk
15 of court and clerical assistants as may be necessary for the
16 efficient operation of the court, within the limits of the
17 approved budget and subject to the approval of the supreme
18 court. Provided however, each court shall maintain a clerk,
19 clerical assistant or provide other clerical arrangements,
20 as determined by the supreme court, in each location the
21 county or justice court previously maintained an office.

22

23 **5-8-124. County to provide quarters; state to furnish**
24 **certain property for judges.**

25

1 The board of county commissioners shall provide suitable
2 quarters to house the circuit court and shall suitably
3 furnish the courtroom with necessary furniture and fixtures
4 and furnish the chamber office of each judge with the
5 necessary office furniture and fixtures for court function
6 in accordance with this act. Each judge shall be furnished
7 by the state of Wyoming, without charge, the American and
8 Wyoming state flags, the latest edition of the Wyoming
9 statutes, cumulative supplements thereto and the latest
10 session laws of Wyoming. All property furnished to a judge
11 shall remain the property of the governmental unit supplying
12 the same, and upon termination of a judge's term of office,
13 shall be transmitted to the successor in office.

14

15 **5-8-125. Court continuously in session.**

16

17 The circuit court shall be continuously in session.

18

19 **5-8-126. Business hours; judge to be always available**
20 **for criminal matters.**

21

22 Circuit courts shall be open for the transaction of business
23 during regular business hours. In criminal matters the judge
24 or a commissioner shall be available as required by the
25 Wyoming Rules of Criminal Procedure for fixing and accepting

1 bail, issuing warrants including search warrants, and
2 conducting arraignment proceedings.

3

4 **5-8-127. Process extends throughout state.**

5

6 The process of a circuit court shall extend throughout the
7 state.

8

9 **5-8-128. Civil jurisdiction.**

10

11 (a) Each circuit court has exclusive original civil
12 jurisdiction within the boundaries of the state as follows:

13

14 (i) An action where the prayer for recovery is an
15 amount not exceeding seven thousand dollars (\$7,000.00),
16 exclusive of court costs;

17

18 (ii) Actions to recover specific personal
19 property the value of which does not exceed seven thousand
20 dollars (\$7,000.00), exclusive of court costs and shall be
21 prosecuted in accordance with W.S. 1-15-301 through
22 1-15-306;

23

24 (iii) Actions to foreclose or enforce a lien on
25 or security interest in personal property perfected under

1 the Uniform Commercial Code, W.S. 34.1-1-101 through
2 34.1-10-104, when the amount claimed on the lien or security
3 interest does not exceed seven thousand dollars (\$7,000.00),
4 exclusive of court costs;

5

6 (iv) Actions for small claims as provided by W.S.
7 1-21-201 through 1-21-205;

8

9 (v) Actions for forcible entry or detainer as
10 provided by W.S. 1-21-1001 through 1-21-1016;

11

12 (vi) Actions to foreclose and enforce the
13 following statutory liens only when the amount claimed on
14 the lien does not exceed seven thousand dollars (\$7,000.00),
15 exclusive of court costs;

16

17 (A) Construction liens as provided by W.S.
18 29-2-101 through 29-2-109;

19

20 (B) Liens for labor and materials as
21 provided by W.S. 29-4-101 and 29-4-102;

22

23 (C) Liens for labor and services as provided
24 by W.S. 29-5-101 through 29-5-106 and 29-7-101 through
25 29-7-202; and

1

2 (D) Liens for taxes as provided by W.S.
3 39-6-410 and 39-6-510.

4

5 (vii) Actions to dispose of an abandoned vehicle
6 as provided by W.S. 31-13-112(e), regardless of the value of
7 the abandoned vehicle;

8

9 (viii) All other actions over which the county
10 courts or justice of the peace courts are authorized to
11 exercise jurisdiction up to the effective date of this act.

12

13 (b) The circuit court may issue writs of attachment or
14 garnishment as provided by W.S. 1-15-101 through 1-15-212
15 and 1-15-401 through 1-15-511, and may issue judgment,
16 execution and stay of execution, and order the sale of the
17 property seized under execution as provided by W.S. 1-19-101
18 through 1-19-108 and 1-21-401 through 1-21-703. A writ of
19 execution issuing from a circuit court shall be in the form
20 and subject to the provisions of W.S. 1-17-308.

21

22 (c) The judge may submit to arbitration any civil
23 matter pending in circuit court, upon agreement of the
24 parties as provided by W.S. 1-21-801 through 1-21-804, or
25 upon application of either party showing an arbitration

1 agreement and refusal of the opposing party to arbitrate as
2 provided by W.S. 1-36-101 through 1-36-119.

3

4 (d) The provisions of W.S. 5-1-107 pertaining to the
5 exercise of personal jurisdiction apply in the circuit
6 courts.

7

8 5-8-129. Jurisdiction to hear action disputing
9 boundaries or title to real property.

10

11 Circuit courts have no jurisdiction over any action in which
12 the boundaries of, or the title to real property is in
13 issue, except actions to foreclose and enforce statutory
14 liens authorized by W.S. 5-8-128(a)(vi).

15

16 5-8-130. Criminal jurisdiction.

17

18 Circuit courts have jurisdiction in all criminal cases
19 amounting to misdemeanors. Jurisdiction shall also include
20 those criminal cases in which the defendant is placed on
21 probation for a period exceeding six (6) months.

22

23 5-8-131. Authority to set bail; preliminary
24 examinations.

25

1 (a) Judges of the circuit court or circuit court
2 commissioners are authorized to set bail in accordance with
3 the Wyoming Rules of Criminal Procedure.

4

5 (b) Preliminary examinations for persons charged with
6 a felony shall be conducted by the circuit court judge or
7 circuit court commissioner.

8

9 (c) Preliminary examinations of persons charged with a
10 high misdemeanor shall not be conducted for a determination
11 of probable cause.

12

13 **5-8-132. Powers generally.**

14

15 (a) A circuit court may:

16

17 (i) Preserve and enforce order in its immediate
18 presence and in the proceedings before it according to the
19 Wyoming Rules of Criminal Procedure and punish for contempt
20 as provided therein;

21

22 (ii) Compel obedience to its judgments, orders
23 and processes;

24

1 (iii) Control, in furtherance of justice, the
2 conduct of its ministerial officers, and of all other
3 persons in any manner connected with judicial proceedings
4 before it, in every matter pertaining thereto;

5

6 (iv) Issue warrants, including search warrants,
7 summonses, subpoenas or other process in civil and criminal
8 cases;

9

10 (v) Administer oaths and affirmations and take
11 bail, acknowledgments, affidavits and depositions;

12

13 (vi) Amend and control its process and orders to
14 make them conformable to law and justice;

15

16 (vii) Proceed to trial, render judgment, and
17 grant writs of execution to carry into effect any order or
18 judgment of the court;

19

20 (viii) Solemnize marriages.

21

22 **5-8-133. Probation; correction and reduction of**
23 **sentence.**

24

1 The circuit court may place a criminal defendant on
2 probation pursuant to W.S. 7-13-301 through 7-13-307. The
3 court may correct an illegal sentence at any time and may
4 correct a sentence imposed in an illegal manner. The court
5 may reduce the sentence. If the court reduces the sentence,
6 such reduction shall be noted in the criminal docket as an
7 entry in the docket.

8

9 **5-8-134. Filing fee.**

10

11 For all civil matters the circuit court shall collect from
12 the plaintiff a filing fee of ten dollars (\$10.00).

13

14 **5-8-135. Request for jury in civil actions; right to**
15 **jury in criminal actions.**

16

17 In civil actions in a circuit court, a jury shall be
18 considered waived unless requested by either party as
19 provided by the Wyoming Rules of Civil Procedure. In
20 criminal proceedings in a circuit court the accused shall
21 have the right to a trial by jury unless such right is
22 waived as provided by the Wyoming Rules of Criminal
23 Procedure.

24

25 **5-8-136. Jury lists.**

1

2 Jurors shall be selected from the jury lists selected for
3 the district courts of the state pursuant to the provisions
4 of W.S. 1-11-101 through 1-11-204.

5

6 **5-8-137. Abstract of judgment; lien of judgment on**
7 **real estate; lien on real estate in another county.**

8

9 (a) At any time while the papers in any case in which
10 a judgment has been rendered by a circuit court are retained
11 by the court, the judge shall certify and deliver an
12 abstract of the judgment to any person on the payment of a
13 five dollar (\$5.00) fee.

14

15 (b) The judgment creditor in any judgment rendered in
16 circuit court, if the judgment is not appealed or stayed,
17 may file with the clerk of the district court of the county
18 in which the judgment was rendered a transcript thereof,
19 certifying therein the amount paid thereon, if any. The
20 clerk shall enter the case on the execution docket, together
21 with the amount of the judgment and the time of filing the
22 transcript. If within ten (10) days after the judgment was
23 rendered, the judgment debtor pays the same or gives bond
24 for stay of execution, the circuit judge shall immediately
25 certify that fact to the clerk of the district court who

1 shall enter a memorandum thereof upon the execution docket.
2 The cost of the transcript, the filing and the entry on the
3 docket shall be paid by the party who files the transcript
4 and may be taxed to the other party. The judgment shall be
5 a lien on the real estate of the judgment debtor within the
6 county from the day the transcript is filed. Execution may
7 be issued on the judgment at any time after filing the
8 transcript as if the judgment had been rendered in the
9 district court.

10

11 (c) The judgment creditor in any judgment rendered by
12 any circuit court in this state and filed in the judgment
13 record of the district court, may file a transcript of the
14 judgment record of the district court with the clerk of the
15 district court in any other county within this state where
16 the judgment debtor owns real estate. The judgment is a
17 lien upon all real estate of the judgment debtor in any
18 county in which the transcript is filed from the date of
19 filing. The clerk of the district court of any county in
20 which the transcript is filed shall enter the judgment upon
21 the judgment records of the court in the same manner as
22 judgments are rendered in that court.

23

24 **5-8-138. Reporting of proceedings; preservation**
25 **thereof.**

1

2 In any judicial proceedings before the circuit court, unless
3 waived by the parties whenever the presiding judge of a
4 circuit court shall deem it necessary, or upon the request
5 of either party, the court shall provide for the reporting
6 of the testimony and proceedings, with objections made, the
7 rulings of the court, and oral and written charges. The
8 reporting may be made by stenographic reporting, electronic
9 recording or other appropriate means authorized by the
10 court.

11

12 **5-8-139. Appointment of special reporters;**
13 **certification of transcript.**

14

15 If the record is to be made by a stenographic reporter, the
16 judge shall appoint a special stenographic reporter to
17 report the testimony and proceedings. If the record is made
18 by means of electronic recording, the judge shall appoint a
19 special reporter to make the electronic recording, and in
20 those cases in which it is required, the judge shall appoint
21 an official stenographer to furnish with reasonable
22 diligence a typewritten transcript of the testimony and
23 proceedings. The report of the official stenographer, when
24 typewritten and certified by him as a correct transcript of
25 the testimony and proceedings in the case, shall be prima

1 facie a correct statement of such testimony and proceedings.
2 The signature of the stenographer on the certification of
3 the transcript shall be duly acknowledged by him before a
4 notary public or judicial officer of this state.

5

6 **5-8-140. Civil and criminal cases reviewed on record.**

7

8 In civil and criminal cases a judge of a district court
9 shall review the case on the record on appeal.

10

11 **5-8-141. Time and manner for taking appeals.**

12

13 Appeals from the district court to the supreme court of
14 Wyoming shall be taken within the time and in the manner for
15 taking appeals prescribed by the Wyoming Rules of Appellate
16 Procedure.

17

18 **5-8-142. Docket books.**

19

20 Docket books of the circuit courts shall be uniform
21 throughout the state, and the form shall comply with the
22 form approved by the Wyoming supreme court with the advice
23 of the director of the state department of audit. Each
24 judge of a circuit court shall keep a separate criminal
25 docket, civil docket and small claims docket.

1

2 **5-8-143. Index to docket books.**

3

4 A judge of a circuit court shall keep an alphabetical index
5 to the docket, in which the judge shall enter the names of
6 the parties to each judgment, with a reference to the page
7 of entry. The judge shall enter the names of defendants in
8 the index, in the alphabetical order of the first letter of
9 the family name.

10

11 **5-8-144. Receipts for money paid into court.**

12

13 When any money is paid into a circuit court, a receipt for
14 said amount shall be issued promptly upon a form prescribed
15 by the director of the state department of audit. The
16 receipts shall be prenumbered in numerical sequence. The
17 original copy shall be delivered to the payor and a copy
18 shall be filed in the office of the issuing judge. The
19 receipts shall be prenumbered by the printer, and the
20 printer shall give to the director a receipt showing the
21 numbers so printed. The circuit court shall pay all fines,
22 forfeitures and other penalties to the appropriate county
23 treasurer and all fees, costs and other receipts to the
24 state treasurer.

25

1 **5-8-145. Failure of judge to give receipt constitutes**
2 **cause for removal from office.**

3

4 Failure, refusal, or neglect of a judge of a circuit court
5 to give receipt for any money paid into the circuit court is
6 misconduct, which constitutes cause for removal from office.

7

8 **5-8-146. Deposit of money with county or state**
9 **treasurer.**

10

11 When any fines, forfeitures, or costs are deposited with the
12 judge of a circuit court pursuant to any action or
13 proceedings in the court, or pursuant to any order, decree
14 or judgment of the court, the money in the judge's
15 possession shall be deposited no later than the tenth day
16 following the month of receipt with the appropriate county
17 or state treasurer. If the money has not been so deposited
18 by the tenth day of the month and no just cause is shown,
19 said judge shall forfeit twenty-five dollars (\$25.00) a day
20 for each day after the tenth day of the month during which
21 no deposits have been made.

22

23 **5-8-147. Director to establish uniform accounting**
24 **system.**

25

1 The director of the state department of audit shall
2 establish, supervise, and as necessary from time to time,
3 modify a uniform system of accounting, including a system of
4 audit for circuit courts, to provide for the proper and
5 uniform accounting of all money received and disbursed by
6 circuit courts, and all judges of the circuit courts shall
7 comply. An audit of each circuit court shall be performed
8 every three (3) years.

9

10 **5-8-148. Failure to keep accounts constitutes cause**
11 **for removal from office.**

12

13 Failure to keep accounts pursuant to the system established
14 by the director of the state department of audit or failure
15 to account for money paid into and disbursed by the circuit
16 court is misconduct, which may constitute cause for removal
17 from office.

18

19 **5-8-149. Bank accounts.**

20

21 The accounting system established by the director of the
22 state department of audit may provide for bank accounts for
23 each circuit court in which money received by the circuit
24 court may be deposited and disbursed as provided therein,
25 and for such records, reports and procedures as the director

1 requires. Money received as fines, forfeitures or court
2 costs may not be deposited in the same bank account as money
3 received in civil matters. If a bank account is established
4 into which fines, costs or forfeitures are deposited, the
5 accounting system established by the director shall require,
6 where available, the use of accounts in a financial
7 institution listed in W.S. 9-4-817(a) which earn interest,
8 in which the deposits are subject to payment upon demand and
9 which are insured or secured as provided in W.S. 9-4-817(c).
10 Interest earned on deposits of fines and forfeitures in such
11 accounts shall be forwarded monthly to the appropriate
12 county treasurer and credited to the county public school
13 fund. Interest earned on all other deposits in such
14 accounts shall be forwarded to the state treasurer quarterly
15 and credited to the victim's compensation account within the
16 earmarked revenue fund.

17

18 **5-8-150. Examination of accounts.**

19

20 The accounts of each circuit court shall be examined in
21 accordance with W.S. 16-4-122 and 16-4-123.

22

23 **5-8-151. Annual accounts submitted to director.**

24

1 Each circuit court shall submit annual accounts to the
2 director of the state department of audit under regulations
3 prescribed by the director.
4

5 **5-8-152. Suit to enforce collection or transmittal of**
6 **finer; failure to transmit constitutes cause for removal**
7 **from office; liability on judge's bond.**
8

9 (a) If it is apparent through examination conducted by
10 the director of the state department of audit or a designee,
11 or by other means, that any fines or forfeitures have not
12 been transmitted, the county attorney shall bring suit to
13 enforce the collection or transmittal, or both. Failure to
14 transmit fines, forfeitures or costs is misconduct which
15 constitutes cause for removal from office.
16

17 (b) The official bond of a judge of a circuit court
18 shall secure, and there shall be liability thereon, for the
19 failure to transmit such fines, forfeitures, or costs
20 imposed by the judge.
21

22 **5-8-153. Examination of court records by public,**
23 **director, attorney general and county attorneys permitted.**
24

1 The records kept by a judge of a circuit court shall be
2 public and available for examination during the regular
3 business hours of the court. The director of the state
4 department of audit, the attorney general or the county
5 attorney of the particular county in which the circuit court
6 is situated may examine them at any time upon demand.

7

8 **5-8-154. Appointment of commissioners and adjunct**
9 **commissioners.**

10

11 Subject to W.S. 5-8-160, judges of the circuit court may
12 appoint such number of commissioners and adjunct
13 commissioners of the circuit court as the public interest
14 may require. The circuit court judge shall determine the
15 geographical area within which the commissioners and adjunct
16 commissioners may serve.

17

18 **5-8-155. Term of office; removal.**

19

20 Except as provided by W.S. 5-8-160, commissioners and
21 adjunct commissioners of the circuit court shall hold office
22 at the pleasure of the circuit court and may be similarly
23 removed.

24

1 **5-8-156. Qualifications for commissioners and adjunct**
2 **commissioners.**

3

4 (a) Commissioners of the circuit court shall be
5 qualified electors of the circuit for which appointed and
6 authorized to practice law in Wyoming.

7

8 (b) Adjunct commissioners of the circuit court shall
9 be qualified electors of the circuit for which appointed.

10

11 **5-8-157. Circuit court to enter order appointing**
12 **commissioners and adjunct commissioners.**

13

14 The circuit court in open court shall enter the order
15 appointing each commissioner and adjunct commissioner of the
16 circuit court and shall enter the order upon the journal. A
17 certified copy of the journal entry shall be evidence of the
18 appointment in all courts of this state.

19

20 **5-8-158. Oath.**

21

22 Commissioners of the circuit court, before entering upon the
23 discharge of their official duties, shall take and subscribe
24 before a circuit court judge or a clerk of a court of record

1 the oath of office prescribed by the constitution of
2 Wyoming.

3

4 5-8-159. Powers of commissioners and adjunct
5 commissioners.

6

7 (a) Each commissioner of the circuit court may:

8

9 (i) Conduct arraignment proceedings for persons
10 charged with a misdemeanor;

11

12 (ii) Accept guilty pleas and receive payments for
13 fines or bonds in misdemeanor cases;

14

15 (iii) Incarcerate persons charged with the
16 commission of offenses triable in the circuit court;

17

18 (iv) Conduct initial appearance proceedings for
19 persons charged with a felony;

20

21 (v) Issue warrants, including search warrants;

22

23 (vi) Fix and accept bail;

24

1 (vii) Preserve and enforce order in the
2 commissioner's immediate presence and in the proceedings
3 before the commissioner;

4

5 (viii) Perform marriage ceremonies.

6

7 (b) In the event of absence, inability or
8 disqualification of the circuit judge, and at the direction
9 of the circuit judge or the supreme court, a circuit court
10 commissioner shall have all of the powers and may perform
11 all of the duties of the circuit judge as authorized by law
12 and rules.

13

14 (c) Each adjunct commissioner of the circuit court
15 may:

16

17 (i) Accept guilty pleas and receive payments for
18 fines or bonds in misdemeanor cases;

19

20 (ii) Fix and accept bail;

21

22 (iii) Preserve and enforce order in the adjunct
23 commissioner's immediate presence and in the proceedings
24 before the adjunct commissioner;

25

1 (iv) Perform marriage ceremonies.

2

3 (d) If the person charged signs a waiver, the adjunct
4 commissioner may conduct arraignment proceedings for persons
5 charged with a misdemeanor.

6

7 (e) By order of a circuit court judge for individual
8 cases or by a general order for small claims an adjunct
9 commissioner may:

10

11 (i) Hear matters involving small claims;

12

13 (ii) Conduct trials on misdemeanor matters for
14 which the penalty is not more than seven hundred fifty
15 dollars (\$750.00) or six (6) months in jail, or both,
16 provided the defendant waives trial by the circuit court
17 judge in writing;

18

19 (iii) Issue search warrants and arrest warrants.

20

21 **5-8-160. Commissioners, adjunct commissioners**
22 **mandatory in certain counties.**

23

24 (a) In every county within which a circuit court judge
25 does not reside, there shall be appointed at least one (1)

1 commissioner who shall be a resident of said county,
2 provided that if in any such county there is no person
3 available or qualified to be appointed as a commissioner,
4 there shall be appointed at least one (1) adjunct
5 commissioner who is a resident of said county.

6
7 (b) Prior to initial appointment of a commissioner or
8 adjunct commissioner under this section, the board of county
9 commissioners shall submit to the presiding circuit court
10 judge, for each position to be filled, a list of no more
11 than three (3) attorneys who are qualified electors of the
12 county, or, if there is no person available or qualified to
13 serve as circuit court commissioner, a list of not more than
14 three (3) qualified electors of the county who are not
15 attorneys. The presiding circuit court judge shall select
16 and appoint not more than three (3) commissioners or adjunct
17 commissioners from the list submitted by the county
18 commissioners.

19
20 (c) Commissioners or adjunct commissioners appointed
21 under this section shall serve for a term of four (4) years.
22 Within two (2) months prior to the expiration of the term of
23 a commissioner or adjunct commissioner appointed under this
24 section, the board of county commissioners shall submit a
25 recommendation to the presiding circuit court regarding

1 reappointment for an additional four (4) year term. If the
2 court commissioner or adjunct commissioner is not
3 reappointed by the circuit court judge, the county
4 commissioners shall submit a list of persons in accordance
5 with subsection (b) of this section from which the
6 appointment shall be made.

7

8 (d) Any vacancy in the position of a circuit court
9 commissioner or adjunct commissioner shall be filled for the
10 remainder of the term in accordance with the procedures in
11 subsection (b) of this section.

12

13 **5-8-161. Salary.**

14

15 Commissioners and adjunct commissioners shall be employed as
16 at-will salaried contract employees, and shall not be
17 eligible to participate in or otherwise be covered by state
18 employees and officials group insurance, the state
19 retirement system or the deferred compensation program. A
20 claim for compensation shall be made by voucher, verified
21 under oath, setting forth in detail the services performed,
22 time expended and amount of compensation claimed. No claim
23 for compensation shall be paid unless approved and allowed
24 by a judge of the circuit court.

25

1 **5-8-162. Record of official actions.**

2

3 Each commissioner of the circuit court shall enter a record
4 of official actions in a journal in the circuit court. Such
5 entries shall be signed by the commissioner.

6

7 **5-8-163. Bond.**

8

9 Each commissioner of the circuit court shall be bonded in
10 the sum of one thousand dollars (\$1,000.00) for the faithful
11 performance of duties during term in office. The bond shall
12 be made payable to the state of Wyoming and shall be filed
13 with the clerk of the district court.

14

15 **5-8-164. Judicial business pending before justices of**
16 **the peace considered pending before circuit courts; judges**
17 **of circuit court considered judicial successors in office to**
18 **justices; disposition of records of justices and courts.**

19

20 In any county in which a circuit court is established, no
21 judicial business may be transacted after such establishment
22 by any justice of the peace court. All judicial business
23 pending before any justice of the peace in such county shall
24 be considered to be pending before the circuit court, and
25 the judges of the circuit court shall in all respects be the

1 judicial successors in office of all such justices and
2 courts of said county. All judicial files, records and
3 dockets belonging to or appertaining to the office of such
4 justices of the peace and courts of such counties shall be
5 filed in the appropriate office of the several circuit
6 courts and safely kept therein, or may be stored and shall
7 in all respects constitute records of the circuit courts.

8

9 **5-8-165. Judicial Retirement.**

10

11 Judges of the circuit court shall participate in the Wyoming
12 retirement system.

13

14 **5-8-166. Repeal of statutes not to affect offenses**
15 **committed before January 1, 1999; pending prosecutions.**

16

17 The repeal of any statutes by this act shall not affect any
18 act or offense done or committed, or any penalty or
19 forfeiture incurred, or any right established, accrued, or
20 accruing on or before January 1, 1999, or any prosecution,
21 suit or action pending on that day. Every such pending
22 prosecution, suit or action shall be proceeded in, tried and
23 determined in the circuit court which succeeds to the
24 jurisdictions of the justice of the peace courts and the
25 county courts.

1 **5-8-167. Justice commissioners.**

2

3 (a) For the period beginning January 1, 1999, and
4 ending December 31, 2003, the Wyoming supreme court may
5 employ full or part-time justice commissioners to serve
6 within the Wyoming circuit court system subject to the
7 following:

8

9 (i) Justice commissioners shall be employed as
10 at-will salaried contract employees, and shall not be
11 eligible to participate in or otherwise be covered by state
12 employees and officials group insurance, the state
13 retirement system or the deferred compensation program;

14

15 (ii) Eligibility for employment as a justice
16 commissioner shall be limited to those individuals who were
17 actively serving as a justice of the peace on January 1,
18 1999;

19

20 (iii) The supreme court shall determine the
21 number and location of justice commissioners based on the
22 needs of the circuit court system;

23

1 (iv) Justice commissioners shall serve under the
2 general supervision of the circuit judge of the circuit in
3 which they are located;

4

5 (v) Subject to the approval of the Wyoming
6 supreme court, the supervising circuit court judge may by
7 general order, or by special order for individual cases,
8 assign a justice commissioner to:

9

10 (A) Exercise any power or authority of a
11 commissioner or adjunct commissioner of the circuit court;

12

13 (B) Hear and decide any matter within the
14 civil and criminal jurisdictional limits provided for a
15 circuit judge and exercise any or all of the powers and
16 duties of a circuit judge authorized by law.

17

18 (vi) The requirements of W.S. 5-8-160(a) shall
19 not apply to any county in which a justice commissioner
20 resides.

21

22 **Section 2.** The county clerks shall not accept
23 nominations for the office of justice of the peace nor
24 conduct elections for the office of justice of the peace in

1 the primary election or general election of 1998, or any
2 elections thereafter.

3

4 **Section 3.** The term of office of each justice of the
5 peace elected or appointed prior to the effective date of
6 this act shall terminate January 1, 1999.

7

8 **Section 4.** Notwithstanding any other provision of this
9 act:

10

11 (a) The supreme court shall determine the initial
12 circuit court districts and the number and location of the
13 judges who are to serve the circuit court system not later
14 than April 1, 1998.

15

16 (b) For each vacant office of circuit court judge, the
17 judicial nominating commission shall submit a list of three
18 (3) nominees to the governor not later than May 15, 1998.

19

20 (c) If the governor fails to make any appointment
21 within thirty (30) days after the list of nominees is
22 submitted to him, the appointment shall be made by the chief
23 justice of the supreme court within fifteen (15) days, but
24 in no event later than January 1, 1999.

25

1 (d) Circuit court judges appointed under this section
2 shall take office January 1, 1999.

4 Section 5.

6 (a) Except as provided in subsection (b) of this
7 section, section 1 of this act is effective January 1, 1999.

9 (b) W.S. 5-8-106 and 5-8-111 are effective July 1,
10 1998.

12 (c) The remainder of this act is effective July 1,
13 1997.

15 (END)

THE LEGISLATURE OF THE STATE OF WYOMING

House of Representatives

Cheyenne, February 3, 1997

Mr. Speaker:

Your

Committee No. 1 on JUDICIARY to whom was referred
HB0084 respectfully reports same back to the House with the
recommendation that it
DO PASS with the following amendment(s): (SEE SCHEDULE A)

<u>MEMBER</u>	<u>VOTE</u>
TIPTON	AYE
BARKER	AYE
DEEGAN	AYE
LUTHI	AYE
NAGEL	AYE
NICHOLAS	AYE
ROSE	AYE
WASSERBURGER	AYE
ROBINSON	EXCUSED

.....
Chairman

BILL JACKET

PROPHB0084HC0101

SCHEDULE A

1
2
3
4

HB0084A be substituted for HB0084 and that HB0084A DO PASS.
TIPTON, CHAIRMAN

AMENDMENT LIST

DATE 2-4-97 BILL NO. HB0084 Circle One: COW 2nd 3rd

HB84HS001/A

HB0084HS001

A

C

1
2
3
4

HB0084A be substituted for HB0084 and that HB0084A DO PASS.
TIPTON, CHAIRMAN

AMENDMENT LIST

DATE 2-5-97 BILL NO. HB84A Circle One: COW 2nd 3rd

HB84A#2001/

1 Page 1-line 10 After ";" insert "requiring reports as
2 specified;".
3

4 Page 43-After line 2 Insert the following new section and
5 renumber as necessary:
6

7 "Section 5. On or before October 1, 1997, the board of
8 county commissioners of each county in which there currently
9 exists a justice of the peace court shall report to the
10 legislature whether their county wishes to participate in the
11 circuit court system. If any county determines not to
12 participate in the circuit court system, the joint judiciary
13 interim committee shall prepare and submit to the legislature not
14 later than January 1, 1998, draft legislation necessary to allow
15 justice courts to continue to operate in those counties electing
16 to opt out of the circuit court system.". TOMASSI, STAFFORD

AMENDMENT LIST

DATE 2-6-97

BILL NO. HB0084A

Circle One: COW

2nd

3rd

HB 84AH3001/W

HB0084AH3001

/w

C

1 Page 1-line 13 Delete. STAFFORD, TOMASSI

HOUSE BILL NO. HB0084A

Circuit court system.

Sponsored by: Joint Judiciary Interim Committee

A BILL

for

1 AN ACT relating to courts; creating the Wyoming Circuit
2 Court System to replace and supplant justice of the peace
3 courts and county courts; providing for the creation of
4 circuit court districts and the appointment of circuit court
5 judges; specifying the jurisdiction and power of circuit
6 courts; specifying procedures for circuit courts; providing
7 for the appointment of circuit court commissioners and
8 adjunct commissioners and specifying their powers and
9 duties; granting rulemaking authority; providing for the
10 appointment of justice commissioners as specified; and
11 providing for effective dates.

12

13 *Be It Enacted by the Legislature of the State of Wyoming:*

14

15 **Section 1.** W.S. 5-8-101 through 5-8-167 are created to
16 read:

17

18

CHAPTER 8

CIRCUIT COURTS

5-8-101. Definitions; construction of provisions.

(a) As used in this act:

(i) "Felony" means a criminal offense for which the penalty authorized by law includes imprisonment in a state penal institution for more than one (1) year;

(ii) "High misdemeanor" means a misdemeanor for which the penalty authorized by law exceeds the jurisdiction of municipal courts;

(iii) "Misdemeanor" means a criminal offense less than a felony;

(iv) "This act" means W.S. 5-8-101 through 5-8-167.

(b) When no special provision is otherwise made by law, the circuit court shall be vested with all inherent powers which are possessed by courts of record in this state.

1 **5-8-102. Circuit court districts created; expense.**

2

3 (a) There is created the Wyoming Circuit Court System
4 which shall be state funded and shall replace the justice of
5 peace courts and the county courts.

6

7 (b) The Wyoming supreme court shall determine the
8 circuit court districts and the number and location of the
9 judges who are to serve the circuit court system, subject to
10 the approval of the legislature through the state budget
11 process. Determinations by the supreme court shall be
12 based on criteria which includes the population of each
13 county, geographical factors, as well as the case workload
14 for the system.

15

16 (c) The supreme court shall from time to time, but
17 not less than every ten (10) years after the establishment
18 of the circuit court system, conduct studies to determine
19 the number of judges and their location required for the
20 circuit court system.

21

22 (d) The judicial salaries, salaries of the clerical
23 staff, supplies, operating costs, jury and witness expenses
24 and other expenses of the circuit court shall be paid by the
25 state.

1

2

5-8-103. Concurrent jurisdiction; terms of court.

3

4

5

(a) All circuit court judges shall have concurrent jurisdiction throughout the state.

6

7

8

9

10

(b) Regular terms of the circuit court shall be held in the circuit court, one (1) term beginning on the second Monday in January and one (1) term beginning on the second Monday in July of each year.

11

12

13

14

5-8-104. Justice of peace courts and county courts supplanted and replaced.

15

16

17

18

19

20

(a) In any county in which there are one (1) or more justice of the peace courts, the circuit court shall supplant and replace the justice of peace courts of the county and shall exercise the jurisdiction previously exercised by the justice of peace courts.

21

22

23

24

25

(b) In any county in which a county court has been established, at the effective date of this act the county court shall be known as the "Circuit Court of the State of Wyoming, (Number of the Circuit Court Judicial District) Circuit, (Name of county) County," and the county judge

1 presiding at the effective date of this act shall thereafter
2 be designated circuit court judge of the "Circuit Court of
3 the State of Wyoming, (Number of the Circuit Court Judicial
4 District) Circuit." A circuit court shall exercise the
5 subject matter jurisdiction previously exercised by a county
6 court and any additional jurisdiction conferred by statute.

7

8 (c) Circuit courts shall exercise uniform jurisdiction
9 throughout the state.

10

11 **5-8-105. Dispositions of fines and penalties under**
12 **general state laws.**

13

14 All fines and penalties under the general laws of the state
15 shall be paid into the county treasury to the credit of the
16 public school fund of the county.

17

18 **5-8-106. Supreme court to adopt rules; rules of civil**
19 **and criminal procedure to govern courts; exception.**

20

21 The supreme court is hereby vested with management and
22 supervisory powers over the circuit courts of the state of
23 Wyoming, and shall, by rule of the supreme court, establish
24 procedures and regulations for the effective and expeditious
25 administration of the business of the circuit courts and

1 shall establish fees and costs for those courts. The
2 Wyoming Rules of Civil Procedure, the Wyoming Rules of
3 Criminal Procedure and the Wyoming Rules of Appellate
4 Procedure as amended or supplemented from time to time,
5 shall govern circuit courts unless those rules or any parts
6 thereof are declared inapplicable by the supreme court.
7 Commissioners, as used in the Wyoming Rules of Criminal
8 Procedure, shall include circuit court judges and circuit
9 court commissioners.

10

11 **5-8-107. Name of court; presider.**

12

13 In the counties in which a circuit court is established, the
14 court shall be called the "Circuit Court of the State of
15 Wyoming, (Name of the Circuit Court Judicial District)
16 Circuit, (Name of county) County," which shall be a court of
17 record. The circuit court shall be presided over by a
18 circuit judge.

19

20 **5-8-108. Term of judges.**

21

22 (a) The terms of circuit court judges shall be four
23 (4) years. Each judge selected under the provisions of
24 article 5, section 4 of the Wyoming constitution shall serve
25 for one (1) year after the appointment and until the first

1 Monday in January following the next general election after
2 the expiration of such year. The judge shall, at such
3 general election, stand for retention in office within the
4 circuit of residence as provided in article 5, section 4 of
5 the Wyoming constitution.

6
7 (b) All circuit court judges who are presiding at the
8 effective date of this act shall stand for retention at the
9 end of the term for which they were retained as county court
10 judges.

11
12 (c) A circuit court judge who is permanently
13 transferred to a different circuit shall serve for one (1)
14 year after the transfer and until the first Monday in
15 January following the next general election after the
16 expiration of such year. The judge shall, at such general
17 election, stand for retention in office within the new
18 circuit of residence as provided in article 5, section 4 of
19 the Wyoming constitution.

20
21 **5-8-109. Judges to be nonpartisan; manner of**
22 **nomination and appointment.**

23

1 Judges of the circuit court shall be nonpartisan, and shall
2 be nominated, appointed and retained as provided by article
3 5, section 4 of the Wyoming constitution.

4

5 **5-8-110. Qualifications for appointment.**

6

7 (a) To be eligible for appointment to the office of
8 judge of a circuit court, a person shall:

9

10 (i) Be a qualified elector of the state;

11

12 (ii) Be authorized to practice law in Wyoming;

13 and

14

15 (iii) Have practiced law for a period of at least
16 three (3) years.

17

18 **5-8-111. Instruction of judges.**

19

20 The supreme court of Wyoming may provide by rule for
21 instruction of judges and court commissioners of the circuit
22 court by whatever means the supreme court deems appropriate.

23

24 **5-8-112. Appointment to fill vacancies in office.**

25

1 Vacancies occurring in the office of judge of circuit court
2 shall be filled as provided by article 5, section 4 of the
3 Wyoming constitution.

4

5 **5-8-113. Delivery of official records and papers to**
6 **successor in office.**

7

8 If the office of judge of a circuit court becomes vacant by
9 reason of death, removal from office, or otherwise, the
10 senior circuit court judge, or if there is none, the clerk
11 of the district court shall take charge of the official
12 records and papers of the judge and deliver them to the
13 successor in office of that judge.

14

15 **5-8-114. Jurisdiction of successor is same as that of**
16 **predecessor in office.**

17

18 A judge of a circuit court with whom the records of the
19 predecessor have been deposited has the same jurisdiction
20 over all actions and proceedings entered in such records as
21 if they were originally commenced before that judge.

22

23 **5-8-115. Bond.**

24

1 Each judge of a circuit court shall be bonded in the sum of
2 five thousand dollars (\$5,000.00) for the faithful
3 performance of duties during the term in office. The bond
4 shall be made payable to the state of Wyoming and shall be
5 filed with the clerk of the district court.

6

7 **5-8-116. Salaries of judges; traveling expenses.**

8

9 Each judge of a circuit court shall receive an annual salary
10 provided by W.S. 5-1-110(a)(iii). When a new salary is
11 effective for any judge of a circuit court upon new
12 appointment or the commencement of a new term, it shall be
13 effective for all judges of the circuit courts. In addition
14 to salary, the state shall reimburse a judge of a circuit
15 court for those traveling expenses actually incurred when
16 the business of the circuit court requires attendance more
17 than five (5) miles from the place where the judge regularly
18 holds court.

19

20 **5-8-117. Oath.**

21

22 Before assuming the duties of office, a judge of a circuit
23 court shall take and subscribe before a supreme court
24 justice, a district court judge or a circuit court judge an
25 oath of office prescribed by the constitution of Wyoming.

1

2 5-8-118. Judge may be district court commissioner;
3 private practice of law prohibited; commissioner of circuit
4 court permitted to practice law.

5

6 A judge of a circuit court may be appointed to and hold the
7 office of district court commissioner. A judge of a circuit
8 court shall devote full time to the office and may not
9 engage in the private practice of law. A commissioner of a
10 circuit court, who is otherwise authorized to practice law
11 in Wyoming, may engage in the private practice of law so
12 long as that practice does not conflict with the duties as
13 commissioner of a circuit court.

14

15 5-8-119. Judges may hold court for each other;
16 expenses of judge holding court in another circuit court
17 county; disqualification of judge; change of venue
18 prohibited.

19

20 (a) The judges of the circuit courts may hold court
21 for each other and shall do so when required by the supreme
22 court. The expenses of judges of a circuit court holding
23 court in any circuit court other than their own, including
24 travel expenses and their expenses while holding court,

1 shall be charged to the contingent fund of the court in
2 which they are holding court.

3

4 (b) A party to any action in circuit court may
5 disqualify a circuit court judge as provided by rules
6 adopted by the supreme court. Upon disqualification, or
7 inability for any reason to fulfill the duties, the circuit
8 court judge shall appoint another circuit court judge from
9 that or a different circuit court, or a circuit court
10 commissioner from that circuit court if no other circuit
11 court judge is available to try the action.

12

13 (c) There shall be no change of venue for civil
14 actions triable in circuit court.

15

16 **5-8-120. Judicial robe.**

17

18 While holding court, judges of a circuit court shall wear a
19 black judicial robe.

20

21 **5-8-121. Seal of court.**

22

23 Each circuit court shall have a seal. Each court shall use
24 a seal having upon it the inscription: "Circuit Court of
25 the State of Wyoming" together with the number of the

1 circuit in which the same is to be used. The seal of a
2 circuit court shall be affixed by a stamp that reproduces
3 legibly under photographic processes. A judge of a circuit
4 court shall affix the seal to every jurat or certificate of
5 official acts without additional fee.

6

7 **5-8-122. Budget.**

8 The circuit courts shall submit budgets for the operation of
9 the circuit courts to the supreme court for approval and
10 upon approval to the state legislature.

11

12 **5-8-123. Clerical assistants.**

13

14 A judge or judges of a circuit court shall appoint a clerk
15 of court and clerical assistants as may be necessary for the
16 efficient operation of the court, within the limits of the
17 approved budget and subject to the approval of the supreme
18 court. Provided however, each court shall maintain a clerk,
19 clerical assistant or provide other clerical arrangements,
20 as determined by the supreme court, in each location the
21 county or justice court previously maintained an office.

22

23 **5-8-124. County to provide quarters; state to furnish**
24 **certain property for judges.**

25

1 The board of county commissioners shall provide suitable
2 quarters to house the circuit court and shall suitably
3 furnish the courtroom with necessary furniture and fixtures
4 and furnish the chamber office of each judge with the
5 necessary office furniture and fixtures for court function
6 in accordance with this act. Each judge shall be furnished
7 by the state of Wyoming, without charge, the American and
8 Wyoming state flags, the latest edition of the Wyoming
9 statutes, cumulative supplements thereto and the latest
10 session laws of Wyoming. All property furnished to a judge
11 shall remain the property of the governmental unit supplying
12 the same, and upon termination of a judge's term of office,
13 shall be transmitted to the successor in office.

14

15 **5-8-125. Court continuously in session.**

16

17 The circuit court shall be continuously in session.

18

19 **5-8-126. Business hours; judge to be always available**
20 **for criminal matters.**

21

22 Circuit courts shall be open for the transaction of business
23 during regular business hours. In criminal matters the judge
24 or a commissioner shall be available as required by the
25 Wyoming Rules of Criminal Procedure for fixing and accepting

1 bail, issuing warrants including search warrants, and
2 conducting arraignment proceedings.

3

4 **5-8-127. Process extends throughout state.**

5

6 The process of a circuit court shall extend throughout the
7 state.

8

9 **5-8-128. Civil jurisdiction.**

10

11 (a) Each circuit court has exclusive original civil
12 jurisdiction within the boundaries of the state as follows:

13

14 (i) An action where the prayer for recovery is an
15 amount not exceeding seven thousand dollars (\$7,000.00),
16 exclusive of court costs;

17

18 (ii) Actions to recover specific personal
19 property the value of which does not exceed seven thousand
20 dollars (\$7,000.00), exclusive of court costs and shall be
21 prosecuted in accordance with W.S. 1-15-301 through
22 1-15-306;

23

24 (iii) Actions to foreclose or enforce a lien on
25 or security interest in personal property perfected under

1 the Uniform Commercial Code, W.S. 34.1-1-101 through
2 34.1-10-104, when the amount claimed on the lien or security
3 interest does not exceed seven thousand dollars (\$7,000.00),
4 exclusive of court costs;

5

6 (iv) Actions for small claims as provided by W.S.
7 1-21-201 through 1-21-205;

8

9 (v) Actions for forcible entry or detainer as
10 provided by W.S. 1-21-1001 through 1-21-1016;

11

12 (vi) Actions to foreclose and enforce the
13 following statutory liens only when the amount claimed on
14 the lien does not exceed seven thousand dollars (\$7,000.00),
15 exclusive of court costs:

16

17 (A) Construction liens as provided by W.S.
18 29-2-101 through 29-2-109;

19

20 (B) Liens for labor and materials as
21 provided by W.S. 29-4-101 and 29-4-102;

22

23 (C) Liens for labor and services as provided
24 by W.S. 29-5-101 through 29-5-106 and 29-7-101 through
25 29-7-202; and

1

2

3

(D) Liens for taxes as provided by W.S.
39-6-410 and 39-6-510.

4

5

6

7

(vii) Actions to dispose of an abandoned vehicle
as provided by W.S. 31-13-112(e), regardless of the value of
the abandoned vehicle;

8

9

10

11

12

(viii) All other actions over which the county
courts or justice of the peace courts are authorized to
exercise jurisdiction up to the effective date of this act.

13

14

15

16

17

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20

21

(b) The circuit court may issue writs of attachment or
garnishment as provided by W.S. 1-15-101 through 1-15-212
and 1-15-401 through 1-15-511, and may issue judgment,
execution and stay of execution, and order the sale of the
property seized under execution as provided by W.S. 1-19-101
through 1-19-108 and 1-21-401 through 1-21-703. A writ of
execution issuing from a circuit court shall be in the form
and subject to the provisions of W.S. 1-17-308.

22

23

24

25

(c) The judge may submit to arbitration any civil
matter pending in circuit court, upon agreement of the
parties as provided by W.S. 1-21-801 through 1-21-804, or
upon application of either party showing an arbitration

1 agreement and refusal of the opposing party to arbitrate as
2 provided by W.S. 1-36-101 through 1-36-119.

3

4 (d) The provisions of W.S. 5-1-107 pertaining to the
5 exercise of personal jurisdiction apply in the circuit
6 courts.

7

8 5-8-129. Jurisdiction to hear action disputing
9 boundaries or title to real property.

10

11 Circuit courts have no jurisdiction over any action in which
12 the boundaries of, or the title to real property is in
13 issue, except actions to foreclose and enforce statutory
14 liens authorized by W.S. 5-8-128(a)(vi).

15

16 5-8-130. Criminal jurisdiction.

17

18 Circuit courts have jurisdiction in all criminal cases
19 amounting to misdemeanors. Jurisdiction shall also include
20 those criminal cases in which the defendant is placed on
21 probation for a period exceeding six (6) months.

22

23 5-8-131. Authority to set bail; preliminary
24 examinations.

25

1 (a) Judges of the circuit court or circuit court
2 commissioners are authorized to set bail in accordance with
3 the Wyoming Rules of Criminal Procedure.

4

5 (b) Preliminary examinations for persons charged with
6 a felony shall be conducted by the circuit court judge or
7 circuit court commissioner.

8

9 (c) Preliminary examinations of persons charged with a
10 high misdemeanor shall not be conducted for a determination
11 of probable cause.

12

13 **5-8-132. Powers generally.**

14

15 (a) A circuit court may:

16

17 (i) Preserve and enforce order in its immediate
18 presence and in the proceedings before it according to the
19 Wyoming Rules of Criminal Procedure and punish for contempt
20 as provided therein;

21

22 (ii) Compel obedience to its judgments, orders
23 and processes;

24

1 (iii) Control, in furtherance of justice, the
2 conduct of its ministerial officers, and of all other
3 persons in any manner connected with judicial proceedings
4 before it, in every matter pertaining thereto;

5

6 (iv) Issue warrants, including search warrants,
7 summonses, subpoenas or other process in civil and criminal
8 cases;

9

10 (v) Administer oaths and affirmations and take
11 bail, acknowledgments, affidavits and depositions;

12

13 (vi) Amend and control its process and orders to
14 make them conformable to law and justice;

15

16 (vii) Proceed to trial, render judgment, and
17 grant writs of execution to carry into effect any order or
18 judgment of the court;

19

20 (viii) Solemnize marriages.

21

22 **5-8-133. Probation; correction and reduction of**
23 **sentence.**

24

1 The circuit court may place a criminal defendant on
2 probation pursuant to W.S. 7-13-301 through 7-13-307. The
3 court may correct an illegal sentence at any time and may
4 correct a sentence imposed in an illegal manner. The court
5 may reduce the sentence. If the court reduces the sentence,
6 such reduction shall be noted in the criminal docket as an
7 entry in the docket.

8

9 **5-8-134. Filing fee.**

10

11 For all civil matters the circuit court shall collect from
12 the plaintiff a filing fee of ten dollars (\$10.00).

13

14 **5-8-135. Request for jury in civil actions; right to**
15 **jury in criminal actions.**

16

17 In civil actions in a circuit court, a jury shall be
18 considered waived unless requested by either party as
19 provided by the Wyoming Rules of Civil Procedure. In
20 criminal proceedings in a circuit court the accused shall
21 have the right to a trial by jury unless such right is
22 waived as provided by the Wyoming Rules of Criminal
23 Procedure.

24

25 **5-8-136. Jury lists.**

1

2 Jurors shall be selected from the jury lists selected for
3 the district courts of the state pursuant to the provisions
4 of W.S. 1-11-101 through 1-11-204.

5

6 5-8-137. Abstract of judgment; lien of judgment on
7 real estate; lien on real estate in another county.

8

9 (a) At any time while the papers in any case in which
10 a judgment has been rendered by a circuit court are retained
11 by the court, the judge shall certify and deliver an
12 abstract of the judgment to any person on the payment of a
13 five dollar (\$5.00) fee.

14

15 (b) The judgment creditor in any judgment rendered in
16 circuit court, if the judgment is not appealed or stayed,
17 may file with the clerk of the district court of the county
18 in which the judgment was rendered a transcript thereof,
19 certifying therein the amount paid thereon, if any. The
20 clerk shall enter the case on the execution docket, together
21 with the amount of the judgment and the time of filing the
22 transcript. If within ten (10) days after the judgment was
23 rendered, the judgment debtor pays the same or gives bond
24 for stay of execution, the circuit judge shall immediately
25 certify that fact to the clerk of the district court who

1 shall enter a memorandum thereof upon the execution docket.
2 The cost of the transcript, the filing and the entry on the
3 docket shall be paid by the party who files the transcript
4 and may be taxed to the other party. The judgment shall be
5 a lien on the real estate of the judgment debtor within the
6 county from the day the transcript is filed. Execution may
7 be issued on the judgment at any time after filing the
8 transcript as if the judgment had been rendered in the
9 district court.

10

11 (c) The judgment creditor in any judgment rendered by
12 any circuit court in this state and filed in the judgment
13 record of the district court, may file a transcript of the
14 judgment record of the district court with the clerk of the
15 district court in any other county within this state where
16 the judgment debtor owns real estate. The judgment is a
17 lien upon all real estate of the judgment debtor in any
18 county in which the transcript is filed from the date of
19 filing. The clerk of the district court of any county in
20 which the transcript is filed shall enter the judgment upon
21 the judgment records of the court in the same manner as
22 judgments are rendered in that court.

23

24 5-8-138. Reporting of proceedings; preservation
25 thereof.

1

2 In any judicial proceedings before the circuit court, unless
3 waived by the parties whenever the presiding judge of a
4 circuit court shall deem it necessary, or upon the request
5 of either party, the court shall provide for the reporting
6 of the testimony and proceedings, with objections made, the
7 rulings of the court, and oral and written charges. The
8 reporting may be made by stenographic reporting, electronic
9 recording or other appropriate means authorized by the
10 court.

11

12 **5-8-139. Appointment of special reporters;**
13 **certification of transcript.**

14

15 If the record is to be made by a stenographic reporter, the
16 judge shall appoint a special stenographic reporter to
17 report the testimony and proceedings. If the record is made
18 by means of electronic recording, the judge shall appoint a
19 special reporter to make the electronic recording, and in
20 those cases in which it is required, the judge shall appoint
21 an official stenographer to furnish with reasonable
22 diligence a typewritten transcript of the testimony and
23 proceedings. The report of the official stenographer, when
24 typewritten and certified by him as a correct transcript of
25 the testimony and proceedings in the case, shall be prima

1 facie a correct statement of such testimony and proceedings.
2 The signature of the stenographer on the certification of
3 the transcript shall be duly acknowledged by him before a
4 notary public or judicial officer of this state.

5

6 **5-8-140. Civil and criminal cases reviewed on record.**

7

8 In civil and criminal cases a judge of a district court
9 shall review the case on the record on appeal.

10

11 **5-8-141. Time and manner for taking appeals.**

12

13 Appeals from the district court to the supreme court of
14 Wyoming shall be taken within the time and in the manner for
15 taking appeals prescribed by the Wyoming Rules of Appellate
16 Procedure.

17

18 **5-8-142. Docket books.**

19

20 Docket books of the circuit courts shall be uniform
21 throughout the state, and the form shall comply with the
22 form approved by the Wyoming supreme court with the advice
23 of the director of the state department of audit. Each
24 judge of a circuit court shall keep a separate criminal
25 docket, civil docket and small claims docket.

1

2 **5-8-143. Index to docket books.**

3

4 A judge of a circuit court shall keep an alphabetical index
5 to the docket, in which the judge shall enter the names of
6 the parties to each judgment, with a reference to the page
7 of entry. The judge shall enter the names of defendants in
8 the index, in the alphabetical order of the first letter of
9 the family name.

10

11 **5-8-144. Receipts for money paid into court.**

12

13 When any money is paid into a circuit court, a receipt for
14 said amount shall be issued promptly upon a form prescribed
15 by the director of the state department of audit. The
16 receipts shall be prenumbered in numerical sequence. The
17 original copy shall be delivered to the payor and a copy
18 shall be filed in the office of the issuing judge. The
19 receipts shall be prenumbered by the printer, and the
20 printer shall give to the director a receipt showing the
21 numbers so printed. The circuit court shall pay all fines,
22 forfeitures and other penalties to the appropriate county
23 treasurer and all fees, costs and other receipts to the
24 state treasurer.

25

1 **5-8-145. Failure of judge to give receipt constitutes**
2 **cause for removal from office.**

3

4 Failure, refusal, or neglect of a judge of a circuit court
5 to give receipt for any money paid into the circuit court is
6 misconduct, which constitutes cause for removal from office.

7

8 **5-8-146. Deposit of money with county or state**
9 **treasurer.**

10

11 When any fines, forfeitures, or costs are deposited with the
12 judge of a circuit court pursuant to any action or
13 proceedings in the court, or pursuant to any order, decree
14 or judgment of the court, the money in the judge's
15 possession shall be deposited no later than the tenth day
16 following the month of receipt with the appropriate county
17 or state treasurer. If the money has not been so deposited
18 by the tenth day of the month and no just cause is shown,
19 said judge shall forfeit twenty-five dollars (\$25.00) a day
20 for each day after the tenth day of the month during which
21 no deposits have been made.

22

23 **5-8-147. Director to establish uniform accounting**
24 **system.**

25

1 The director of the state department of audit shall
2 establish, supervise, and as necessary from time to time,
3 modify a uniform system of accounting, including a system of
4 audit for circuit courts, to provide for the proper and
5 uniform accounting of all money received and disbursed by
6 circuit courts, and all judges of the circuit courts shall
7 comply. An audit of each circuit court shall be performed
8 every three (3) years.

9

10 **5-8-148. Failure to keep accounts constitutes cause**
11 **for removal from office.**

12

13 Failure to keep accounts pursuant to the system established
14 by the director of the state department of audit or failure
15 to account for money paid into and disbursed by the circuit
16 court is misconduct, which may constitute cause for removal
17 from office.

18

19 **5-8-149. Bank accounts.**

20

21 The accounting system established by the director of the
22 state department of audit may provide for bank accounts for
23 each circuit court in which money received by the circuit
24 court may be deposited and disbursed as provided therein,
25 and for such records, reports and procedures as the director

1 requires. Money received as fines, forfeitures or court
2 costs may not be deposited in the same bank account as money
3 received in civil matters. If a bank account is established
4 into which fines, costs or forfeitures are deposited, the
5 accounting system established by the director shall require,
6 where available, the use of accounts in a financial
7 institution listed in W.S. 9-4-817(a) which earn interest,
8 in which the deposits are subject to payment upon demand and
9 which are insured or secured as provided in W.S. 9-4-817(c).
10 Interest earned on deposits of fines and forfeitures in such
11 accounts shall be forwarded monthly to the appropriate
12 county treasurer and credited to the county public school
13 fund. Interest earned on all other deposits in such
14 accounts shall be forwarded to the state treasurer quarterly
15 and credited to the victim's compensation account within the
16 earmarked revenue fund.

17

18 **5-8-150. Examination of accounts.**

19

20 The accounts of each circuit court shall be examined in
21 accordance with W.S. 16-4-122 and 16-4-123.

22

23 **5-8-151. Annual accounts submitted to director.**

24

1 Each circuit court shall submit annual accounts to the
2 director of the state department of audit under regulations
3 prescribed by the director.

4

5 5-8-152. Suit to enforce collection or transmittal of
6 fines; failure to transmit constitutes cause for removal
7 from office; liability on judge's bond.

8

9 (a) If it is apparent through examination conducted by
10 the director of the state department of audit or a designee,
11 or by other means, that any fines or forfeitures have not
12 been transmitted, the county attorney shall bring suit to
13 enforce the collection or transmittal, or both. Failure to
14 transmit fines, forfeitures or costs is misconduct which
15 constitutes cause for removal from office.

16

17 (b) The official bond of a judge of a circuit court
18 shall secure, and there shall be liability thereon, for the
19 failure to transmit such fines, forfeitures, or costs
20 imposed by the judge.

21

22 5-8-153. Examination of court records by public,
23 director, attorney general and county attorneys permitted.

24

1 The records kept by a judge of a circuit court shall be
2 public and available for examination during the regular
3 business hours of the court. The director of the state
4 department of audit, the attorney general or the county
5 attorney of the particular county in which the circuit court
6 is situated may examine them at any time upon demand.

7

8 **5-8-154. Appointment of commissioners and adjunct**
9 **commissioners.**

10

11 Subject to W.S. 5-8-160, judges of the circuit court may
12 appoint such number of commissioners and adjunct
13 commissioners of the circuit court as the public interest
14 may require. The circuit court judge shall determine the
15 geographical area within which the commissioners and adjunct
16 commissioners may serve.

17

18 **5-8-155. Term of office; removal.**

19

20 Except as provided by W.S. 5-8-160, commissioners and
21 adjunct commissioners of the circuit court shall hold office
22 at the pleasure of the circuit court and may be similarly
23 removed.

24

1 **5-8-156. Qualifications for commissioners and adjunct**
2 **commissioners.**

3

4 (a) Commissioners of the circuit court shall be
5 qualified electors of the circuit for which appointed and
6 authorized to practice law in Wyoming.

7

8 (b) Adjunct commissioners of the circuit court shall
9 be qualified electors of the circuit for which appointed.

10

11 **5-8-157. Circuit court to enter order appointing**
12 **commissioners and adjunct commissioners.**

13

14 The circuit court in open court shall enter the order
15 appointing each commissioner and adjunct commissioner of the
16 circuit court and shall enter the order upon the journal. A
17 certified copy of the journal entry shall be evidence of the
18 appointment in all courts of this state.

19

20 **5-8-158. Oath.**

21

22 Commissioners of the circuit court, before entering upon the
23 discharge of their official duties, shall take and subscribe
24 before a circuit court judge or a clerk of a court of record

1 the oath of office prescribed by the constitution of
2 Wyoming.

3

4 5-8-159. Powers of commissioners and adjunct
5 commissioners.

6

7 (a) Each commissioner of the circuit court may:

8

9 (i) Conduct arraignment proceedings for persons
10 charged with a misdemeanor;

11

12 (ii) Accept guilty pleas and receive payments for
13 fines or bonds in misdemeanor cases;

14

15 (iii) Incarcerate persons charged with the
16 commission of offenses triable in the circuit court;

17

18 (iv) Conduct initial appearance proceedings for
19 persons charged with a felony;

20

21 (v) Issue warrants, including search warrants;

22

23 (vi) Fix and accept bail;

24

1 (vii) Preserve and enforce order in the
2 commissioner's immediate presence and in the proceedings
3 before the commissioner;

4

5 (viii) Perform marriage ceremonies.

6

7 (b) In the event of absence, inability or
8 disqualification of the circuit judge, and at the direction
9 of the circuit judge or the supreme court, a circuit court
10 commissioner shall have all of the powers and may perform
11 all of the duties of the circuit judge as authorized by law
12 and rules.

13

14 (c) Each adjunct commissioner of the circuit court
15 may:

16

17 (i) Accept guilty pleas and receive payments for
18 fines or bonds in misdemeanor cases;

19

20 (ii) Fix and accept bail;

21

22 (iii) Preserve and enforce order in the adjunct
23 commissioner's immediate presence and in the proceedings
24 before the adjunct commissioner;

25

1 (iv) Perform marriage ceremonies.

2

3 (d) If the person charged signs a waiver, the adjunct
4 commissioner may conduct arraignment proceedings for persons
5 charged with a misdemeanor.

6

7 (e) By order of a circuit court judge for individual
8 cases or by a general order for small claims an adjunct
9 commissioner may:

10

11 (i) Hear matters involving small claims;

12

13 (ii) Conduct trials on misdemeanor matters for
14 which the penalty is not more than seven hundred fifty
15 dollars (\$750.00) or six (6) months in jail, or both,
16 provided the defendant waives trial by the circuit court
17 judge in writing;

18

19 (iii) Issue search warrants and arrest warrants.

20

21 **5-8-160. Commissioners, adjunct commissioners**
22 **mandatory in certain counties.**

23

24 (a) In every county within which a circuit court judge
25 does not reside, there shall be appointed at least one (1)

1 commissioner who shall be a resident of said county,
2 provided that if in any such county there is no person
3 available or qualified to be appointed as a commissioner,
4 there shall be appointed at least one (1) adjunct
5 commissioner who is a resident of said county.

6
7 (b) Prior to initial appointment of a commissioner or
8 adjunct commissioner under this section, the board of county
9 commissioners shall submit to the presiding circuit court
10 judge, for each position to be filled, a list of no more
11 than three (3) attorneys who are qualified electors of the
12 county, or, if there is no person available or qualified to
13 serve as circuit court commissioner, a list of not more than
14 three (3) qualified electors of the county who are not
15 attorneys. The presiding circuit court judge shall select
16 and appoint not more than three (3) commissioners or adjunct
17 commissioners from the list submitted by the county
18 commissioners.

19

20 (c) Commissioners or adjunct commissioners appointed
21 under this section shall serve for a term of four (4) years.
22 Within two (2) months prior to the expiration of the term of
23 a commissioner or adjunct commissioner appointed under this
24 section, the board of county commissioners shall submit a
25 recommendation to the presiding circuit court regarding

1 reappointment for an additional four (4) year term. If the
2 court commissioner or adjunct commissioner is not
3 reappointed by the circuit court judge, the county
4 commissioners shall submit a list of persons in accordance
5 with subsection (b) of this section from which the
6 appointment shall be made.

7
8 (d) Any vacancy in the position of a circuit court
9 commissioner or adjunct commissioner shall be filled for the
10 remainder of the term in accordance with the procedures in
11 subsection (b) of this section.

12

13 **5-8-161. Salary.**

14

15 Commissioners and adjunct commissioners shall be employed as
16 at-will salaried contract employees, and shall not be
17 eligible to participate in or otherwise be covered by state
18 employees and officials group insurance, the state
19 retirement system or the deferred compensation program. A
20 claim for compensation shall be made by voucher, verified
21 under oath, setting forth in detail the services performed,
22 time expended and amount of compensation claimed. No claim
23 for compensation shall be paid unless approved and allowed
24 by a judge of the circuit court.

25

1 **5-8-162. Record of official actions.**

2

3 Each commissioner of the circuit court shall enter a record
4 of official actions in a journal in the circuit court. Such
5 entries shall be signed by the commissioner.

6

7 **5-8-163. Bond.**

8

9 Each commissioner of the circuit court shall be bonded in
10 the sum of one thousand dollars (\$1,000.00) for the faithful
11 performance of duties during term in office. The bond shall
12 be made payable to the state of Wyoming and shall be filed
13 with the clerk of the district court.

14

15 **5-8-164. Judicial business pending before justices of**
16 **the peace considered pending before circuit courts; judges**
17 **of circuit court considered judicial successors in office to**
18 **justices; disposition of records of justices and courts.**

19

20 In any county in which a circuit court is established, no
21 judicial business may be transacted after such establishment
22 by any justice of the peace court. All judicial business
23 pending before any justice of the peace in such county shall
24 be considered to be pending before the circuit court, and
25 the judges of the circuit court shall in all respects be the

1 judicial successors in office of all such justices and
2 courts of said county. All judicial files, records and
3 dockets belonging to or appertaining to the office of such
4 justices of the peace and courts of such counties shall be
5 filed in the appropriate office of the several circuit
6 courts and safely kept therein, or may be stored and shall
7 in all respects constitute records of the circuit courts.

8

9 **5-8-165. Judicial Retirement.**

10

11 Judges of the circuit court shall participate in the Wyoming
12 retirement system.

13

14 **5-8-166. Repeal of statutes not to affect offenses**
15 **committed before January 1, 1999; pending prosecutions.**

16

17 The repeal of any statutes by this act shall not affect any
18 act or offense done or committed, or any penalty or
19 forfeiture incurred, or any right established, accrued, or
20 accruing on or before January 1, 1999, or any prosecution,
21 suit or action pending on that day. Every such pending
22 prosecution, suit or action shall be proceeded in, tried and
23 determined in the circuit court which succeeds to the
24 jurisdictions of the justice of the peace courts and the
25 county courts.

1 **5-8-167. Justice commissioners.**

2

3 (a) For the period beginning January 1, 1999, and
4 ending December 31, 2003, the Wyoming supreme court may
5 employ full or part-time justice commissioners to serve
6 within the Wyoming circuit court system subject to the
7 following:

8

9 (i) Justice commissioners shall be employed as
10 at-will salaried contract employees, and shall not be
11 eligible to participate in or otherwise be covered by state
12 employees and officials group insurance, the state
13 retirement system or the deferred compensation program;

14

15 (ii) Eligibility for employment as a justice
16 commissioner shall be limited to those individuals who were
17 actively serving as a justice of the peace on January 1,
18 1999;

19

20 (iii) The supreme court shall determine the
21 number and location of justice commissioners based on the
22 needs of the circuit court system;

23

1 (iv) Justice commissioners shall serve under the
2 general supervision of the circuit judge of the circuit in
3 which they are located;

4
5 (v) Subject to the approval of the Wyoming
6 supreme court, the supervising circuit court judge may by
7 general order, or by special order for individual cases,
8 assign a justice commissioner to:

9
10 (A) Exercise any power or authority of a
11 commissioner or adjunct commissioner of the circuit court;

12
13 (B) Hear and decide any matter within the
14 civil and criminal jurisdictional limits provided for a
15 circuit judge and exercise any or all of the powers and
16 duties of a circuit judge authorized by law.

17
18 (vi) The requirements of W.S. 5-8-160(a) shall
19 not apply to any county in which a justice commissioner
20 resides.

21
22 **Section 2.** The county clerks shall not accept
23 nominations for the office of justice of the peace nor
24 conduct elections for the office of justice of the peace in

1 the primary election or general election of 1998, or any
2 elections thereafter.

3

4 **Section 3.** The term of office of each justice of the
5 peace elected or appointed prior to the effective date of
6 this act shall terminate January 1, 1999.

7

8 **Section 4.** Notwithstanding any other provision of this
9 act:

10

11 (a) The supreme court shall determine the initial
12 circuit court districts and the number and location of the
13 judges who are to serve the circuit court system not later
14 than April 1, 1998.

15

16 (b) For each vacant office of circuit court judge, the
17 judicial nominating commission shall submit a list of three
18 (3) nominees to the governor not later than May 15, 1998.

19

20 (c) If the governor fails to make any appointment
21 within thirty (30) days after the list of nominees is
22 submitted to him, the appointment shall be made by the chief
23 justice of the supreme court within fifteen (15) days, but
24 in no event later than January 1, 1999.

25

1 (d) Circuit court judges appointed under this section
2 shall take office January 1, 1999.

4 Section 5.

6 (a) Except as provided in subsection (b) of this
7 section, section 1 of this act is effective January 1, 1999.

9 (b) W.S. 5-8-106 and 5-8-111 are effective July 1,
10 1998.

12 (c) The remainder of this act is effective July 1,
13 1997.

15 (END)

THE LEGISLATURE OF THE STATE OF WYOMING

Senate

Cheyenne, February 25, 1997

Mr. President:

Your
Committee No. 2 on APPROPRIATIONS to whom was referred
HB0084AENG respectfully reports same back to the Senate with the recommendation that
it
DO NOT PASS.

<u>MEMBER</u>	<u>VOTE</u>
Senator Schiffer	Aye
Senator Vinich	Aye
Senator Harris	Aye
Senator Gilbertz	Aye
Senator Kinnison, Chairman	Aye

JK/OH.....
Chairman

BILL JACKET