

Chapter 25

COURT FEES

Original House Bill No. 31

AN ACT relating to court fees; creating a judicial systems automation account; providing for the use of the funds within the account; providing an increase in certain filing fees; providing for the imposition of a court automation fee under certain circumstances; providing for deposit of the court automation fee into the judicial systems automation account; providing an appropriation; and providing for an effective date.

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

Section 1. W.S. 5-2-120 is created to read:

5-2-120. Judicial systems automation account created; purposes.

There is created within the special revenue fund an account entitled the "judicial systems automation account." No funds shall be expended from the account unless and until the legislature appropriates the funds. Funds within the account shall be used by the supreme court for the purchase, maintenance and operation of computer hardware and software to enhance the communication, records and management needs of the courts of the judicial branch of the state of Wyoming. Interest accruing to this account shall be retained therein and shall be expended for the purposes provided in this section, as appropriated by the legislature. Annually, the supreme court shall develop a plan for all trial and appellate courts within the state for the expenditure of funds from the account. Prior to implementation, the plan shall be annually submitted to the joint judiciary interim committee for review and comment.

Section 2. W.S. 2-2-401(a)(i) and by creating a new paragraph (iii), 5-2-202, 5-3-205, 5-3-206(a)(i), (vii) and (x), 5-5-137, 5-5-152, 5-5-154, 5-6-108, 5-6-204, 5-6-303, 6-10-102, 6-10-103 and 35-21-103(d) are amended to read:

2-2-401. Schedule; additional charges.

(a) For probate matters filed or commenced, the clerk of the district court shall collect fees as follows:

(i) Original filing fee ~~\$10.00~~ **\$50.00**

(iii) In addition to the original filing fee under paragraph (a)(i) of this subsection, a court automation fee in the amount of ten dollars (\$10.00) which shall be deposited into the judicial systems automation account established by W.S. 5-2-120.

5-2-202. Collection of fees.

The clerk of the supreme court shall collect the following fees from the plaintiff in error or appellant, or in case of an original proceeding the plaintiff or relator shall, at the time of filing the petition in error or record on appeal or when commencing the cause in this court, the sum of twenty-five dollars (\$25.00). At the time of filing, the clerk also shall collect a court automation fee in the amount of ten dollars (\$10.00) which shall be deposited into the judicial systems automation account established by W.S. 5-2-120. Other fees or charges to be assessed within the clerk's office are to be determined under rules of the supreme court.

5-3-205. Collection of fees in advance; payment to treasurer; liability for collection.

All fees prescribed by statute for civil business, shall be collected in advance by the clerk and paid to the treasurer of the county at the end of each month, ~~and except that the clerk shall remit the court automation fee prescribed by W.S. 2-2-401(a)(iii), 5-3-206(a)(i), (vii) and (x), 6-10-102 and 6-10-103 to the judicial systems automation account established by W.S. 5-2-120 at the end of each month.~~ The clerk shall be liable under his bond for the collection and payment of such fees.

5-3-206. Fees.

(a) For all civil matters filed or commenced, the clerk of each district court shall charge the following fees:

(i) For filing instruments or documents in each civil action and certifying one (1) copy of any order, decree or judgment at the time of its filing for each party, an original filing fee of ~~twenty five dollars (\$25.00)~~ sixty dollars (\$60.00) which shall be paid by the plaintiff. This fee shall apply to original actions commenced and to actions that are reopened after a final decree previously has been entered. Ten dollars (\$10.00) of the filing fee of sixty dollars (\$60.00) shall be for court automation and shall be remitted as provided in W.S. 5-3-205;

(vii) For all transcripts in cases appealed to the supreme court, ~~twenty five dollars (\$25.00)~~ sixty dollars (\$60.00), including certificates, seals and transmission. Ten dollars (\$10.00) of the fee of sixty dollars (\$60.00) under this paragraph shall be for court automation and shall be remitted as provided in W.S. 5-3-205;

(x) For docketing and in payment of clerk's fee after docketing incident to any appeal or bill of exception from a justice's court, ~~ten dollars (\$10.00)~~ thirty dollars (\$30.00), and for docketing any transcript of judgment from justice's court upon the judgment and execution dockets, ~~two dollars and fifty cents (\$2.50)~~ twenty dollars (\$20.00), which amount shall be paid by appellant, or by judgment holder to the clerk at time of docketing. Ten dollars (\$10.00) of any fee imposed under this paragraph shall be for court automation and shall be remitted as provided in W.S. 5-3-205.

5-5-137. Filing fee.

For all civil matters the county court shall collect from the plaintiff ~~a~~ an original filing fee of ten dollars (\$10.00) twenty dollars (\$20.00), and a court automation fee of ten dollars (\$10.00), excluding small claims civil actions as provided in W.S. 1-21-201 through 1-21-205 which shall have a filing fee of ten dollars (\$10.00). The court automation fee shall be deposited into the judicial systems automation account as provided by W.S. 5-5-152.

5-5-152. Receipts for money paid into court.

When any money is paid into a county court, a receipt for said amount shall be issued promptly upon a form prescribed by the director of the state department of audit. The receipts shall be prenumbered in numerical sequence. The original copy shall be delivered to a payor making payment by cash or in person, otherwise the original shall be attached to the court file. A copy shall be filed in the office of the issuing judge. The receipts shall be prenumbered by the printer, and the printer shall give to the director a receipt showing the numbers so printed. The county court shall pay all fines, forfeitures and other penalties to the county treasurer and all fees, costs and other receipts to the state treasurer. The court automation fee prescribed by W.S. 5-5-137 or established by court rule shall be deposited by the state treasurer into the judicial systems automation account established by W.S. 5-2-120.

5-5-154. Deposit of money with county or state treasurer.

When any fines, forfeitures, ~~or~~ costs or fees are deposited with the judge of a county court pursuant to any action or proceedings in the court, or pursuant to any order, decree or judgment of the court, the money in his possession shall be deposited no later than the tenth day following the month of receipt with the county or state treasurer. If the money has not been so deposited by the tenth day of the month and no just cause is shown, said judge shall forfeit twenty-five dollars (\$25.00) a day for each day after the tenth day of the month during which ~~no~~ the deposits have not been made.

5-6-108. Costs.

Each city or town in the state of Wyoming may prescribe by ordinance such costs in all trials before municipal courts as may be necessary or deemed expedient. However, the costs shall not exceed ten dollars (\$10.00). All costs collected shall be turned into the treasury of the city or town. By ordinance a city or town may prescribe a court automation fee of ten dollars (\$10.00) as a cost to be paid by every person guilty of a violation of a city or town ordinance.

5-6-204. Fines and penalties to be paid to city treasurer; report of cases; failure to comply with section.

All fines and penalties collected and arising from a breach of a city ordinance shall be deposited with the city treasurer, and the municipal judge shall report at the end of each calendar month a list of all cases for violations of city ordinances instituted in his court, and the disposition thereof, with a statement of the fines, penalties and costs received. At the end of each month the judge shall deposit with the city treasurer all fines, penalties and costs received. If the municipal judge fails to report and deposit all fines, penalties and costs for a period of twenty-five (25) days, his office shall be declared vacant. If a city enacts an ordinance prescribing a court automation fee as provided in W.S. 5-6-108, the fee shall be remitted to the judicial systems automation account established by W.S. 5-2-120.

5-6-303. Disposition of fines and penalties.

All fines and penalties collected, arising from a breach of the ordinances of ~~such the~~ town, shall be paid into the town treasury. If a town enacts an ordinance prescribing a court automation fee as provided in W.S. 5-6-108, the fee shall be remitted to the judicial systems automation account established by W.S. 5-2-120.

6-10-102. Imposition of fine for any felony; maximum fine where not established by statute; court automation fee.

The court may impose a fine as part of the punishment for any felony. If the statute does not establish a maximum fine, the fine shall be not more than ten thousand dollars (\$10,000.00). The court shall impose a court automation fee of ten dollars (\$10.00) in every criminal case wherein the defendant is found guilty, enters a plea of guilty or no contest or is placed on probation under W.S. 7-13-301. The fee shall be remitted as provided by W.S. 5-3-205.

6-10-103. Penalties for misdemeanors where not prescribed by statute.

Unless a different penalty is prescribed by law, every crime declared to be a misdemeanor is punishable by imprisonment in the county jail for not more than six (6) months, a fine of not more than seven hundred fifty dollars (\$750.00), or both. The court shall impose a court automation fee of ten dollars (\$10.00) in every criminal case wherein the defendant is found guilty, enters a plea of guilty or no contest or is placed on probation under W.S. 7-13-301. The fee shall be remitted as provided by W.S. 5-3-205.

35-21-103. Petition for order of protection; contents; prerequisites; indigent petitioners; counsel to be provided petitioners.

(d) No filing fee or other court costs or fees shall be assessed or charged to a petitioner seeking an order of protection under this act.

STATE OF WYOMING BUDGET SESSION 2000

Section 3. There is appropriated to the supreme court from the judicial systems automation account not to exceed two hundred fifty thousand dollars (\$250,000.00) to be expended for the purposes specified in W.S. 5-2-120.

Section 4. This act is effective July 1, 2000.

Approved March 10, 2000.