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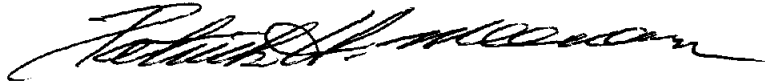
STATE OF WYOMING

77LSO-867.01

HOUSE BILL NO. 514

Municipal courts.

Sponsored by: Representative MEENAN



A BILL

for

1 AN ACT to amend W.S. 5-116 through 5-121, 5-122.1 through
2 5-131, 5-133, 5-135, 5-136 and 5-138 relating to police
3 justices; substituting the words municipal judge for
4 police justice; and providing for an effective date.

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

6 Section 1. W.S. 5-116 through 5-121, 5-122.1 through
7 5-131, 5-133, 5-135, 5-136 and 5-138 are amended to read:

8 5-116. Municipal judges; number; jurisdiction. The
9 NUMBER OF MUNICIPAL judges ~~of-such-municipal-courts--sha-l~~
10 ~~be--styled--po-ice-justices-and-they-shall-be-in-number-as~~
11 may SHALL be prescribed by the ordinances of each ~~of-such~~
12 ~~incorporated-cities-or--towns,~~ CITY OR TOWN and their
13 jurisdiction shall be as prescribed either in special
14 charter under which ~~such--incorporated~~ THE city or
15 ~~incorporated~~ town exists, or the general law under which
16 ~~such-incorporated~~ THE city or ~~incorporated~~ town was organ-

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1 ized, or as may be prescribed by any general law of the
2 state passed for that purpose.

3 ~~5-117. Appointment of municipal judges; qualifica-~~
4 ~~tions. Such police justices~~ MUNICIPAL JUDGES shall be
5 appointed by the mayor with the consent of the council and
6 shall be a qualified elector and resident of such THE city
7 or town. ~~Said Residence and voter qualifications provided~~
8 for herein shall not apply to a justice of the peace who
9 also serves as judge of any municipal court of any
10 incorporated city or town in his precinct.

11 ~~5-118. Term of office; compensation.~~ The term of
12 office of ~~such police justices~~ MUNICIPAL JUDGES shall be
13 the same as that of the other appointive officers of such
14 THE city or town, unless previously removed for the cause
15 as provided by law, and their salary shall be prescribed
16 by the ordinances of their respective cities or towns.

17 ~~5-119. Bond.~~ All ~~such police justices~~ MUNICIPAL
18 JUDGES appointed for any ~~incorporated city or town~~
19 MUNICIPALITY shall give a bond to the municipality for
20 which ~~he is~~ THEY ARE appointed, in ~~such an amount~~ AMOUNTS
21 as may be provided by the ordinances of ~~such city or town~~
22 THE MUNICIPALITY, conditioned for the performance of all
23 his THEIR duties in accordance with law and the ordinances

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1 of ~~said-city~~ THE MUNICIPALITY, and that he THEY will turn
2 over to the parties entitled thereto or as may be pre-
3 scribed by the ordinances of ~~said-city~~ THE MUNICIPALITY,
4 all ~~moneys~~ MONIES collected by him by virtue of his
5 office, ~~as police justices~~.

6 5-120. Procedure generally; additional rules may be
7 provided by ordinance; exception. The procedure of such
8 municipal courts shall as nearly as possible conform to
9 that provided by the general laws of the state in courts
10 of the justice of the peace, but ~~such-incorporated-city-or~~
11 ~~town~~ A MUNICIPALITY may by ordinance provide such addi-
12 tional rules of procedure as may be found necessary for
13 the proper conduct of such municipal courts, ~~provided,~~
14 ~~that-the-same-do~~ IF not IN conflict with the general laws
15 of the state, and Appeals to the district court from the
16 judgments and decisions of ~~said-police-justices~~ MUNICIPAL
17 JUDGES shall be allowed, in all cases, ~~such-appeals~~ to be
18 taken in the manner now provided by ~~laws~~ for appeals from
19 justices of the peace.

20 5-121. Appeals to district court; cities affected.
21 In addition to all other methods heretofore provided by
22 law, an appeal from the judgment or sentence of a police
23 justice MUNICIPAL JUDGE in any ~~city-or-town~~ MUNICIPALITY
24 operating under a special charter or commission, commis-

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1 sion manager or manager form of government, may be taken
2 to the district court in the same manner as is now pro-
3 vided by law for appeals from justice courts in criminal
4 cases, and shall be dealt with by the courts as criminal
5 cases.

6 5-122.1. Postponement of trial for violation of city
7 ordinance; recognizance generally. Whenever a person
8 charged with a violation of a city ordinance is held to
9 appear for examination or trial before a ~~police-justice~~
10 MUNICIPAL JUDGE in any ~~city-or-town~~ MUNICIPALITY, the
11 ~~police-justice~~ JUDGE may postpone the trial of the case to
12 a certain day, in which case he may require the defendant
13 to enter into a recognizance, with sufficient sureties,
14 conditioned that he will appear before ~~said-police-justice~~
15 THE MUNICIPAL JUDGE at the time and place appointed, then
16 and there to answer the complaint alleged against him.

17 5-122.2. Same; election where person ordered to
18 enter into recognizance; breach of recognizance; procedure
19 where offense not cognizable before justice. When a person
20 is ordered by the ~~police-justice~~ MUNICIPAL JUDGE to enter
21 into a recognizance, he may, at the discretion of the
22 ~~police-justice~~ JUDGE, be permitted to sign his own
23 recognizance, or furnish sureties, or deposit with the
24 ~~police-justice~~ JUDGE or his designee the amount named in

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1 the bond, in cash, and should ~~said~~ THE person so recog-
2 nized fail to appear and comply with all of the require-
3 ments of ~~said~~ THE bond, the ~~police-justice~~ MUNICIPAL JUDGE
4 having cognizance of the same shall, if there be ARE no
5 mitigating circumstances, at once declare ~~said~~ THE bond
6 forfeited and order the ~~said~~ cash so deposited to be
7 turned into the general fund of the treasury of the city.
8 If in the progress of any trial before the ~~police-justice~~
9 MUNICIPAL JUDGE, it ~~should appear~~ APPEARS that the accused
10 ought to be put on trial for an offense not cognizable
11 before ~~said-justice~~ THE JUDGE, he shall immediately stop
12 all further proceedings before him, and proceed as in
13 other cases exclusively cognizable before the district
14 court.

15 5-123. Jurisdiction of municipal judge; change of
16 venue prohibited. The ~~police-justice shall have~~ MUNICIPAL
17 JUDGE HAS exclusive jurisdiction over, and it shall be his
18 ~~duty to~~ hear and determine all offenses against the ordi-
19 nances of the city, arising within the limits of the city,
20 and to impose fines not exceeding \$200 TWO HUNDRED DOLLARS
21 (\$200.00), or imprisonment not exceeding three (3) months,
22 to which may be added costs. No change of venue shall be
23 granted in any case arising under the ordinances of the
24 city.

1 5-124. Powers and duties of municipal judges gener-
2 ally: Court to open every day except Sunday. The police
3 ~~justice--shall--be~~ MUNICIPAL JUDGE IS a conservator of the
4 peace, and his court shall be open every day except Sun-
5 days, to hear and determine all cases cognizable before
6 him. No act shall be performed by him on Sundays except to
7 receive complaints, issue process and take bail. He ~~shall~~
8 ~~have--power--to~~ MAY enforce due obedience to all orders,
9 rules and judgments made by him. ~~He shall have~~ HAS the
10 same power as the district court in the issuance of
11 warrant, search warrant, subpoena or other process that
12 may be necessary, and may fine or imprison for contempt
13 offered to him while holding court, or to process issued
14 by him, in the same manner and to the same extent as the
15 district court.

16 5-125. Appeal. In all cases before the police
17 ~~justice~~ MUNICIPAL JUDGE arising under ordinances of the
18 city, wherein the fine assessed exceeds ~~the sum of~~ ten
19 dollars (\$10.00) or the imprisonment EXCEEDS ten (10)
20 days, an appeal may be taken by the defendant to the dis-
21 trict court in and for the county in which ~~said~~ THE city
22 is situated, but no appeal shall be allowed unless such
23 THE defendant shall, within ten (10) days, enter into
24 recognizance with sufficient sureties to be approved by

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1 the ~~justice~~ JUDGE, conditioned for the payment of the fine
2 and costs of appeal, and that defendant shall abide the
3 judgment of the ~~said~~ THE court and not depart without
4 leave of the same, or that he will pay to the ~~said~~ city of
5 the sum of \$..... The procedure of such AN appeal
6 shall be as prescribed for appeals from courts of justices
7 of the peace in criminal cases.

8 5-126. Fines and penalties to be paid to city treas-
9 urer; report of cases; failure to comply with section. All
10 fines and penalties collected, arising from a breach of
11 ordinances of the city, shall be paid over to the city
12 treasurer, and the ~~police-justice~~ MUNICIPAL JUDGE shall
13 report at the end of each calendar month a list of all
14 cases for violations of city ordinances instituted in his
15 court, and the disposition thereof, with a statement of
16 the fines, penalties and costs by him received, ~~†--and~~
17 ~~shall~~ At the end of each month THE MUNICIPAL JUDGE SHALL
18 pay to the city treasurer all such fines, penalties and
19 costs by him received, ~~†--and in the event that~~ IF the
20 ~~police-justice should fail~~ MUNICIPAL JUDGE FAILS to make
21 report and pay over such fines, penalties and costs as
22 herein provided for the period of ten (10) days, his
23 office shall be declared vacant.

24 5-127. Duty of municipal judge as to trial gener-

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1 ~~ally.~~ When any person ~~shall be~~ IS brought before the
2 ~~police-justice~~ MUNICIPAL JUDGE upon such warrant, ~~it shall~~
3 ~~be his duty to~~ THE JUDGE SHALL hear and determine the com-
4 plaint alleged against the defendant.

5 5-129. Summoning and enforcing attendance of wit-
6 nesses. ~~It shall be the duty of said justice to~~ THE
7 MUNICIPAL JUDGE SHALL summon all persons whose testimony
8 may be deemed material as witnesses at the trial, and to
9 enforce their attendance by attachment if necessary.

10 5-130. Cases in municipal court tried without jury;
11 trial conducted as in criminal cases before justices of
12 the peace. Cases in the police MUNICIPAL court for viola-
13 tions of city ordinances shall be tried and determined by
14 the ~~police-justice~~ MUNICIPAL COURT without the inter-
15 vention of a jury, and the trial of such cases ~~before such~~
16 ~~police-justice~~ shall be conducted in all respects, not
17 herein otherwise provided for, in like manner as criminal
18 cases before justices of the peace.

19 5-131. Assessment of punishment; judgment; commit-
20 ment until judgment complied with; production of sureties
21 and confession of judgment in lieu of commitment. If the
22 defendant be IS found guilty, the ~~police-justice~~ MUNICIPAL
23 JUDGE shall declare and assess the punishment, and render

1 judgment accordingly. It shall be part of the judgment
2 that the defendant stand committed until judgment be IS
3 complied with ~~provided, that~~ EXCEPT AS HEREAFTER
4 PROVIDED. In any prosecution for violation of any ordi-
5 nance, the defendant ~~shall have the right to~~ MAY produce
6 before ~~said police justice~~ THE JUDGE one (1) or more sure-
7 ties to the satisfaction of ~~said justice~~ THE JUDGE, which
8 ~~said sureties~~ shall, with the defendant confess a judgment
9 for the amount of the fine or penalty imposed, with costs
10 of suit, ~~and said justice~~ THE JUDGE shall enter ~~said~~ THE
11 confession of judgment upon his docket, and render judg-
12 ment accordingly in the name of the state of Wyoming,
13 against them for the amount of such THE fine and costs, ~~and~~
14 and If ~~said~~ THE judgment be IS not paid within ninety (90)
15 days from the date of such confession, ~~said police justice~~
16 THE MUNICIPAL JUDGE shall issue execution and collect the
17 amount of ~~said~~ fine or penalty and costs, in the manner
18 provided by law for collecting judgment by execution in
19 justices' court.

20 5-133. Punishment regulated by ordinance; maximum
21 fine and imprisonment permitted. Any person convicted
22 before the ~~police justice~~ MUNICIPAL JUDGE of any offense
23 under the ordinances of the city shall be punished by such
24 fines, or imprisonment, as may be regulated by ordinance;

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1 provided, no fine shall be greater for any one (1) offense
2 than one hundred dollars ~~(\$100.00)~~ recoverable with costs,
3 and no imprisonment for a longer time than three (3)
4 months.

5 5-135. Punishment of persons convicted before judge:
6 maximum penalty permitted; power to punish for contempt.

7 Any person convicted before a ~~police-justice~~ MUNICIPAL
8 JUDGE shall be punished by such fine and imprisonment as
9 may be provided by ordinance; ~~provided, that~~ BUT no fine
10 shall be greater than one hundred dollars ~~(\$100.00)~~, and
11 no imprisonment for a longer time than three (3) months.
12 The ~~police-justice~~ MUNICIPAL JUDGE shall have the same
13 power to punish for contempt as justices of the peace have
14 in like cases.

15 5-136. Appeals from municipal court. Appeals from
16 the judgment or sentence of ~~such police-justice~~ A MUNICI-
17 PAL JUDGE may be taken to the district court in the same
18 manner as is now provided by law for appeals from jus-
19 tices' courts in criminal cases, and shall be dealt with
20 by the courts as criminal cases.

21 5-138. Citizens qualified to try causes where town a
22 party. No person shall be an incompetent judge, justice or
23 juror by reason of his being an inhabitant or freeholder

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1 in such A town, in any action or proceedings in which such
2 THE town may be a party in interest.

3 Section 2. This act is effective May 27, 1977.

4 (END)

FISCAL NOTE

Fiscal Note No. 781
 Requester Representative Meenan

L.S.O.	<u>867</u>	Draft	<u>01</u>
Bill No.		Jt. Res. No.	

Part I. Fiscal Data:


SHORT TITLE OF BILL: <u>Municipal courts</u>	STATUTORY REFERENCE Nos. <u>W.S. 5-116 et al</u>	NAME OF FUND <u>Not applicable</u>
AGENCY TITLE: SOURCE OF APPROPRIATION/REVENUE <u>Not applicable</u>		New Program <input type="checkbox"/> Change in Existing Program <input checked="" type="checkbox"/> Local Government Impact <input type="checkbox"/>

If more than one appropriation is involved, show overall effect below, but show breakdown by appropriation and fiscal year on a separate page. Round to nearest hundred dollars.

EFFECT OF PROPOSAL	FISCAL PERIODS		
	BIENNIAL INCREASE OR (-) DECREASE		
	First Biennial	Second Biennial	Third Biennial
Salaries & Number of Personnel	\$		
Supporting Expenses			
Permanent Property			
Aids to Localities			
Other			
ESTIMATED TOTAL COST	\$		
GENERAL FUND			
FEDERAL FUND			
OTHER			
ESTIMATED TOTAL REVENUE	\$		

Part II. Explain in a clear and concise manner what effect this measure will have on the costs and revenues of state government. Specify the source of funds for appropriations. Include effect on the current biennium and also the long-range fiscal effect, if any. Show how you arrived at the estimate. Use attached sheet and any additional sheets which you may need.

NO FISCAL IMPACT.

Date <u>2/1/77</u>	Agency 	Authorized Representative
Date	Legislative Auditor Clearance	

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