

SENATE FILE

0041

SENATE FILE 0041

SF0041FT03

AN ACT to amend W.S. 5-4-210 and 5-5-122(a) relating to courts; authorizing a county court judge to hold court for a justice of the peace or a municipal court as specified; and providing for an effective date.

April Bummer Kunz

Introduced by:

SENATE ACTION ON SENATE FILE

- 110  Introduced  
Aye \_\_\_ No \_\_\_ Ex \_\_\_ Ab \_\_\_  
 Read First Time and Ref. to Committee No. 1  
 Failed Introduction  
Aye \_\_\_ No \_\_\_ Ex \_\_\_ Ab \_\_\_
- 112 Returned from Committee No. 1  
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. \_\_\_\_\_
- 113 Considered in Comm. of Whole  
 Amended  
 Recommended Do Pass  
 Failed Comm. of Whole  
 Indefinitely Postponed  
 Other: \_\_\_\_\_
- 116 Read Second Time  
 Amended  
 Do Pass  
 Do Not Pass  
 Accelerated to 3rd Rdg.
- 117 Read Third Time  
 Amended  
 Passed  Failed  
Aye 29 No 0 Ex 0 Ab 1  
 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 (No Amendments)
- 117 Sent to LSO for Engrossing  
118 ENGROSSED  
118 Sent to House

HOUSE ACTION ON SENATE FILE

- 211 Received. Read First Time.  
Referred to Committee No. 1
- 216 Returned from Committee No. \_\_\_\_\_  
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. \_\_\_\_\_
- 217 Considered in Comm. of Whole  
 Amended  
 Recommended Do Pass  
 Failed Comm. of Whole  
 Indefinitely Postponed  
 Other: \_\_\_\_\_
- 218 Read Second Time  
 Amended  
 Do Pass  
 Do Not Pass  
 Accelerated to 3rd Rdg.
- 219 Read Third Time  
 Amended  
 Passed  Failed  
Aye 56 No 4 Ex 0 Ab 0  
 Held for Reconsideration  
 Motion to Reconsider  
 Passed  Failed  
Aye \_\_\_ No \_\_\_ Ex \_\_\_ Ab \_\_\_  
 Third Reading Vote  
(On Reconsideration)  
 Passed  Failed  
Aye \_\_\_ No \_\_\_ Ex \_\_\_ Ab \_\_\_
- 219 Sent to Senate
- 214 Sent for Enrolling  
SEA No. 25
- 215 Signed by President
- 215 Signed by Speaker
- 216 Approved by Governor  
Chapter No. 44



THE LEGISLATURE OF THE STATE OF WYOMING

Senate

Cheyenne, .....January 11....., 19.95.

Mr. President:

Your Committee No. .... 01 ..... on ..... Judiciary.....

to whom was referred Senate File .. No. 0041.....

respectfully reports same back to the Senate with the recommendation that

it DO PASS

Ayes

NOES

- Kunz, Chairman
- Goodenough
- Miller
- Phillips
- Picard

*April Brimmer Kunz*  
 \_\_\_\_\_  
 April Brimmer Kunz Chairman

# SENATE ROLL CALL - FIFTY-THIRD WYOMING LEGISLATURE

Date 1-17-95 Bill # SF 41 Intro \_\_\_\_\_ 3rd Rdg  Concur \_\_\_\_\_ Rules/Susp \_\_\_\_\_

Other Action: Consent List JCC# \_\_\_\_\_

Moved by: Sen. Grieve Seconded by: \_\_\_\_\_

	Ayes	Noes	Excused	Absent	Conflict
APPLEGATE	✓				
BARTON	✓				
CAMERON	✓				
CATHCART	✓				
COE	✓				
<del>EDDING</del>					
ENZI	✓				
GEIS	✓				
GILBERTZ	✓				
GOODENOUGH	✓				
GRIEVE	✓				
HARRIS	✓				
HAWKS	✓				
KINNISON	✓				
KUNZ	✓				
LARSON	✓				
LAWLER	✓				
MAXFIELD	✓				
MEIER	✓				
MILLER	✓				
PECK	✓				
PHILLIPS	✓				
PICARD	✓				
PREVEDEL	✓				
SARCLETTI	✓				
SCHIFFER	✓				
SCOTT	✓				
TWIFORD	✓				
VINICH	✓				
ZIMMERMAN				✓	
MR. PRESIDENT	✓				

PRESENT \_\_\_\_\_ AYES ~~28~~ 29  
 NOES \_\_\_\_\_  
 EXCUSED \_\_\_\_\_  
 ABSENT 1  
 CONFLICT \_\_\_\_\_  
 TOTAL 30

Passed <input checked="" type="checkbox"/> _____ Failed _____
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# SENATE ROLL CALL - FIFTY-THIRD WYOMING LEGISLATURE

Date 2-14-95 Bill # SF 41 Intro      3rd Rdg      Concur  Rules/Susp     

Other Action:      JCC#     

Moved by: Sen. Kunz Seconded by:     

	Ayes	Noes	Excused	Absent	Conflict
APPLEGATE		✓			
BARTON	✓				
CAMERON		✓			
CATHCART		✓			
COE	✓				
<del>EDDING</del>					
ENZI	✓				
GEIS	✓				
GILBERTZ	✓				
GOODENOUGH	✓				
GRIEVE	✓				
HARRIS	✓				
HAWKS	✓				
KINNISON		✓			
KUNZ	✓				
LARSON	✓				
LAWLER	✓				
MAXFIELD	✓				
MEIER	✓				
MILLER	✓				
PECK	✓				
PHILLIPS	✓				
PICARD	✓				
PREVEDEL	✓				
SARCLETTI	✓				
SCHIFFER	✓				
SCOTT	✓				
TWIFORD	✓				
VINICH	✓				
ZIMMERMAN	✓				
MR. PRESIDENT	✓				

PRESENT      AYES 26  
 NOES 4  
 EXCUSED       
 ABSENT       
 CONFLICT       
 TOTAL 30

Passed <input checked="" type="checkbox"/>
Failed <u>    </u>

# HOUSE ROLL CALL - FIFTY-THIRD WYOMING LEGISLATURE

Date 2-9-95 Bill # SF 41 Intro \_\_\_\_\_ 3rd Rdg  Concur \_\_\_\_\_ Rules/Susp \_\_\_\_\_

Other Action: \_\_\_\_\_ JCC# \_\_\_\_\_

Moved by: \_\_\_\_\_ Seconded by: \_\_\_\_\_

Ayes	Noes	Excused	Absent	Conflict		Ayes	Noes	Excused	Absent	Conflict	
					ANDERSON						MORROW
					BADGETT						NAGEL
	✓				BAKER						NELSON
					BARKER						PARADY
					BATY						PARK
					BEBOUT						PASENEAUX
					BENSEL						PERKINS
					BETTS						PHILP
					BOSWELL						REED
					BOWRON						ROSE
					BURNS						RYCKMAN
					CASE						SELBY
					DEVIN						SESSIONS
	✓				DEWITT						SHIPPY
					DIERCKS						SHREVE
					ERB						SIMONS
					EYRE						STAFFORD
					GAMS						STARK
					HAGEMAN						TAYLOR-HORTON
					HANES						TEMPEST
					HARRISON						TIPTON
					HINCHEY		✓				TOMASSI
					HINES						WASSERBURGER
					HUCKFELDT						WILLFORD
					JOHNSON						WOOLDRIDGE
					LAW						ZANETTI
					LUTHI						MR. SPEAKER
					MACMILLAN						
					<del>MARTON</del>						
					MASSIE						
					MCCONIGLEY						
					MCMURTREY						
	✓				MOCKLER						
					MOORE						

AYES 56 PRESENT \_\_\_\_\_  
 NOES 4  
 EXCUSED \_\_\_\_\_  
 ABSENT \_\_\_\_\_  
 CONFLICT \_\_\_\_\_  
 TOTAL 60  
 LESS \_\_\_\_\_

**Passed**  \_\_\_\_\_  
**Failed** \_\_\_\_\_

THE LEGISLATURE OF THE STATE OF WYOMING

House of Representatives

SF 0041 H 501 / TEC

Cheyenne, February 6, 19 95

Mr. Speaker:

Your Committee No. 1 on JUDICIARY

to whom was referred Senate File No. 0041 H 501

respectfully reports same back to the House with the recommendation that it

DO PASS with the following amendments: See attached Schedule A.

AYES

NOES

EXCUSED

- Barker
- Hanes
- Luthi
- McConigley
- Nagel
- Nelson
- Rosa
- Wasserburger
- Tipton

Harry B. Tipton,

Chairman

AMENDMENT LIST

DATE 2/2

BILL NO. SF 41

Circle One: COW 2nd 3rd

SF 41 H SOL/AE  
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SENATE FILE NO. 0041

Justice of the peace-holding court.

Sponsored by: JOINT JUDICIARY INTERIM COMMITTEE

A BILL

for

1 AN ACT to amend W.S. 5-4-210 and 5-5-122(a) relating to  
2 courts; authorizing a county court judge to hold court for  
3 a justice of the peace; and providing for an effective  
4 date.

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

6 Section 1. W.S. 5-4-210 and 5-5-122(a) are amended to  
7 read:

8 5-4-210. JUSTICES MAY HOLD COURT FOR EACH OTHER  
9 WITHIN RESPECTIVE COUNTIES; CHIEF JUSTICE OF SUPREME COURT  
10 MAY ASSIGN JUSTICE TO DUTIES IN ANY COUNTY; COUNTY JUDGE  
11 MAY HOLD COURT FOR JUSTICE.

=====
LEGEND: Underlined = New text added to existing statutes
Stricken = Text deleted from existing statutes
=====

**NO SIGNIFICANT FISCAL OR
PERSONNEL IMPACT AT STATE LEVEL**

1           (a) Justices of the peace may hold court for each  
2 other within their respective counties and shall do so  
3 when required by law. The chief justice of the supreme  
4 court of Wyoming may designate and assign any justice of  
5 the peace to perform judicial duties in any county when  
6 the need therefor is brought to the attention of the chief  
7 justice. When authorized by the chief justice of the  
8 supreme court of Wyoming, a justice of the peace may hold  
9 court in another county to be designated by the chief jus-  
10 tice, for specific cases.

11           (b) A county court judge may hold court for a justice  
12 of the peace in accordance with W.S. 5-5-122(a).

13           5-5-122. JUDGES MAY HOLD COURT FOR EACH OTHER;  
14 EXPENSES OF JUDGE HOLDING COURT IN ANOTHER COUNTY; DIS-  
15 QUALIFICATION OF JUDGE; CHANGE OF VENUE PROHIBITED.

16           (a) The judges of the county courts may hold court  
17 for each other and for justices of the peace and shall do  
18 so when required by law. The expenses of any judge of a  
19 county court holding court in any county other than his  
20 own, including travel expenses and his expenses while  
21 holding court, shall be charged to the contingent fund of  
22 the county court in which he is holding court or the gen-

1 eral budget of the justice of the peace court in which he  
2 is holding court.

3 Section 2. This act is effective July 1, 1995.

4 (END)

CONSENT LIST/SF 06, 40, 41, ~~42~~, ~~52~~, 71

HOUSE ROLL CALL - FIFTY-THIRD WYOMING LEGISLATURE

Date 2-9-95 Bill # \_\_\_\_\_ Intro \_\_\_\_\_ 3rd Rdg \_\_\_\_\_ Concur \_\_\_\_\_ Rules/Susp \_\_\_\_\_

Other Action: \_\_\_\_\_ JCC# \_\_\_\_\_

Moved by: \_\_\_\_\_ Seconded by: \_\_\_\_\_

Ayes	Noes	Excused	Absent	Conflict		Ayes	Noes	Excused	Absent	Conflict	
✓					ANDERSON	✓					MORROW
✓					BADGETT	✓					NAGEL
✓					BAKER	✓					NELSON
✓					BARKER	✓					PARADY
✓					BATY	✓					PARK
✓					BEBOUT	✓					PASENEAUX
✓					BENSEL	✓					PERKINS
✓					BETTS	✓					PHILP
✓					BOSWELL	✓					REED
✓					BOWRON	✓					ROSE
✓					BURNS	✓					RYCKMAN
✓					CASE	✓					SELBY
✓					DEVIN	✓					SESSIONS
✓					DEWITT	✓					SHIPPY
✓					DIERCKS	✓					SHREVE
✓					ERB	✓					SIMONS
✓					EYRE	✓					STAFFORD
✓					GAMS	✓					STARK
✓					HAGEMAN	✓					TAYLOR-HORTON
✓					HANES	✓					TEMPEST
✓					HARRISON	✓					TIPTON
✓					HINCHEY	✓					TOMASSI
✓					HINES	✓					WASSERBURGER
✓					HUCKFELDT	✓					WILLFORD
✓					JOHNSON	✓					WOOLDRIDGE
✓					LAW	✓					ZANETTI
✓					LUTHI	✓					MR. SPEAKER
✓					MACMILLAN						
					MARTON						
✓					MASSIE						
✓					MCCONIGLEY						
✓					MCMURTREY						
✓					MOCKLER						
✓					MOORE						

AYES 60 PRESENT \_\_\_\_\_  
 NOES \_\_\_\_\_  
 EXCUSED \_\_\_\_\_  
 ABSENT \_\_\_\_\_  
 CONFLICT \_\_\_\_\_  
 TOTAL 60  
 LESS \_\_\_\_\_

**Passed** \_\_\_\_\_  
**Failed** \_\_\_\_\_

SCHEDULE A

Page 1-line 1      After "5-4-210" delete "," insert "and";  
delete "and 5-6-101".

Page 1-line 6      After "5-4-210" delete "," insert "and";  
delete "and 5-6-101".

Page 3-lines 3 through 14      Delete.

- Page 1-line 1 After "5-4-210" delete "and" insert ",";  
after "5-5-122(a)" insert "and 5-6-101".
- Page 1-line 3 After "peace" insert "or a municipal court  
as specified".
- Page 1-line 6 After "5-4-210" delete "and" insert ",";  
after "5-5-122(a)" insert "and 5-6-101".

Page 3-After line 2 insert:

"5-6-101. CREATED AND ESTABLISHED. There is hereby created and established in each of the incorporated cities or towns in the state of Wyoming, whether incorporated or existing under a special charter or a general act, and whether now in existence or hereafter incorporated under the laws of the state, a municipal court for the trial of all offenses arising under ordinances ~~said~~ of the incorporated city or town, as the case may be. To fulfill the obligation of creating a municipal court under this section, a city or town may petition the supreme court to extend the jurisdiction of the county court pursuant to W.S. 5-5-106."  
APPLEGATE

SENATE FILE NO. 0041

Justice of the peace-holding court.

Sponsored by: JOINT JUDICIARY INTERIM COMMITTEE

A BILL

for

1 AN ACT to amend W.S. 5-4-210, 5-5-122(a) and 5-6-101  
2 relating to courts; authorizing a county court judge to  
3 hold court for a justice of the peace or a municipal court  
4 as specified; and providing for an effective date.

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

6 Section 1. W.S. 5-4-210, 5-5-122(a) and 5-6-101 are  
7 amended to read:

8 5-4-210. JUSTICES MAY HOLD COURT FOR EACH OTHER  
9 WITHIN RESPECTIVE COUNTIES; CHIEF JUSTICE OF SUPREME COURT  
10 MAY ASSIGN JUSTICE TO DUTIES IN ANY COUNTY; COUNTY JUDGE  
11 MAY HOLD COURT FOR JUSTICE.

=====  
LEGEND: Underlined = New text added to existing statutes  
Stricken = Text deleted from existing statutes  
=====

1        (a) Justices of the peace may hold court for each  
2 other within their respective counties and shall do so  
3 when required by law. The chief justice of the supreme  
4 court of Wyoming may designate and assign any justice of  
5 the peace to perform judicial duties in any county when  
6 the need therefor is brought to the attention of the chief  
7 justice. When authorized by the chief justice of the  
8 supreme court of Wyoming, a justice of the peace may hold  
9 court in another county to be designated by the chief jus-  
10 tice, for specific cases.

11        (b) A county court judge may hold court for a justice  
12 of the peace in accordance with W.S. 5-5-122(a).

13        5-5-122. JUDGES MAY HOLD COURT FOR EACH OTHER;  
14 EXPENSES OF JUDGE HOLDING COURT IN ANOTHER COUNTY; DIS-  
15 QUALIFICATION OF JUDGE; CHANGE OF VENUE PROHIBITED.

16        (a) The judges of the county courts may hold court  
17 for each other and for justices of the peace and shall do  
18 so when required by law. The expenses of any judge of a  
19 county court holding court in any county other than his  
20 own, including travel expenses and his expenses while  
21 holding court, shall be charged to the contingent fund of  
22 the county court in which he is holding court or the gen-

1 eral budget of the justice of the peace court in which he  
2 is holding court.

3 5-6-101. CREATED AND ESTABLISHED. There is hereby  
4 created and established in each of the incorporated cities  
5 or towns in the state of Wyoming, whether incorporated or  
6 existing under a special charter or a general act, and  
7 whether now in existence or hereafter incorporated under  
8 the laws of the state, a municipal court for the trial of  
9 all offenses arising under ordinances of said the incorpo-  
10 rated city or town, as the case may be. To fulfill the  
11 obligation of creating a municipal court under this sec-  
12 tion, a city or town may petition the supreme court to  
13 extend the jurisdiction of the county court pursuant to  
14 W.S. 5-5-106.

15 Section 2. This act is effective July 1, 1995.

16 (END)

1 SF0041HS01/AE

TO ENGROSSED COPY

2 ✓ Page 1-line 1 After "5-4-210" delete "," insert "and";  
3 delete "and 5-6-101".

4 ✗ Page 1-line 6 After "5-4-210" delete "," insert "and";  
5 delete "and 5-6-101".

6 ✗ Page 3-lines 3 through 14 Delete. TIPTON, CHAIRMAN

*DN*