

ORIGINAL SENATE  
FILE NO. 0022

ENROLLED ACT NO. 12, SENATE

FIFTY-EIGHTH LEGISLATURE OF THE STATE OF WYOMING  
2005 GENERAL SESSION

AN ACT relating to circuit courts; amending audit procedures for circuit courts; specifying that the Wyoming supreme court shall specify audit procedures for circuit courts; and providing for an effective date.

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

**Section 1.** W.S. 5-9-106, 5-9-144, 5-9-147 through 5-9-151, 5-9-152(a) and 5-9-153 are amended to read:

**5-9-106. Disposition of money collected for violations of city or town ordinances; disposition of fines and penalties under general state laws.**

All money collected by a judge of a circuit court for violations of ordinances of a city or town shall be paid into the general fund of the city or town whose ordinance was violated. The circuit court shall keep separate account books of funds for ordinance violations as designated by the ~~director of the state department of audit~~ Wyoming supreme court. All fines and penalties under the general laws of the state shall be paid into the county treasury to the credit of the public school fund of the county.

**5-9-144. Receipts for money paid into court.**

When any money is paid into a circuit court, a receipt for said amount shall be issued promptly upon a form prescribed by the ~~director of the state department of audit~~ Wyoming supreme court. 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

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give to the ~~director~~supreme court a receipt showing the numbers so printed. Except as provided in W.S. 5-9-106, the circuit 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. 5-9-135 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.

**5-9-147. Supreme court to establish uniform accounting system.**

The ~~director of the state department of audit~~Wyoming supreme court shall establish, supervise, and as necessary from time to time, modify a uniform system of accounting, including a system of regular audits for circuit courts, to provide for the proper and uniform accounting of all money received and disbursed by circuit courts, and all judges of the circuit courts shall comply therewith.

**5-9-148. Failure to keep accounts or account for money.**

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

**5-9-149. Bank accounts.**

The accounting system established by the ~~director of the state department of audit~~Wyoming supreme court may provide for bank accounts for each circuit court in which money received by the circuit court may be deposited and disbursed as provided therein, and for such records,

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

**5-9-150. Examination of accounts.**

The accounts of each circuit court shall be examined by the Wyoming supreme court in accordance with ~~W.S. 16-4-122 and 16-4-123~~rules adopted by the supreme court.

**5-9-151. Annual accounts submitted to state auditor and supreme court.**

Each circuit court shall submit annual accounts to the ~~director of the state department of audit~~state auditor and supreme court under ~~regulations~~rules prescribed by the ~~director~~supreme court.

**5-9-152. Suit to enforce collection or transmittal of fines; failure to transmit constitutes cause for removal from office; liability on judge's bond.**

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

**5-9-153. Examination of court records by public, department of audit, attorney general and county attorneys permitted.**

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

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**Section 2.** This act is effective July 1, 2005.

(END)

\_\_\_\_\_  
Speaker of the House

\_\_\_\_\_  
President of the Senate

\_\_\_\_\_  
Governor

TIME APPROVED: \_\_\_\_\_

DATE APPROVED: \_\_\_\_\_

I hereby certify that this act originated in the Senate.

\_\_\_\_\_  
Chief Clerk