

HOUSE BILL NO. HB0178

Repeal of district attorney office.

Sponsored by: Representative(s) Gingery and Senator(s) Case

A BILL

for

1 AN ACT relating to district attorneys; repealing the office
2 of district attorney; providing conforming amendments;
3 repealing conflicting provisions; providing for
4 applicability of the act; and providing for an effective
5 date.

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

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9 **Section 1.** W.S. 8-1-102(a)(x) and 18-3-301 are
10 amended to read:

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12 **8-1-102. Definitions.**

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14 (a) As used in the statutes unless the legislature
15 clearly specifies a different meaning or interpretation or
16 the context clearly requires a different meaning:

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(x) "District attorney" means and includes a county and prosecuting attorney; ~~in a county where the office of district attorney has not been created. This definition shall specifically not apply to W.S. 9-1-801 through 9-1-811;~~

18-3-301. Office created; qualifications; certificate of election; counties empowered to consolidate.

(a) ~~In judicial districts in which the office of district attorney has not been created~~ There shall be elected in each county a county and prosecuting attorney who at the time of his nomination and election and during his term of office, shall be a member of the bar of this state. A copy of his certificate of election and oath shall be filed by the county and prosecuting attorney with the clerk of the district court for his county or counties. ~~In those judicial districts in which the office of district attorney has been created the county commissioners shall appoint an attorney to the office of county attorney for a term of one (1) year, who may be reappointed on a year-to-year basis.~~ The county commissioners may remove the county attorney for cause.

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2 (b) The boards of county commissioners of two (2) or
3 more contiguous counties ~~not served by a district attorney~~
4 may by resolution consolidate the offices of, and agree to
5 be served by, a single county and prosecuting attorney who
6 shall be elected by a vote of the electors of all the
7 counties within the consolidated area.

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9 **Section 2.** W.S. 9-1-801 through 9-1-811 and
10 18-3-302(b) are repealed.

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12 **Section 3.**

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14 (a) This act shall:

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16 (i) Not apply to any district attorney duly
17 elected and currently serving his term of office;

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19 (ii) Apply following the conclusion of any term
20 of office of a district attorney currently serving his term
21 of office as provided by Wyoming Constitution, Article 6,
22 Section 17.

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1 **Section 4.** This act is effective January 1, 2006.

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(END)