

SENATE FILE NO. SF0022

Circuit courts-audit procedures.

Sponsored by: Senator(s) Hanes, Nicholas and Schiffer and
Representative(s) Simpson

A BILL

for

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

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

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

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11 **5-9-106. Disposition of money collected for**
12 **violations of city or town ordinances; disposition of fines**
13 **and penalties under general state laws.**

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15 All money collected by a judge of a circuit court for
16 violations of ordinances of a city or town shall be paid

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

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

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11 When any money is paid into a circuit court, a receipt for
12 said amount shall be issued promptly upon a form prescribed
13 by the ~~director of the state department of audit~~ Wyoming
14 supreme court. The receipts shall be prenumbered in
15 numerical sequence. The original copy shall be delivered to
16 a payor making payment by cash or in person, otherwise the
17 original shall be attached to the court file. A copy shall
18 be filed in the office of the issuing judge. The receipts
19 shall be prenumbered by the printer, and the printer shall
20 give to the ~~director~~ supreme court a receipt showing the
21 numbers so printed. Except as provided in W.S. 5-9-106, the
22 circuit court shall pay all fines, forfeitures and other
23 penalties to the county treasurer and all fees, costs and
24 other receipts to the state treasurer. The court automation

1 fee prescribed by W.S. 5-9-135 or established by court rule
2 shall be deposited by the state treasurer into the judicial
3 systems automation account established by W.S. 5-2-120.

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

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

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16 **5-9-148. Failure to keep accounts or account for**
17 **money.**

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

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1 **5-9-149. Bank accounts.**

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3 The accounting system established by the ~~director of the~~
4 ~~state department of audit~~ Wyoming supreme court may provide
5 for bank accounts for each circuit court in which money
6 received by the circuit court may be deposited and
7 disbursed as provided therein, and for such records,
8 reports and procedures as the ~~director~~ supreme court
9 requires. Money received as fines, forfeitures or court
10 costs may not be deposited in the same bank account as
11 money received in civil matters. If a bank account is
12 established into which fines, costs or forfeitures are
13 deposited, the accounting system established by the
14 ~~director~~ supreme court shall require, where available, the
15 use of accounts in a financial institution listed in W.S.
16 9-4-817(a) which may earn interest, in which the deposits
17 are subject to payment upon demand and which are insured or
18 secured as provided in W.S. 9-4-817(c). Interest earned on
19 deposits of fines and forfeitures in such accounts shall be
20 forwarded monthly to the county treasurer and credited to
21 the county public school fund. Interest earned on all other
22 deposits in such accounts shall be forwarded to the state
23 treasurer quarterly and credited to the victim's
24 compensation account within the earmarked revenue fund.

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5-9-150. Examination of accounts.

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The accounts of each circuit court shall be examined by the

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Wyoming supreme court in accordance with ~~W.S. 16-4-122 and~~

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~~16-4-123~~ rules adopted by the supreme court.

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5-9-151. Annual accounts submitted to state auditor

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and supreme court.

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Each circuit court shall submit annual accounts to the

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~~director of the state department of audit~~ state auditor and

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supreme court under ~~regulations~~ rules prescribed by the

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~~director~~ supreme court.

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5-9-152. Suit to enforce collection or transmittal of

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finances; failure to transmit constitutes cause for removal

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from office; liability on judge's bond.

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(a) If it is apparent through examination conducted

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by the ~~director of the state department of audit or his~~

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~~designee~~ Wyoming supreme court, or by other means, that any

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finances or forfeitures have not been transmitted, the county

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attorney shall bring suit to enforce the collection or

1 transmittal, or both. Failure to transmit fines,
2 forfeitures or costs is misconduct which constitutes cause
3 for removal from office.

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

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

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

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(END)