

HOUSE BILL NO. HB0061

Legal services funding.

Sponsored by: Representative(s) Throne, Hales, Lockhart,
Lubnau and Zwonitzer, Dn. and Senator(s)
Massie, Meyer, Ross and Sessions

A BILL

for

1 AN ACT relating to indigent civil legal services; providing
2 for additional fees to fund indigent civil legal services;
3 establishing an indigent civil legal services account;
4 creating and providing for administration of an indigent
5 legal services program; authorizing rulemaking; authorizing
6 the expenditure of funds for the program as specified;
7 providing for reports; and providing for an effective date.

8

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

10

11 **Section 1.** W.S. 5-2-121 and 5-2-122 are created to
12 read:

13

14 **5-2-121. Indigent civil legal services account**
15 **created; purposes.**

16

1 (a) There is created the indigent civil legal
2 services account to be administered by the supreme court.
3 The account shall receive all funds paid to the state
4 treasurer from the fees imposed to support indigent civil
5 legal services, pursuant to W.S. 2-2-401, 5-2-202, 5-3-205,
6 5-3-206, 5-6-108, 5-6-204, 5-6-303, 5-9-135, 5-9-144,
7 6-10-102 and 6-10-103. Funds within the account shall be
8 used by the supreme court for the establishment and
9 operation of a statewide program to provide civil legal
10 services to indigent individuals within the state.
11 Interest accruing to this account shall be retained in the
12 account and shall be expended for the purposes provided in
13 this section. No funds shall be expended from the account
14 until the legislature appropriates the funds.

15

16 (b) For the fiscal biennium commencing July 1, 2012
17 and each fiscal biennium thereafter, the supreme court
18 shall include in its proposed budget a biennial budget and
19 plan for the account. Each biennial plan and proposed
20 budget shall be submitted to the joint appropriations
21 interim committee and the joint judiciary interim
22 committee. The joint judiciary interim committee may
23 submit any comments it deems appropriate to the joint
24 appropriations interim committee.

1

2 (c) The supreme court shall conduct internal audits
3 of the account on a biennial basis beginning July 1, 2011.

4

5 **5-2-122. Indigent civil legal services program**
6 **created; purposes.**

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8 (a) An indigent civil legal services program is
9 created to be operated in accordance with the following:

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11 (i) The supreme court shall develop a
12 comprehensive plan for funding a statewide program of civil
13 legal services to the indigent from the account. By
14 November 1, 2010 and again by May 1, 2011, the court shall
15 submit to the joint appropriations interim committee and
16 the joint judiciary interim committee reports on the plan
17 of operation for the program;

18

19 (ii) The supreme court may operate the program
20 directly, or contract with a nonprofit organization to
21 operate the program;

22

23 (iii) The court shall adopt rules and
24 regulations for the program prior to implementation;

1

2 (iv) The rules shall establish eligibility
3 standards for the receipt of services. The eligibility
4 standards shall require that services be funded from the
5 account only for individuals whose total household income
6 does not exceed two hundred percent (200%) of the federal
7 poverty level;

8

9 (v) The program shall be operated in
10 coordination with other publicly or privately funded
11 programs providing legal services to the indigent with a
12 goal of developing an integrated system for the delivery of
13 indigent civil legal services on a statewide basis by July
14 1, 2011;

15

16 (vi) The program shall be coordinated with the
17 Wyoming state bar and other entities on private attorney
18 involvement, pro bono civil legal services and educational
19 programs;

20

21 (vii) For funding under the program, the program
22 shall establish a statewide single point of entry for
23 indigent civil legal services or establish other operations

1 that allow for simplified and easily available access to
2 the program;

3

4 (viii) The program may grant funds to existing
5 eligible programs to assist in providing services and may
6 be used to enhance the services that the existing programs
7 are providing;

8

9 (ix) The program may receive grants and
10 donations which shall be deposited to the account;

11

12 (x) The program shall establish uniform
13 standards for the delivery of legal services and operate
14 programmatic and fiscal management programs to ensure
15 accountability for all funds.

16

17 **Section 2.** W.S. 2-2-401(a) by creating a new
18 paragraph (iv), 5-2-202, 5-3-205, 5-3-206(a)(i), (vii) and
19 (x), 5-6-108, 5-6-204, 5-6-303, 5-9-135, 5-9-144, 6-10-102
20 and 6-10-103 are amended to read:

21

22 **2-2-401. Schedule; additional charges.**

23

1 (a) For probate matters filed or commenced, the clerk
2 of the district court shall collect fees as follows:

3
4 (iv) In addition to the original filing fee
5 under paragraph (a)(i) of this subsection, an indigent
6 civil legal services fee in the amount of ten dollars
7 (\$10.00), which shall be deposited into the indigent civil
8 legal services account established by W.S. 5-2-121.

9
10 **5-2-202. Collection of fees.**

11
12 The clerk of the supreme court shall collect the following
13 fees from the plaintiff in error or appellant, or in case
14 of an original proceeding the plaintiff or relator shall,
15 at the time of filing the petition in error or record on
16 appeal or when commencing the cause in this court, the sum
17 of twenty-five dollars (\$25.00). At the time of filing, the
18 clerk also shall collect a court automation fee in the
19 amount of ten dollars (\$10.00) which shall be deposited
20 into the judicial systems automation account established by
21 W.S. 5-2-120, and an indigent civil legal services fee in
22 the amount of ten dollars (\$10.00) which shall be deposited
23 into the indigent civil legal services account established
24 by W.S. 5-2-121. Other fees or charges to be assessed

1 within the clerk's office are to be determined under rules
2 of the supreme court.

3
4 **5-3-205. Collection of fees in advance; payment to**
5 **treasurer; liability for collection.**

6
7 (a) All fees prescribed by statute for civil
8 business, shall be collected in advance by the clerk and
9 except as otherwise provided in this section shall be paid
10 to the treasurer of the county at the end of each month.7
11 ~~except that the clerk shall remit the court automation fee~~
12 ~~prescribed by W.S. 2-2-401(a)(iii), 5-3-206(a)(i), (vii)~~
13 ~~and (x), 6-10-102 and 6-10-103 to the judicial systems~~
14 ~~automation account established by W.S. 5-2-120 at the end~~
15 ~~of each month.~~ The clerk shall be liable under his bond for
16 the collection and payment of such fees. The clerk shall
17 remit:

18
19 (i) The court automation fee prescribed by W.S.
20 2-2-401(a)(iii), 5-3-206(a)(i), (vii) and (x), 6-10-102 and
21 6-10-103 to the judicial systems automation account
22 established by W.S. 5-2-120 at the end of each month;

23

1 (ii) The indigent civil legal services fee
2 prescribed by W.S. 2-2-401(a)(iv), 5-3-206(a)(i), (vii) and
3 (x), 6-10-102 and 6-10-103 to the indigent civil legal
4 services account established by W.S. 5-2-121 at the end of
5 each month.

6
7 **5-3-206. Fees.**

8
9 (a) For all civil matters filed or commenced, the
10 clerk of each district court shall charge the following
11 fees:

12
13 (i) For filing instruments or documents in each
14 civil action and certifying one (1) copy of any order,
15 decree or judgment at the time of its filing for each
16 party, an original filing fee of ~~sixty dollars (\$60.00)~~
17 seventy dollars (\$70.00) which shall be paid by the
18 plaintiff. This fee shall apply to original actions
19 commenced and to actions that are reopened after a final
20 decree previously has been entered. Ten dollars (\$10.00)
21 of the filing fee ~~of sixty dollars (\$60.00)~~ shall be for
22 court automation, ten dollars (\$10.00) shall be for
23 indigent civil legal services and both shall be remitted as
24 provided in W.S. 5-3-205;

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(vii) For all transcripts in cases appealed to the supreme court, ~~sixty dollars (\$60.00)~~ seventy dollars (\$70.00), including certificates, seals and transmission. Ten dollars (\$10.00) of the fee ~~of sixty dollars (\$60.00)~~ under this paragraph shall be for court automation, ten dollars (\$10.00) shall be for indigent civil legal services and both shall be remitted as provided in W.S. 5-3-205;

(x) For docketing and in payment of clerk's fee after docketing incident to any appeal or bill of exception from a justice's court, ~~thirty dollars (\$30.00)~~ forty dollars (\$40.00), and for docketing any transcript of judgment from justice's court upon the judgment and execution dockets, ~~twenty dollars (\$20.00)~~ thirty dollars (\$30.00), which amount shall be paid by appellant, or by judgment holder to the clerk at time of docketing. Ten dollars (\$10.00) of any fee imposed under this paragraph shall be for court automation, ten dollars (\$10.00) shall be for indigent civil legal services and both shall be remitted as provided in W.S. 5-3-205.

5-6-108. Costs.

1 (a) Each city or town in the state of Wyoming may
2 prescribe by ordinance such costs in all trials before
3 municipal courts as may be necessary or deemed expedient.
4 However, the costs shall not exceed ten dollars (\$10.00).
5 All costs collected shall be turned into the treasury of
6 the city or town. By ordinance a city or town may
7 prescribe:

8
9 (i) A court automation fee of ten dollars
10 (\$10.00) as a cost to be paid by every person guilty of a
11 violation of a city or town ordinance;

12
13 (ii) An indigent civil legal services fee of ten
14 dollars (\$10.00) as a cost to be paid by every person
15 guilty of a violation of a city or town ordinance.

16
17 **5-6-204. Fines and penalties to be paid to city**
18 **treasurer; report of cases; failure to comply with section.**

19
20 All fines and penalties collected and arising from a breach
21 of a city ordinance shall be deposited with the city
22 treasurer, and the municipal judge shall report at the end
23 of each calendar month a list of all cases for violations
24 of city ordinances instituted in his court, and the

1 disposition thereof, with a statement of the fines,
2 penalties and costs received. At the end of each month the
3 judge shall deposit with the city treasurer all fines,
4 penalties and costs received. If the municipal judge fails
5 to report and deposit all fines, penalties and costs for a
6 period of twenty-five (25) days, his office shall be
7 declared vacant. If a city enacts an ordinance prescribing
8 a court automation fee as provided in W.S. ~~5-6-108~~
9 5-6-108(a)(i), the fee shall be remitted to the judicial
10 systems automation account established by W.S. 5-2-120. If
11 a city enacts an ordinance prescribing the indigent civil
12 legal services fee as provided in W.S. 5-6-108(a)(ii), the
13 fee shall be remitted to the indigent civil legal services
14 account established by W.S. 5-2-121.

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16 **5-6-303. Disposition of fines and penalties.**

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18 All fines and penalties collected, arising from a breach of
19 the ordinances of the town, shall be paid into the town
20 treasury. If a town enacts an ordinance prescribing a court
21 automation fee as provided in W.S. ~~5-6-108~~ 5-6-108(a)(i),
22 the fee shall be remitted to the judicial systems
23 automation account established by W.S. 5-2-120. If a town
24 enacts an ordinance prescribing an indigent civil legal

1 services fee as provided in W.S. 5-6-108(a)(ii), the fee
2 shall be remitted to the indigent civil legal services
3 account established by W.S. 5-2-121.

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5 **5-9-135. Filing fee.**

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7 For all civil matters the circuit court shall collect from
8 the plaintiff an original filing fee of twenty dollars
9 (\$20.00), ~~and~~ a court automation fee of ten dollars
10 (\$10.00), and an indigent civil legal services fee of ten
11 dollars (\$10.00) excluding small claims civil actions as
12 provided in W.S. 1-21-201 through 1-21-205 which shall have
13 a filing fee of ten dollars (\$10.00). The court automation
14 fee shall be deposited into the judicial systems automation
15 account and the indigent civil legal services fee shall be
16 deposited into the indigent civil legal services account as
17 provided by W.S. 5-9-144.

18
19 **5-9-144. Receipts for money paid into court.**

20
21 When any money is paid into a circuit court, a receipt for
22 said amount shall be issued promptly upon a form prescribed
23 by the Wyoming supreme court. The receipts shall be
24 prenumbered in numerical sequence. The original copy shall

1 be delivered to a payor making payment by cash or in
2 person, otherwise the original shall be attached to the
3 court file. A copy shall be filed in the office of the
4 issuing judge. The receipts shall be prenumbered by the
5 printer, and the printer shall give to the supreme court a
6 receipt showing the numbers so printed. Except as provided
7 in W.S. 5-9-106, the circuit court shall pay all fines,
8 forfeitures and other penalties to the county treasurer and
9 all fees, costs and other receipts to the state treasurer.
10 The court automation fee prescribed by W.S. 5-9-135 or
11 established by court rule shall be deposited by the state
12 treasurer into the judicial systems automation account
13 established by W.S. 5-2-120. The indigent civil legal
14 services fee prescribed by W.S. 5-9-135 shall be deposited
15 by the state treasurer into the indigent civil legal
16 services account established by W.S. 5-2-121.

17

18 **6-10-102. Imposition of fine for any felony; maximum**
19 **fine where not established by statute; court automation**
20 **fee; indigent civil legal services fee.**

21

22 The court may impose a fine as part of the punishment for
23 any felony. If the statute does not establish a maximum
24 fine, the fine shall be not more than ten thousand dollars

1 (\$10,000.00). The court shall impose a court automation fee
2 of ten dollars (\$10.00) in every criminal case wherein the
3 defendant is found guilty, enters a plea of guilty or no
4 contest or is placed on probation under W.S. 7-13-301. The
5 fee shall be remitted as provided by W.S. 5-3-205. In
6 addition to the court automation fee the court shall impose
7 an indigent civil legal services fee of ten dollars
8 (\$10.00) in every criminal case wherein the defendant is
9 found guilty, enters a plea of guilty or no contest or is
10 placed on probation under W.S. 7-13-301 or 35-7-1037. The
11 indigent civil legal services fee shall be remitted as
12 provided in W.S. 5-3-205(a)(ii).

13

14 **6-10-103. Penalties for misdemeanors where not**
15 **prescribed by statute; court automation fee; indigent civil**
16 **legal services fee.**

17

18 Unless a different penalty is prescribed by law, every
19 crime declared to be a misdemeanor is punishable by
20 imprisonment in the county jail for not more than six (6)
21 months, a fine of not more than seven hundred fifty dollars
22 (\$750.00), or both. The court shall impose a court
23 automation fee of ten dollars (\$10.00) in every criminal
24 case wherein the defendant is found guilty, enters a plea

1 of guilty or no contest or is placed on probation under
2 W.S. 7-13-301. The fee shall be remitted as provided by
3 W.S. 5-3-205. In addition to the court automation fee the
4 court shall impose an indigent civil legal services fee of
5 ten dollars (\$10.00) in every criminal case wherein the
6 defendant is found guilty, enters a plea of guilty or no
7 contest or is placed on probation under W.S. 7-13-301. The
8 indigent civil legal services fee shall be remitted as
9 provided in W.S. 5-3-205(a)(ii).

10
11 **Section 3.** The supreme court is authorized to expend
12 from the indigent civil legal services account up to two
13 million five hundred thousand dollars (\$2,500,000.00) to
14 operate the indigent civil legal services program for the
15 period from July 1, 2010 through June 30, 2012.
16 Notwithstanding any other provision of law, these funds
17 shall not be transferred or expended for any other purpose.

18
19 **Section 4.** This act is effective July 1, 2010.
20

21 (END)