

ENROLLED ACT NO. 68, HOUSE OF REPRESENTATIVES

SIXTY-FIRST LEGISLATURE OF THE STATE OF WYOMING
2011 GENERAL SESSION

AN ACT relating to criminal procedure; providing that acceptance of a citation by a person serves as a promise to appear in court as specified; and providing for an effective date.

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

Section 1. W.S. 7-2-103(b)(iv), 23-6-101, 23-6-102(c), 23-6-103(a), 31-5-1204(c)(ii) and (d)(i), 31-5-1205(d) and (h), 31-5-1206(a) and (b), 31-7-126 and 31-7-129(a)(iv) are amended to read:

7-2-103. Issuance of citations.

(b) A person may be released if, after investigation, it appears that the person:

(iv) Is willing to ~~sign a citation~~ accept the citation, thereby promising to appear in court at the time and on the date specified in the citation.

23-6-101. Arrest without warrant; when person arrested to be taken immediately before a court.

Any game warden, commissioner or other employee of the department designated by the commission and any Wyoming law enforcement officer may arrest without warrant any person violating any provision of this act. If the offense charged is punishable as a misdemeanor, the arrested person shall be taken immediately before the nearest or most readily accessible court having jurisdiction of the offense in the county where the offense is alleged to have been committed unless the officer accepts a ~~written~~ promise to appear as provided in W.S. 23-6-102(c) at a later time or a bond pursuant to W.S. ~~23-6-102-23-6-102(d)~~.

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23-6-102. Notice to appear in court; release upon written promise to appear; release upon posting bond.

(c) The arrested person, in order to secure release as provided in this section, must give his ~~written~~ promise to appear in court by ~~signing at least one (1) copy of the citation prepared by the arresting officer~~ accepting one (1) copy of the citation. The officer shall deliver one (1) copy of the citation to the person promising to appear. Thereupon the officer shall forthwith release the person arrested from custody.

23-6-103. Failure to obey citation; appearance by counsel; penalty.

(a) No person shall violate his ~~written~~ promise to appear given to any officer upon issuance of a game and fish citation regardless of the disposition of the charge for which the citation was originally issued. A ~~written~~ promise to appear in court may be complied with by an appearance by counsel.

31-5-1204. Authority to make arrest; general arrest procedures; arrest of nonresidents.

(c) Whenever any person is halted by a police officer for any violation of this act, he shall be taken without unnecessary delay before the proper court as specified in W.S. 31-5-1205(g), in any of the following cases:

(ii) In any other event when the person is issued a traffic citation by a police officer and refuses to give his ~~written~~ promise to appear in court ~~as hereinafter provided~~ manifested by his refusal to accept the citation.

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(d) Whenever any person is halted by a police officer for any violation of this act and is not required to be taken before a court as provided by subsection (c) of this section, the person shall, in the discretion of the officer, either be given a traffic citation or be taken without unnecessary delay before the proper judge, as specified in W.S. 31-5-1205(g), in any of the following cases:

(i) When the person does not furnish satisfactory evidence of identity or when the officer has reasonable and probable grounds to believe the person will disregard a ~~written~~ promise to appear in court;

31-5-1205. Traffic citations; notice to appear in court; release upon written promise to appear; procedure before judge or court; arrest for driving under the influence.

(d) The person charged with the violation may give his ~~written~~ promise to appear in court by ~~signing~~ accepting at least one (1) copy of the written traffic citation prepared by the officer, in which event the officer shall deliver a copy of the citation to the person, and thereupon, the officer shall not take the person into physical custody for the violation.

(h) Whenever any person is taken into custody by a police officer for the purpose of taking him before a judge or court as authorized or required in this act upon any charge other than a felony or the offenses enumerated in W.S. 31-5-1204(a)(i), (ii) and (iii), and no judge is available at the time of arrest, and there is no bail schedule established by the judge or court and no lawfully designated court clerk or other public officer who is

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available and authorized to accept bail upon behalf of the judge or court, the person shall be released from custody upon the issuance to him of a written traffic citation and his ~~signing a~~ acceptance of the citation signifying his promise to appear as provided in subsection (d) of this section.

31-5-1206. Violation of promise to appear; appearance by counsel.

(a) It is unlawful for any person to violate his ~~written~~ promise to appear given to an officer upon the issuance of a traffic citation regardless of the disposition of the charge for which the citation was originally issued.

(b) A ~~written~~ promise to appear in court may be complied with by an appearance by counsel.

31-7-126. Reporting of convictions and failure to appear by courts.

Every court having jurisdiction under any statute of this state or a municipal ordinance adopted by local authority regulating the driving of motor vehicles, shall forward to the division within ten (10) working days from the date of conviction a record of the conviction of any person in the court for a violation of any of those laws or ordinances, other than those regulating standing or parking of a motor vehicle. The court shall also forward to the division a report of any violation by any person of a ~~written~~ promise to appear in court as given to the arresting officer upon the issuance of a traffic citation and any failure to appear in court at the time specified by the court. Failure of a court to forward a record of conviction or violation under this section within the time specified in this

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section from the date of conviction or violation shall not affect the division's authority under this act.

31-7-129. Discretionary suspension of license.

(a) The division may suspend the license of any driver for a period not to exceed twelve (12) months if the licensee:

(iv) Has violated his ~~written~~ promise to appear in court, given to an arresting officer in this state or any other state upon the issuance of a traffic citation, or has failed to appear in court in this state or another state at the time specified by the court; or

Section 2. This act is effective July 1, 2011.

(END)

Speaker of the House

President of the Senate

Governor

TIME APPROVED: _____

DATE APPROVED: _____

I hereby certify that this act originated in the House.

Chief Clerk