

SENATE FILE NO. SF0013

Public defender-indigency standards.

Sponsored by: Joint Judiciary Interim Committee

A BILL

for

1 AN ACT relating to criminal procedure; amending indigency  
 2 qualification procedures and standards for public defender  
 3 representation; making conforming amendments; and providing  
 4 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. 7-6-102(a)(iv) and 7-6-106(b) and by  
 9 creating a new subsection (f) are amended to read:

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11 **7-6-102. Definitions.**

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13 (a) As used in this act:

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15 (iv) "Needy person" means a person who at the  
 16 time of his need of an attorney is ~~determined is~~ unable to

1 provide for the full payment of an attorney and all other  
2 necessary expenses of representation; without prejudicing  
3 his financial ability to provide basic economic necessities  
4 for himself or his family considering the person's  
5 available funds and the anticipated cost of the attorney. A  
6 person shall be deemed needy if he meets the income  
7 standards of W.S. 7-6-106(f)(i). A person shall be presumed  
8 needy if:

9  
10 (A) He receives at least one (1) of the  
11 following types of public assistance:

12  
13 (I) Temporary Assistance for Needy  
14 Families (TANF);

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16 (II) Emergency Aid to Elderly,  
17 Disabled and Children (EAEDC);

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19 (III) Poverty related veteran's  
20 benefits;

21  
22 (IV) Supplemental nutrition assistance  
23 program;

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(V) Medicaid;

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(VI) Supplemental Security Income

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(SSI).

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(B) He resides in a public mental health

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facility and has no available funds;

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(C) He is serving a sentence in a state

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correctional institution and has no available funds; or

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(D) He is in custody in a county jail and

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has no available funds.

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**7-6-106. Determination of need; reimbursement for**

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**services.**

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(b) In determining whether a person is a needy person

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and in determining the extent of his inability to pay, and,

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in the case of an unemancipated minor, the inability to pay

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of his custodial parent or another person who has a legal

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obligation of support, the court shall consider the

1 standards set forth in subsection (f) of this section, W.S.  
2 7-6-102(a)(iv) and Rule 44(d), Wyoming Rules of Criminal  
3 Procedure. Release on bail does not necessarily prevent a  
4 person from being determined to be needy. In each case the  
5 person, subject to the penalties for perjury, shall certify  
6 in writing, or by other record, the material factors  
7 relating to his ability to pay as the court prescribes.

8  
9 (f) The following income standards shall be used to  
10 determine whether a person is needy for purposes of this  
11 article:

12  
13 (i) A person whose annual gross income is less  
14 than one hundred twenty-five percent (125%) of the current  
15 federally established poverty level for his immediate  
16 family unit is needy;

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18 (ii) A person whose annual gross income is  
19 between one hundred twenty-five percent (125%) and two  
20 hundred eighteen percent (218%) of the current federally  
21 established poverty level for his immediate family unit may  
22 be deemed needy;

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1           (iii) A person whose annual gross income is  
2 greater than two hundred eighteen percent (218%) of the  
3 current federally established poverty level for his  
4 immediate family unit shall not be deemed needy under this  
5 article.

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7           **Section 2.** This act is effective July 1, 2020.

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(END)