

HOUSE BILL NO. HB0190

Public defender-fee schedule and indigency standard.

Sponsored by: Representative(s) Walters and Throne and
Senator(s) Esquibel, F.

A BILL

for

1 AN ACT relating to public defenders; providing for posting
2 of fee schedules online; providing for use of indigency
3 standard in court rules; repealing rulemaking authority for
4 setting indigency standards; 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. 7-6-103(c)(vi) and 7-6-106(b) are
10 amended to read:

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12 **7-6-103. Creation of office of state public defender;**
13 **appointment of state public defender and assistants;**
14 **duties; removal.**

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16 (c) The state public defender shall:

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2 (vi) Promulgate rules and regulations
3 establishing a standard fee schedule for services provided
4 by attorneys appointed pursuant to W.S. 7-6-109 and post
5 the schedule on the agency's website;

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

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10 (b) In determining whether a person is a needy person
11 and in determining the extent of his inability to pay, and,
12 in the case of an unemancipated minor, the inability to pay
13 of his custodial parent or another person who has a legal
14 obligation of support, the court shall consider the
15 standards ~~promulgated pursuant to W.S. 7-6-103(c)(vii)~~ set
16 forth in Rule 44(d), Wyoming Rules of Criminal Procedure.

17 Release on bail does not necessarily prevent a person from
18 being determined to be needy. In each case the person,
19 subject to the penalties for perjury, shall certify in
20 writing, or by other record, the material factors relating
21 to his ability to pay as the court prescribes.

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23 **Section 2.** W.S. 7-6-103(c)(vii) is repealed.

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