

ORIGINAL HOUSE
BILL NO. 0190

ENROLLED ACT NO. 74, HOUSE OF REPRESENTATIVES

SIXTY-SECOND LEGISLATURE OF THE STATE OF WYOMING
2013 GENERAL SESSION

AN ACT relating to public defenders; providing for posting of fee schedules online; providing for use of indigency standard in court rules; repealing rulemaking authority for setting indigency standards; and providing for an effective date.

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

Section 1. W.S. 7-6-103(c)(vi) and 7-6-106(b) are amended to read:

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

(c) The state public defender shall:

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

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

(b) In determining whether a person is a needy person and in determining the extent of his inability to pay, and, in the case of an unemancipated minor, the inability to pay of his custodial parent or another person who has a legal obligation of support, the court shall consider the standards promulgated pursuant to W.S. 7-6-103(c)(vii) set forth in Rule 44(d), Wyoming Rules of Criminal Procedure. Release on bail does not necessarily prevent a person from being determined to be needy. In each case the person, subject to the penalties for perjury, shall certify in

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writing, or by other record, the material factors relating to his ability to pay as the court prescribes.

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 W.S. 7-6-103(c)(vii) is repealed.

Section 3. This act is effective July 1, 2013.

(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