

ORDINANCE NO. _____

ENTITLED: “AN ORDINANCE AMENDING SECTION 2.40.020, APPOINTMENT OF JUDGES - POWERS GENERALLY, OF CHAPTER 2.40, MUNICIPAL COURT, OF TITLE 2, ADMINISTRATION AND PERSONNEL, OF THE CODE OF THE CITY OF CHEYENNE, WYOMING.”

BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF CHEYENNE, WYOMING:

Section 1. That section 2.40.020, Appointment of Judges – Powers Generally, of Chapter 2.40, Municipal Court, of Title 2, Administration and Personnel, of the code of the City of Cheyenne, Wyoming, is hereby amended as set out in this ordinance.

2.40.020 Appointment of Judges – Powers generally; assessment of costs and fees; waiver.

C. Municipal court judges may assess costs in all trials before the court ~~in an amount not to exceed ten dollars (\$10.00)~~ as may be necessary or deemed expedient, not to exceed the statutory maximum authorized by Wyo. Stat. 5-6-108(a), with the costs collected to be submitted to the city treasurer.

D. Municipal court judges shall assess the following fees:

1. A court automation fee in the amount provided by Wyo. Stat. 5-6-108(a)(i) to be paid by every person guilty of a violation of a city ordinance. Any fee collected under this paragraph shall be submitted to the city treasurer. The city treasurer shall retain the amount authorized under Wyo. Stat. 5-6-204 for the purpose of defraying costs and expenses related to establishing and maintaining an electronic citation system. The remaining portion of the fee shall be remitted to the judicial systems automation account administered by the Wyoming Supreme Court and as created by Wyo. Stat. 5-2-120; and

2. A fee in the amount provided by Wyo. Stat. 5-6-108(a)(ii) to provide indigent individuals with civil legal services in accordance with Wyo. Stat. 5-2-121. Any fee collected under this paragraph shall be submitted to the city treasurer. The city treasurer shall remit the entirety of the fee to the indigent civil legal services account administered by the Wyoming Supreme Court and as created by Wyo. Stat. 5-2-121.

E. Upon assessment of the fees required by subsection D of this section, a municipal court judge may waive imposition of either or both of the fees upon a finding on the record that the defendant has an inability to pay the fees or that imposition of the fees constitutes an undue hardship.

D.F. When a defendant is acquitted in any case brought before the court, the informer or prosecutor may, in the discretion of the municipal judge, be required to pay the costs,

if it appears that the prosecution was instituted vexatiously, maliciously or without reasonable cause, and judgment shall be so rendered.

Section 2. That this ordinance shall be in full force and effect upon its approval and publication.

FIRST READING: _____

SECOND READING: _____

THIRD AND FINAL READING: _____

PATRICK COLLINS, MAYOR

(SEAL)
ATTEST:

KRISTINA F. JONES, CITY CLERK

Published: _____