

IN THE SUPREME COURT, STATE OF WYOMING

OCTOBER TERM, A.D. 2002

In the Matter of the Adoption of)
Amendments to the Rules for)
Justice of the Peace Courts -)
Administrative Rules)

IN THE SUPREME COURT
STATE OF WYOMING
FILED

DEC - 4 2002

ORDER ADOPTING AMENDMENTS TO *Judy Pacheco*
THE RULES FOR JUSTICE OF THE PEACE COURTS - JUDY PACHECO, CLERK
ADMINISTRATIVE RULES

This matter came before the Court by direction of the Board of Judicial Policy and Administration to amend the Rules for Justice of the Peace Courts - Administrative Rules. It is therefore,

ORDERED that the amendments to the Rules for Justice of the Peace Courts - Administrative Rules, a copy of which is attached hereto, are adopted and that the amendments shall be effective January 6, 2003.

Dated this 2ND day of December, 2002.

BY THE COURT:

William U. Hill
WILLIAM U. HILL
Chief Justice

**RULES FOR MUNICIPAL JUSTICE OF THE PEACE
COURTS - ADMINISTRATIVE RULES**

~~Rule 1. Scope. [Abrogated]~~

~~Rule 2. Qualifications of justices of the peace. [Abrogated]~~

~~Rule 3. Procedure for appointment when a qualified person is not elected. [Abrogated]~~

~~Rule 4. Bailiff. [Abrogated]~~

....

~~Rule 6. Temporary assignments. [Abrogated]~~

Rule 17. Department of Audit supervision.

(a) System of accounting and auditing. - The Legislature has provided that the Department of Audit shall establish, supervise, and as necessary from time to time, modify a system of accounting and auditing for ~~justice of the peace courts and~~ municipal courts in order to furnish a proper and uniform accounting of all money received and disbursed by them (W.S. §§§§ 5-4-216, 5-4-219 and 9-2-410). To accomplish this mandate, these rules set out procedures, approved by the Director of the Department of Audit, for ~~justices of the peace and~~ municipal courts.

(b) Definition. - When used in this rule the word "justice" shall mean ~~"justice of the peace" and~~ "municipal judge".

Rule 28. Department of Audit requirements.

(a) *Dockets.* - ~~Rule 4, W.R.C.P.J.C., and~~ Rules 3 and 3.1 W.R.Cr.P., require each civil and criminal proceeding, including proceedings when citations have issued, to be entered on justice dockets. Docket books and records shall be uniform in format as established by the computer system approved by the Director of the Department of Audit and the Wyoming Supreme Court.

(b) *Cash receipts.* - A cash receipt must be issued by each court for all moneys paid to the court. Each receipt will be in triplicate and prenumbered in numerical sequence by the computer software program used for receipt generation. The original receipt shall be issued to the payer of money received by the justice in payment of fines, fees, costs, bail forfeitures, bail bonds, garnishments, attachments, judgments and other official business. The duplicate copy shall be filed with the city ~~or county~~ treasurer, ~~as the case may be,~~ when the money is deposited in the city ~~or county~~ treasury. The triplicate copy shall be retained by the justice. The docket number must be shown on each cash receipt issued. The cash receipt number will be entered in the docket. If the computer system is not functional, a hand written receipt will be prepared. Later entry to

the computer system will conform to procedures established by the Wyoming Supreme Court.

(c) *Deposits.* -

- (1) All money received by each justice, in his official capacity, shall be kept separate and not commingled with his personal funds. To that end each justice will open a special account labeled "special criminal account" in an officially designated bank in which all money received in a criminal case will be deposited daily. The cash receipt numbers will be shown on the deposit slip. The cash receipts and the total deposits must balance. In the event the justice remits such money to the city ~~or county~~ treasurer on a daily basis, such sums need not be deposited in a bank, but the cash receipt numbers shall be shown on the treasurer's receipt which the justice obtains. In turn, the treasurer's receipt number shall be entered in the respective dockets.
- (2) Money received in civil matters by a justice ~~of the peace~~ shall not be deposited in the same bank account as that received in criminal matters (W.S. §§ 5-4-218). The justice shall open a separate bank account denominated "special civil account".

....

- (e) *Bank statements.* - The bank statements must be reconciled each month both with the checkbook and the docket. The balance, if any, shown on the checkbook shall be identified by docket numbers. The bank statements, cancelled checks, daily and monthly receipt reports, monthly disbursement report and monthly trial balances shall be retained for future reference and examination. Receipts from the city ~~or county~~ treasurer for remittances made in cash or by check shall be retained for audit purposes.

....

(g) *Reporting.* -

- (1) Each justice shall remit to the city ~~or county~~ treasurer all money received by him as official business within 30~~d~~ days after receipt (W.S. § 5-4-224). If such remittance is made on a monthly basis, it shall be remitted no later than the twenty-fifth day on the month following the month which the money was received. (See W.S. § 9-1-507 and 18-3-814.)
- (2) Copies of computer generated month-end receipts journal, monthly disbursements and monthly trial balances shall be provided to the ~~city county~~ treasurer with the remittance of fines, costs forfeitures and fees. The ~~city county~~ treasurer shall provide a receipt to the justice. A second copy of the month-end reports shall be provided to the ~~city county~~ clerk for information to the ~~city council county commissioners~~. The original shall be retained and

filed by the justice. The Department of Audit suggests that daily computer reports be kept to lessen the workload at the end of the month and to give immediate index reference to all recent cases.

Appendix

~~REPORT OF JUSTICE OF THE PEACE TO THE BOARD OF
COUNTY COMMISSIONERS FOR THE MONTH ENDING _____
(YEAR) _____~~

~~OR~~

REPORT OF POLICE JUSTICE TO MAYOR AND CITY
COUNCIL FOR THE MONTH ENDING _____ (YEAR) _____
(Title)

....

(Copy to be forwarded to the
Mayor ~~or~~ County
~~Commissioner~~ after Treasurer
receiving)

~~County Treasurer or~~
City Treasurer