

**DRAFT ONLY
NOT APPROVED FOR
INTRODUCTION**

HOUSE BILL NO. _____

Modernization of court procedures.

Sponsored by: Joint Judiciary Interim Committee

A BILL

for

1 AN ACT relating to courts; amending procedures for courts
2 as specified; eliminating a duty of a circuit court to
3 prepare affidavits for specified actions; correcting
4 obsolete references; amending qualifications for court
5 reporters as specified; requiring continuing education for
6 court reporters; and providing for an effective date.

7

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

9

10 **Section 1.** W.S. 1-21-203(a), 5-3-402, 5-6-106 and 5-
11 9-119(a) are amended to read:

12

13 **1-21-203. Affidavit of claim; service of summons;**
14 **venue jurisdiction.**

1

2 (a) The claimant shall prepare the affidavit as set
3 forth, ~~or at his request the circuit judge shall draft it~~
4 ~~for him.~~ When the affidavit is executed by the claimant the
5 court shall file the same and have summons served on the
6 defendant at any location in the county in the manner
7 provided by law or, if the defendant resides in the county,
8 service may be made by the court by certified mail
9 addressed to the defendant at his address within the county
10 with return receipt requested. Upon receipt by the circuit
11 judge of the return receipt signed by the defendant or his
12 agent, service is complete.

13

14 **5-3-402. Qualifications; examination; certification;**
15 **continuing education; supervision and control by judge;**
16 **removal for cause; appointment of successor.**

17

18 Before any person can be appointed as official
19 reporter of any district court in this state, he or she
20 shall be a resident of ~~said district~~ the state, and shall
21 be ~~examined as to his or her competency by at least three~~
22 ~~(3) members of the bar, practicing in said court, and such~~
23 ~~committee shall be appointed by the judge thereof and such~~

1 ~~test of competency shall be as follows: applicant shall~~
2 ~~write in the presence of the committee at the rate of at~~
3 ~~least one hundred and twenty (120) words per minute for~~
4 ~~five (5) consecutive minutes from questions and answers not~~
5 ~~previously written by him or her, and transcribe the same~~
6 ~~with accuracy. If the applicant passes this test~~
7 ~~satisfactorily, a majority of the committee shall furnish~~
8 ~~him or her with a certificate of that fact, which shall be~~
9 ~~filed with the records of the court; provided, however,~~
10 ~~that said~~ certified as provided in subsection (b) of this
11 section. The court reporter shall be subject to the
12 supervision and control of the judge of the judicial
13 district appointing him, and for omission or neglect of
14 duty, misconduct or failure to comply with the provisions
15 of this act, he or she may be removed by the judge of ~~said~~
16 the judicial district, upon cause being shown therefor, by
17 an order of ~~said~~ the judge, who shall have power to appoint
18 his successor.

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20 (b) A court reporter may be certified by:

21

1 (i) Passing a registered professional reporter
2 examination administered by the national court reporters
3 association;

4
5 (ii) Having graduated from an accredited court
6 reporting school and passing a five (5) minute, two (2)
7 voice dictation test at two hundred twenty-five (225) words
8 per minute with a ninety-five percent (95%) accuracy rate
9 with no more than sixty-five (65) errors. The test shall
10 be taken from a national court reporters association
11 examination tape and administered by a committee consisting
12 of no less than two (2) persons appointed by the district
13 court judge;

14
15 (iii) Passing a certification test from any
16 other state that certifies court reporters, provided that
17 the requirements for certification in that state are equal
18 to or exceed the standards specified in paragraph (ii) of
19 this subsection; or,

20
21 (iv) Serving in the capacity as a full-time
22 official court reporter in a Wyoming district court for a
23 minimum of one (1) year immediately prior to July 1, 2008.

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2 (c) All court reporters certified under this section
3 shall be required to earn three (3) continuing education
4 units recognized by the national court reporters
5 association for each three (3) year period of
6 certification. A record of the continuing education units
7 earned shall be maintained by the Wyoming shorthand
8 reporters association.

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10 **5-6-106. Procedure generally; additional rules may be**
11 **provided by ordinance; appeals.**

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13 The procedure of municipal courts shall conform to the
14 procedure provided by law and rules of procedure for courts
15 of limited jurisdiction. The incorporated city or town may
16 by ordinance provide any additional rules of procedure
17 found necessary for the proper conduct of municipal courts,
18 provided these rules do not conflict with the general laws
19 of the state. Appeals to the district court shall be
20 allowed in all cases as now provided by law for appeals
21 from ~~justices of the peace~~ circuit courts.

22

5-9-119. Judges may hold court for each other; expenses of judge holding court in another circuit or district; disqualification of judge; change of venue prohibited.

(a) The judges of the circuit courts may hold court for each other and ~~for justices of the peace and~~ shall do so when required by law. The expenses of any judge of a circuit court holding court in any circuit other than his own or in any district court pursuant to assignment under W.S. 5-3-112, including travel expenses and his expenses while holding court, shall be charged to the contingent fund of the circuit court in whose circuit he is holding court or to the contingent fund of the district court in whose district he is holding court pursuant to assignment under W.S. 5-3-112.

Section 2. This act is effective July 1, 2008.

(END)