

HOUSE BILL NO. HB0324

Process servers.

Sponsored by: Representative(s) Zwonitzer, Dn.

A BILL

for

1 AN ACT relating to civil procedure; requiring process
2 servers who are not the sheriff to submit to criminal
3 background checks prior to being appointed by the court to
4 serve civil process or court orders; conforming provisions;
5 and providing for an effective date.

6

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

8

9 **Section 1.** W.S. 1-6-102, 1-6-103, 7-19-106(a) by
10 creating a new paragraph (xv) and 7-19-201(a) by creating a
11 new paragraph (viii) and (b) are amended to read:

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13 **1-6-102. Service of process when sheriff is an**
14 **interested party.**

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16 When the sheriff is a party or is interested in an action,
17 process shall be directed to and executed by a person over

1 the age of eighteen (18) years, not a party to the action,
2 appointed for that purpose by the court in accordance with
3 W.S. 1-6-103.

4
5 **1-6-103. Appointment to serve particular process or**
6 **order.**

7
8 (a) For good cause the court may appoint a person to
9 serve a particular process or order, who has the same power
10 as the sheriff to execute it. Subject to subsection (b) of
11 this section, the person may be appointed on the motion of
12 the party who obtains the process or order, and the return
13 must be verified by affidavit. He is entitled to the fees
14 allowed the sheriff for similar services.

15
16 (b) The clerk of court shall require the prospective
17 appointee under subsection (a) of this section to submit to
18 fingerprinting in order to obtain state and national
19 criminal history record information as a condition of
20 qualifying for the appointment to serve the process or
21 order.

22
23 **7-19-106. Access to, and dissemination of,**
24 **information.**

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2 (a) Criminal history record information shall be
3 disseminated by criminal justice agencies in this state,
4 whether directly or through any intermediary, only to:

5

6 (xv) Clerks of court for purposes of obtaining
7 background information on prospective appointees under W.S.
8 1-6-103(b) to serve process under rule 4 of the Wyoming
9 Rules of Civil Procedure or court orders.

10

11 **7-19-201. State or national criminal history record**
12 **information.**

13

14 (a) The following persons shall be required to submit
15 to fingerprinting in order to obtain state and national
16 criminal history record information:

17

18 (viii) Prospective appointees under W.S.
19 1-6-103(b) to serve process under rule 4 of the Wyoming
20 Rules of Civil Procedure or court orders as a condition of
21 appointment by the court to serve the process or court
22 orders.

23

(b) Fingerprints taken pursuant to this article shall be submitted to the Wyoming division of criminal investigation for processing and obtaining state and national criminal history record information and shall be accompanied by the fee required by W.S. 7-19-108. Upon payment of required fees, the division shall process and obtain state and national criminal history record information for the Wyoming state board of nursing and the board of pharmacy, ~~or~~ for an applicant for licensure or certification by either board, and for clerks of court for appointments of persons under W.S. 1-6-103(b) to serve process under rule 4 of the Wyoming Rules of Civil Procedure or court orders.

14

15 **Section 2.** This act is effective July 1, 2007.

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17 (END)