

HOUSE BILL NO. HB0249

Acceptance of citation.

Sponsored by: Representative(s) Nicholas, B. and Krone and
Senator(s) Perkins

A BILL

for

1 AN ACT relating to criminal procedure; providing that
2 acceptance of a citation by a person serves as a promise to
3 appear in court as specified; and providing for an
4 effective date.

5

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

7

8 **Section** **1.** W.S. 7-2-103(b)(iv), 23-6-101,
9 23-6-102(c), 23-6-103(a), 31-5-1204(c)(ii) and (d)(i),
10 31-5-1205(d) and (h), 31-5-1206(a) and (b), 31-7-126 and
11 31-7-129(a)(iv) are amended to read:

12

13 **7-2-103. Issuance of citations.**

14

15 (b) A person may be released if, after investigation,
16 it appears that the person:

1

2 (iv) Is willing to ~~sign a citation~~ accept the
3 citation, thereby promising to appear in court at the time
4 and on the date specified in the citation.

5

6 23-6-101. Arrest without warrant; when person
7 arrested to be taken immediately before a court.

8

9 Any game warden, commissioner or other employee of the
10 department designated by the commission and any Wyoming law
11 enforcement officer may arrest without warrant any person
12 violating any provision of this act. If the offense charged
13 is punishable as a misdemeanor, the arrested person shall
14 be taken immediately before the nearest or most readily
15 accessible court having jurisdiction of the offense in the
16 county where the offense is alleged to have been committed
17 unless the officer accepts a ~~written~~ promise to appear as
18 provided in W.S. 23-6-102(c) at a later time or a bond
19 pursuant to W.S. ~~23-6-102~~ 23-6-102(d).

20

21 23-6-102. Notice to appear in court; release upon
22 written promise to appear; release upon posting bond.

23

1 (c) The arrested person, in order to secure release
2 as provided in this section, must give his ~~written~~ promise
3 to appear in court by ~~signing at least one (1) copy of the~~
4 ~~citation prepared by the arresting officer~~ accepting one
5 (1) copy of the citation. The officer shall deliver one (1)
6 copy of the citation to the person promising to appear.
7 Thereupon the officer shall forthwith release the person
8 arrested from custody.

9
10 **23-6-103. Failure to obey citation; appearance by**
11 **counsel; penalty.**

12
13 (a) No person shall violate his ~~written~~ promise to
14 appear given to any officer upon issuance of a game and
15 fish citation regardless of the disposition of the charge
16 for which the citation was originally issued. A ~~written~~
17 promise to appear in court may be complied with by an
18 appearance by counsel.

19
20 **31-5-1204. Authority to make arrest; general arrest**
21 **procedures; arrest of nonresidents.**

22
23 (c) Whenever any person is halted by a police officer
24 for any violation of this act, he shall be taken without

1 unnecessary delay before the proper court as specified in
2 W.S. 31-5-1205(g), in any of the following cases:

3

4 (ii) In any other event when the person is
5 issued a traffic citation by a police officer and refuses
6 to give his ~~written~~ promise to appear in court ~~as~~
7 ~~hereinafter provided~~ by accepting the citation.

8

9 (d) Whenever any person is halted by a police officer
10 for any violation of this act and is not required to be
11 taken before a court as provided by subsection (c) of this
12 section, the person shall, in the discretion of the
13 officer, either be given a traffic citation or be taken
14 without unnecessary delay before the proper judge, as
15 specified in W.S. 31-5-1205(g), in any of the following
16 cases:

17

18 (i) When the person does not furnish
19 satisfactory evidence of identity or when the officer has
20 reasonable and probable grounds to believe the person will
21 disregard a ~~written~~ promise to appear in court;

22

23 31-5-1205. Traffic citations; notice to appear in
24 court; release upon written promise to appear; procedure

1 before judge or court; arrest for driving under the
2 influence.

3

4 (d) The person charged with the violation may give
5 his ~~written~~ promise to appear in court by ~~signing~~ accepting
6 at least one (1) copy of the written traffic citation
7 prepared by the officer, in which event the officer shall
8 deliver a copy of the citation to the person, and
9 thereupon, the officer shall not take the person into
10 physical custody for the violation.

11

12 (h) Whenever any person is taken into custody by a
13 police officer for the purpose of taking him before a judge
14 or court as authorized or required in this act upon any
15 charge other than a felony or the offenses enumerated in
16 W.S. 31-5-1204(a)(i), (ii) and (iii), and no judge is
17 available at the time of arrest, and there is no bail
18 schedule established by the judge or court and no lawfully
19 designated court clerk or other public officer who is
20 available and authorized to accept bail upon behalf of the
21 judge or court, the person shall be released from custody
22 upon the issuance to him of a written traffic citation and
23 his ~~signing a~~ acceptance of the citation signifying his

1 promise to appear as provided in subsection (d) of this
2 section.

3

4 **31-5-1206. Violation of promise to appear; appearance**
5 **by counsel.**

6

7 (a) It is unlawful for any person to violate his
8 ~~written~~ promise to appear given to an officer upon the
9 issuance of a traffic citation regardless of the
10 disposition of the charge for which the citation was
11 originally issued.

12

13 (b) A ~~written~~ promise to appear in court may be
14 complied with by an appearance by counsel.

15

16 **31-7-126. Reporting of convictions and failure to**
17 **appear by courts.**

18

19 Every court having jurisdiction under any statute of this
20 state or a municipal ordinance adopted by local authority
21 regulating the driving of motor vehicles, shall forward to
22 the division within ten (10) working days from the date of
23 conviction a record of the conviction of any person in the
24 court for a violation of any of those laws or ordinances,

1 other than those regulating standing or parking of a motor
2 vehicle. The court shall also forward to the division a
3 report of any violation by any person of a ~~written~~ promise
4 to appear in court as given to the arresting officer upon
5 the issuance of a traffic citation and any failure to
6 appear in court at the time specified by the court. Failure
7 of a court to forward a record of conviction or violation
8 under this section within the time specified in this
9 section from the date of conviction or violation shall not
10 affect the division's authority under this act.

11

12 **31-7-129. Discretionary suspension of license.**

13

14 (a) The division may suspend the license of any
15 driver for a period not to exceed twelve (12) months if the
16 licensee:

17

18 (iv) Has violated his ~~written~~ promise to appear
19 in court, given to an arresting officer in this state or
20 any other state upon the issuance of a traffic citation, or
21 has failed to appear in court in this state or another
22 state at the time specified by the court; or

23

