

ENROLLED ACT NO. 15, SENATE

SIXTY-FIFTH LEGISLATURE OF THE STATE OF WYOMING
2020 BUDGET SESSION

AN ACT relating to criminal procedure; amending indigency qualification procedures and standards for public defender representation; making conforming amendments; and providing for an effective date.

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

Section 1. W.S. 7-6-102(a)(iv) and 7-6-106(b) and by creating new subsections (f) through (h) are amended to read:

7-6-102. Definitions.

(a) As used in this act:

(iv) "Needy person" means a person who at the time of his need of an attorney is ~~determined is~~ unable to provide for the full payment of an attorney and all other necessary expenses of representation; without prejudicing his financial ability to provide basic economic necessities for himself or his family considering the person's available funds and the anticipated cost of the attorney.

7-6-106. Determination of need; reimbursement for services.

(b) In determining whether a person is a needy person and in determining the extent of his inability to pay, and, in the case of an unemancipated minor, the inability to pay of his custodial parent or another person who has a legal obligation of support, the court shall consider the standards set forth in subsections (f) through (h) of this section and Rule 44(d), Wyoming Rules of Criminal Procedure. Release on bail does not necessarily prevent a

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person from being determined to be needy. In each case the person, subject to the penalties for perjury, shall certify in writing, or by other record, the material factors relating to his ability to pay as the court prescribes.

(f) The following income standards shall be used to determine whether a person is needy for purposes of this article:

(i) A person whose annual gross income is less than one hundred twenty-five percent (125%) of the current federally established poverty level for his immediate family unit is needy;

(ii) A person whose annual gross income is between one hundred twenty-five percent (125%) and two hundred eighteen percent (218%) of the current federally established poverty level for his immediate family unit may be deemed needy;

(iii) A person whose annual gross income is greater than two hundred eighteen percent (218%) of the current federally established poverty level for his immediate family unit shall not be deemed needy under this article.

(g) Notwithstanding subsection (f) of this section, a person may be deemed needy if the person is charged with a felony and the court, in its discretion, determines on the record after consideration of the standards set forth in Rule 44(d), Wyoming Rules of Criminal Procedure that

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extraordinary circumstances exist such that the person is entitled to representation.

(h) Notwithstanding subsection (f) of this section, a person shall be presumed needy if:

(i) He receives at least one (1) of the following types of public assistance:

(A) Temporary Assistance for Needy Families (TANF);

(B) Emergency Aid to Elderly, Disabled and Children (EAEDC);

(C) Poverty related veteran's benefits;

(D) Supplemental nutrition assistance program;

(E) Medicaid;

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(F) Supplemental Security Income (SSI).

(ii) He resides in a public mental health facility and has no available funds or liquid assets;

(iii) He is serving a sentence in a state correctional institution and has no available funds or liquid assets; or

(iv) He is in custody in a county jail and has no available funds or liquid assets.

ORIGINAL SENATE
FILE NO. SF0013

ENGROSSED

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Section 2. This act is effective July 1, 2020.

(END)

Speaker of the House

President of the Senate

Governor

TIME APPROVED: _____

DATE APPROVED: _____

I hereby certify that this act originated in the Senate.

Chief Clerk