



**WYOMING LEGISLATIVE SERVICE OFFICE**

# Memorandum

**DATE** May 14, 2018

**TO** Members, Joint Corporations, Elections and Political Subdivisions Interim Committee

**FROM** Anna Mumford, Operations Administrator

**SUBJECT** Public Records and Meetings

The Committee's priority #6 interim topic as approved by Management Council concerns public records and meetings and includes the following:

1. Enforcement and compliance of public records and meeting laws.
2. Denial of public records, fees and timeline.
3. Local government publications of records.
4. Modernization of statutes on records and recordkeeping.

Per the Chairmen's directive, LSO has compiled the following documents for the Committee's review relating to this topic:

1. Public Records, W.S. 16-4-201 through 16-4-205.
2. Public Meetings, W.S. 16-4-401 through 16-4-408.
3. Management Council Policy 06-02, Access to Legislative Records.
4. Department of Administration & Information Rules, Chapter 2, Uniform Procedures, Fees, Costs, and Charges for Inspection, Copying, and Producing Public Records.
5. Wyoming Court Rules:
  - a. Rules Governing Access to Court Records.
  - b. Rules of the Supreme Court of Wyoming.
  - c. Rules for Fees and Costs for District Courts.
  - d. Rules for Fees and Costs for Circuit Courts.
  - e. Rules for Fees and Costs for Municipal Courts.

Please note, this is not an exhaustive list of all documents concerning public records and meetings. The documents compiled were at the request of the Chairmen and meant merely to be an introduction to the various statutes, policies and rules currently governing public records and meetings in the State.

ARTICLE 2 - PUBLIC RECORDS

**16-4-201. Definitions.**

(a) As used in this act:

(i) "Custodian" means the official custodian or any authorized person having personal custody and control of the public records in question;

(ii) "Official custodian" means any officer or employee of the state or any agency, institution or political subdivision thereof, who is responsible for the maintenance, care and keeping of public records, regardless of whether the records are in his actual personal custody and control;

(iii) "Person in interest" means the person who is the subject of a record or any representative designated by the person, except if the subject of the record is under legal disability or is the dependent high school student of his parents, "person in interest" means the parent or duly appointed legal representative;

(iv) "Political subdivision" means every county, city and county, city, incorporated and unincorporated town, school district and special district within the state;

(v) "Public records" when not otherwise specified includes any information in a physical form created, accepted, or obtained by the state or any agency, institution or political subdivision of the state in furtherance of its official function and transaction of public business which is not privileged or confidential by law. Without limiting the foregoing, the term "public records" includes any written communication or other information, whether in paper, electronic, or other physical form, received by the state or any agency, institution or political subdivision of the state in furtherance of the transaction of public business of the state or agency, institution or political subdivision of the state, whether at a meeting or outside a meeting. Electronic communications solely between students attending a school in Wyoming and electronic communications solely between students attending a school in Wyoming and a sender or recipient using a nonschool user address are not a public record of that school. As used in this paragraph, a "school in Wyoming" means the University of Wyoming, any community college and any public school within a school district in the state;

(vi) Public records shall be classified as follows:

(A) "Official public records" includes all original vouchers, receipts and other documents necessary to isolate and prove the validity of every transaction relating to the receipt, use and disposition of all public property and public income from all sources whatsoever; all agreements and contracts to which the state or any agency or subdivision thereof is a party; all fidelity, surety and performance bonds; all claims filed against the state or any agency or subdivision thereof; all records or documents required by law to be filed with or kept by any agency or the state of Wyoming; and all other documents or records determined by the records committee to be official public records;

(B) "Office files and memoranda" includes all records, correspondence, exhibits, books, booklets, drawings, maps, blank forms, or documents not defined and classified in subparagraph (A) of this subsection as official public records; all duplicate copies of official public records filed with any agency of the state or subdivision thereof; all documents and reports made for the internal administration of the office to which they pertain but not required by law to be filed or kept with the office; and all other documents or records, determined by the records committee to be office files and memoranda.

(vii) Repealed By Laws 2012, Ch. 74, § 2.

(viii) "This act" means W.S. 16-4-201 through 16-4-205;

(ix) "Application" means a written request for a public record. However, a custodian may in his discretion deem a verbal request to be an application;

(x) "Information" means opinions, facts, or data of any kind and in whatever physical form kept or maintained, including, but not limited to, written, aural, visual, electronic or other physical form;

(xi) "Peace officer recording" means any audio or video data recorded by a peace officer, as defined in W.S. 6-1-104(a)(vi), on a camera or other device which is:

(A) Provided to or used by the peace officer in the course of the officer performing official business; and

(B) Designed to be worn on the peace officer's body or attached to a vehicle, as defined in W.S. 6-1-104(a)(xi), used by the officer.

**16-4-202. Right of inspection; rules and regulations;**

**unavailability.**

(a) All public records shall be open for inspection by any person at reasonable times, during business hours of the state entity or political subdivision, except as provided in this act or as otherwise provided by law, but the official custodian of any public records may make rules and regulations with reference to the inspection of the records as is reasonably necessary for the protection of the records and the prevention of unnecessary interference with the regular discharge of the duties of the custodian or his office.

(b) If the public records requested are not in the custody or control of the person to whom application is made, the custodian or authorized person having personal custody and control of the public records shall notify the applicant within seven (7) business days from the date of acknowledged receipt of the request of the unavailability of the records sought, unless good cause exists preventing a response within such time period. In the event the applicant is not satisfied that good cause exists, the applicant may petition the district court for a determination as to whether the custodian has demonstrated good cause existed.

(c) If the public records requested are in the custody and control of the person to whom application is made but are in active use or in storage, and therefore not available at the time an applicant asks to examine them, the custodian or authorized person having personal custody and control of the public records shall notify the applicant of this situation within seven (7) business days from the date of acknowledged receipt of the request, unless good cause exists preventing a response within such time period. In the event the applicant is not satisfied that good cause exists, the applicant may petition the district court for a determination as to whether the custodian has demonstrated good cause existed. If a public record is readily available, it shall be released immediately to the applicant so long as the release does not impair or impede the agency's ability to discharge its other duties.

(d) If a public record exists primarily or solely in an electronic format, the custodian of the record shall so inform the requester. Electronic record inspection and copying shall be subject to the following:

(i) The reasonable costs of producing a copy of the public record shall be borne by the party making the request. The costs may include the cost of producing a copy of the public record and the cost of constructing the record, including the cost of programming and computer services;

(ii) An agency shall provide an electronic record in alternative formats unless doing so is impractical or impossible;

(iii) An agency shall not be required to compile data, extract data or create a new document to comply with an electronic record request if doing so would impair the agency's ability to discharge its duties;

(iv) An agency shall not be required to allow inspection or copying of a record in its electronic format if doing so would jeopardize or compromise the security or integrity of the original record or of any proprietary software in which it is maintained;

(v) Nothing in this section shall prohibit the director of the office of homeland security from enacting any rules pursuant to his authority under W.S. 19-13-104(d) (v).

**16-4-203. Right of inspection; grounds for denial; access of news media; order permitting or restricting disclosure; exceptions.**

(a) The custodian of any public records shall allow any person the right of inspection of the records or any portion thereof except on one (1) or more of the following grounds or as provided in subsection (b) or (d) of this section:

(i) The inspection would be contrary to any state statute;

(ii) The inspection would be contrary to any federal statute or regulation issued thereunder having the force and effect of law; or

(iii) The inspection is prohibited by rules promulgated by the supreme court or by the order of any court of record.

(b) The custodian may deny the right of inspection of the following records, unless otherwise provided by law, on the ground that disclosure to the applicant would be contrary to the public interest:

(i) Records of investigations conducted by, or of intelligence information or security procedures of, any sheriff, county attorney, city attorney, the attorney general, the state auditor, police department or any investigatory files compiled for any other law enforcement or prosecution purposes;

(ii) Test questions, scoring keys and other examination data pertaining to administration of a licensing examination and examination for employment or academic examination. Written promotional examinations and the scores or results thereof shall be available for inspection, but not copying or reproduction, by the person in interest after the examination has been conducted and graded;

(iii) The specific details of bona fide research projects being conducted by a state institution;

(iv) Except as otherwise provided by Wyoming statutes or for the owner of the property, the contents of real estate appraisals made for the state or a political subdivision thereof, relative to the acquisition of property or any interest in property for public use, until such time as title of the property or property interest has passed to the state or political subdivision. The contents of the appraisal shall be available to the owner of the property or property interest at any time;

(v) Interagency or intraagency memoranda or letters which would not be available by law to a private party in litigation with the agency;

(vi) To the extent that the inspection would jeopardize the security of any structure owned, leased or operated by the state or any of its political subdivisions, facilitate the planning of a terrorist attack or endanger the life or physical safety of an individual, including:

(A) Vulnerability assessments, specific tactics, emergency procedures or security procedures contained in plans or procedures designed to prevent or respond to terrorist attacks or other security threats;

(B) Building plans, blueprints, schematic drawings, diagrams, operational manuals or other records that reveal the building's or structure's internal layout, specific location, life and safety and support systems, structural elements, surveillance techniques, alarms, security systems or technologies, operational and transportation plans or protocols, personnel deployments for airports and other mass transit facilities, bridges, tunnels, emergency response facilities or structures, buildings where hazardous materials are stored, arenas, stadiums and waste and water systems;

(C) Records of any other building or structure owned, leased or operated by the state or any of its political

subdivisions that reveal the building's or structure's life and safety systems, surveillance techniques, alarm or security systems or technologies, operational and evacuation plans or protocols or personnel deployments; and

(D) Records prepared to prevent or respond to terrorist attacks or other security threats identifying or describing the name, location, pharmaceutical cache, contents, capacity, equipment, physical features, or capabilities of individual medical facilities, storage facilities or laboratories established, maintained, or regulated by the state or any of its political subdivisions.

(vii) An application for the position of president of an institution of higher education, letters of recommendation or references concerning the applicant and records or information relating to the process of searching for and selecting the president of an institution of higher education, if the records or information could be used to identify a candidate for the position. As used in this paragraph "institution of higher education" means the University of Wyoming and any community college in this state.

(c) If the right of inspection of any record falling within any of the classifications listed in this section is allowed to any officer or employee of any newspaper, radio station, television station or other person or agency in the business of public dissemination of news or current events, it may be allowed to all news media.

(d) The custodian shall deny the right of inspection of the following records, unless otherwise provided by law:

(i) Medical, psychological and sociological data on individual persons, exclusive of coroners' verdicts and written dockets as provided in W.S. 7-4-105(a);

(ii) Adoption records or welfare records on individual persons;

(iii) Personnel files except those files shall be available to the duly elected and appointed officials who supervise the work of the person in interest. Applications, performance ratings and scholastic achievement data shall be available only to the person in interest and to the duly elected and appointed officials who supervise his work. Employment contracts, working agreements or other documents setting forth the terms and conditions of employment of public officials and employees are not considered part of a personnel file and shall be available for public inspection;

(iv) Letters of reference;

(v) Trade secrets, privileged information and confidential commercial, financial, geological or geophysical data furnished by or obtained from any person;

(vi) Library, archives and museum material contributed by private persons, to the extent of any limitations placed thereon as conditions of the contributions;

(vii) Hospital records relating to medical administration, medical staff, personnel, medical care and other medical information, whether on individual persons or groups, or whether of a general or specific classification;

(viii) School district records containing information relating to the biography, family, physiology, religion, academic achievement and physical or mental ability of any student except to the person in interest or to the officials duly elected and appointed to supervise him;

(ix) Library patron transaction and registration records except as required for administration of the library or except as requested by a custodial parent or guardian to inspect the records of his minor child;

(x) Information obtained through a 911 emergency telephone system or through a verification system for motor vehicle insurance or bond as provided under W.S. 31-4-103(e) except to law enforcement personnel or public agencies for the purpose of conducting official business, to the person in interest, or pursuant to a court order;

(xi) Records or information compiled solely for purposes of investigating violations of, and enforcing, internal personnel rules or personnel policies the disclosure of which would constitute a clearly unwarranted invasion of personal privacy;

(xii) Information regarding the design, elements and components, and location of state information technology security systems and physical security systems;

(xiii) Records or information relating to individual diagnoses of contagious, infectious, communicable, toxic and genetic diseases maintained or collected by the Wyoming state veterinary laboratory as provided in W.S. 21-17-308(e);

(xiv) Information concerning an agricultural



operation, farming or conservation practice, or the land itself, if the information was provided by an agricultural producer or owner of agricultural land in order to participate in a program of the state or any agency, institution or political subdivision of the state. The custodian shall also deny the right of inspection to geospatial information maintained about the agricultural land or operations. Provided, however, that if otherwise permitted by law, the inspection of the information described in this paragraph shall be allowed in accordance with the following:

(A) The custodian may allow the right of inspection when responding to a disease or pest threat to agricultural operations, if the custodian determines that a threat to agricultural operations exists and the disclosure of information is necessary to assist in responding to the disease or pest threat as authorized by law;

(B) The custodian shall allow the right of inspection of payment information under a program of the state or of any agency, institution or political subdivision of the state, including the names and addresses of recipients of payments;

(C) The custodian shall allow the right of inspection if the information has been transformed into a statistical or aggregate form without naming:

(I) Any individual owner, operator or producer; or

(II) A specific data gathering site.

(D) The custodian shall allow the right of inspection if the disclosure of information is pursuant to the consent of the agricultural producer or owner of the agricultural land;

(E) As used in this paragraph:

(I) "Agricultural operation" means the production and marketing of agricultural products or livestock;

(II) "Agricultural producer" means any producer of livestock, crops or dairy products from an agricultural operation.

(xv) Within any record held by an agency, any income tax return or any individual information derived by the agency from an income tax return, however information derived from

these documents may be released if sufficiently aggregated or redacted so that the persons or entities involved cannot be identified individually;

(xvi) Except as required in a contested case hearing, any individual records involved in any workers' compensation claim, however information derived from these documents may be released if sufficiently aggregated or redacted so that the persons or entities involved cannot be identified individually;

(xvii) Any records of the consensus revenue estimating group as defined in W.S. 9-2-1002, that discloses information considered by, or deliberations or tentative decisions of, the group;

(xviii) Information obtained through a peace officer recording provided that:

(A) The custodian shall allow the right of inspection to law enforcement personnel or public agencies for the purpose of conducting official business or pursuant to a court order;

(B) The custodian may allow the right of inspection:

(I) To the person in interest;

(II) If the information involves an incident of deadly force or serious bodily injury as defined in W.S. 6-1-104(a)(x);

(III) In response to a complaint against a law enforcement personnel and the custodian of the information determines inspection is not contrary to the public interest;

(IV) In the interest of public safety.

(xix) Any records of the investment funds committee, created by W.S. 9-4-720, that disclose information considered by the committee, committee deliberations or tentative decisions of the committee. [NOTE: This paragraph will be effective 7/1/2018.]

(e) If the custodian denies access to any public record, the applicant may request a written statement of the grounds for the denial. The statement shall cite the law or regulation under which access is denied and shall be furnished to the applicant.

(f) Any person denied the right to inspect any record

covered by this act may apply to the district court of the district wherein the record is found for an order directing the custodian of the record to show cause why he should not permit the inspection of the record.

(g) If, in the opinion of the official custodian of any public record, disclosure of the contents of the record would do substantial injury to the public interest, notwithstanding the fact that the record might otherwise be available to public inspection, he may apply to the district court of the district in which the record is located for an order permitting him to restrict disclosure. After hearing, the court may issue an order upon a finding that disclosure would cause substantial injury to the public interest. The person seeking permission to examine the record shall have notice of the hearing served upon him in the manner provided for service of process by the Wyoming Rules of Civil Procedure and has the right to appear and be heard.

(h) Notwithstanding any other provision of this section, the following applies to the Wyoming natural diversity database located at the University of Wyoming and any report prepared by the custodian from that database:

(i) The custodian may charge a reasonable fee for searching the database and preparing a report from that database information. The interpretation of the database in a report shall not contain recommendations for restrictions on any public or private land use;

(ii) The custodian shall allow the inspection of all records in the database at a level of spatial precision equal to the township, but at no more precise level;

(iii) Research reports prepared by the custodian funded completely from nonstate sources are subject to paragraph (b)(iii) of this section;

(iv) Any record contained in the database pertaining to private land shall not be released by the University of Wyoming without the prior written consent of the landowner. Nothing in this paragraph prohibits the release of any information which would otherwise be available from any other information source available to the public if the original source is cited.

**16-4-204. Right of inspection; copies, printouts or photographs; fees.**

(a) In all cases in which a person has the right to inspect and copy any public records he may request that he be

furnished copies, printouts or photographs for a reasonable fee to be set by the official custodian. Where fees for certified copies or other copies, printouts or photographs of the record are specifically prescribed by law, the specific fees shall apply. Nothing in this section shall be construed as authorizing a fee to be charged as a condition of making a public record available for inspection.

(b) If the custodian does not have the facilities for making copies, printouts or photographs of records which the applicant has the right to inspect, then the applicant shall be granted access to the records for the purpose of making copies, printouts or photographs. The copies, printouts or photographs shall be made while the records are in the possession, custody and control of the custodian thereof and are subject to the supervision of the custodian. When practical the copy work shall be made in the place where the records are kept, but if it is impractical to do so, the custodian may allow arrangements to be made for this purpose. If other facilities are necessary the cost of providing them shall be paid by the person desiring a copy, printout or photograph of the records. The official custodian may establish a reasonable schedule of time for making copies, printouts or photographs and may charge a reasonable fee for the services rendered by him or his deputy in supervising the copying, printing out or photographing as he may charge for furnishing copies under this section.

(c) After July 1, 2003, any fees or charges assessed by a custodian of a public record shall first be authorized by duly enacted or adopted statute, rule, resolution, ordinance, executive order or other like authority.

(d) All state agencies may adopt rules and regulations pursuant to the Wyoming Administrative Procedure Act establishing reasonable fees and charges that may be assessed for the costs and services set forth in this section.

(e) The department of administration and information shall adopt uniform rules for the use of state agencies establishing procedures, fees, costs and charges for inspection, copies and production of public records under W.S. 16-4-202(d)(i), 16-4-203(h)(i) and 16-4-204.

#### **16-4-205. Civil penalty.**

Any person who knowingly or intentionally violates the provisions of this act is liable for a penalty not to exceed seven hundred fifty dollars (\$750.00). The penalty may be recovered in a civil action and damages shall be assessed by the court. Any action pursuant to this section shall be initiated

by the attorney general or the appropriate county attorney.

ARTICLE 4 - PUBLIC MEETINGS

**16-4-401. Statement of purpose.**

The agencies of Wyoming exist to conduct public business. Certain deliberations and actions shall be taken openly as provided in this act.

**16-4-402. Definitions.**

(a) As used in this act:

(i) "Action" means the transaction of official business of an agency including a collective decision, a collective commitment or promise to make a positive or negative decision, or an actual vote upon a motion, proposal, resolution, regulation, rule, order or ordinance at a meeting;

(ii) "Agency" means any authority, bureau, board, commission, committee, or subagency of the state, a county, a municipality or other political subdivision which is created by or pursuant to the Wyoming constitution, statute or ordinance, other than the state legislature, the judiciary and the consensus revenue estimating group as defined in W.S. 9-2-1002;

Note: Effective 7/1/2018 this paragraph will read as:

"Agency" means any authority, bureau, board, commission, committee, or subagency of the state, a county, a municipality or other political subdivision which is created by or pursuant to the Wyoming constitution, statute or ordinance, other than the state legislature, the judiciary, the consensus revenue estimating group as defined in W.S. 9-2-1002 and the investment funds committee created by W.S. 9-4-720;

(iii) "Meeting" means an assembly of at least a quorum of the governing body of an agency which has been called by proper authority of the agency for the expressed purpose of discussion, deliberation, presentation of information or taking action regarding public business;

(iv) "Assembly" means communicating in person, by means of telephone or electronic communication, or in any other manner such that all participating members are able to communicate with each other contemporaneously;

(v) "This act" means W.S. 16-4-401 through 16-4-408.

**16-4-403. Meetings to be open; participation by public; minutes.**

(a) All meetings of the governing body of an agency are public meetings, open to the public at all times, except as otherwise provided. No action of a governing body of an agency shall be taken except during a public meeting following notice of the meeting in accordance with this act. Action taken at a meeting not in conformity with this act is null and void and not merely voidable.

(b) A member of the public is not required as a condition of attendance at any meeting to register his name, to supply information, to complete a questionnaire, or fulfill any other condition precedent to his attendance. A person seeking recognition at the meeting may be required to give his name and affiliation.

(c) Minutes of a meeting:

(i) Are required to be recorded but not published from meetings when no action is taken by the governing body;

(ii) Are not required to be recorded or published for day-to-day administrative activities of an agency or its officers or employees.

(d) No meeting shall be conducted by electronic means or any other form of communication that does not permit the public to hear, read or otherwise discern meeting discussion contemporaneously. Communications outside a meeting, including, but not limited to, sequential communications among members of an agency, shall not be used to circumvent the purpose of this act.

**16-4-404. Types of meetings; notice; recess.**

(a) In the absence of a statutory requirement, the governing body of an agency shall provide by ordinance, resolution, bylaws or rule for holding regular meetings unless the agency's normal business does not require regular meetings in which case the agency shall provide notice of its next meeting to any person who requests notice. A request for notice may be made for future meetings of an agency. The request shall be in writing and renewed annually to the agency.

(b) Special meetings may be called by the presiding officer of a governing body by giving verbal, electronic or written notice of the meeting to each member of the governing body and to each newspaper of general circulation, radio or television station requesting the notice. The notice shall specify the time and place of the special meeting and the

business to be transacted and shall be issued at least eight (8) hours prior to the commencement of the meeting. No other business shall be considered at a special meeting. Proof of delivery of verbal notice to the newspaper of general circulation, radio or television station may be made by affidavit of the clerk or other employee or officer of the agency charged or responsible for distribution of the notice of the meeting.

(c) The governing body of an agency may recess any regular, special, or recessed regular or special meeting to a place and at a time specified in an order of recess. A copy of the order of recess shall be conspicuously posted on or near the door of the place where the meeting or recessed meeting was held.

(d) The governing body of an agency may hold an emergency meeting on matters of serious immediate concern to take temporary action without notice. Reasonable effort shall be made to offer public notice. All action taken at an emergency meeting is of a temporary nature and in order to become permanent shall be reconsidered and acted upon at an open public meeting within forty-eight (48) hours, excluding weekends and holidays, unless the event constituting the emergency continues to exist after forty-eight (48) hours. In such case the governing body may reconsider and act upon the temporary action at the next regularly scheduled meeting of the agency, but in no event later than thirty (30) days from the date of the emergency action.

(e) Day-to-day administrative activities of an agency, its officers and its employees shall not be subject to the notice requirements of this section.

#### **16-4-405. Executive sessions.**

(a) A governing body of an agency may hold executive sessions not open to the public:

(i) With the attorney general, county attorney, district attorney, city attorney, sheriff, chief of police or their respective deputies, or other officers of the law, on matters posing a threat to the security of public or private property, or a threat to the public's right of access;

(ii) To consider the appointment, employment, right to practice or dismissal of a public officer, professional person or employee, or to hear complaints or charges brought against an employee, professional person or officer, unless the employee, professional person or officer requests a public hearing. The governing body may exclude from any public or



private hearing during the examination of a witness, any or all other witnesses in the matter being investigated. Following the hearing or executive session, the governing body may deliberate on its decision in executive sessions;

(iii) On matters concerning litigation to which the governing body is a party or proposed litigation to which the governing body may be a party;

(iv) On matters of national security;

(v) When the agency is a licensing agency while preparing, administering or grading examinations;

(vi) When considering and acting upon the determination of the term, parole or release of an individual from a correctional or penal institution;

(vii) To consider the selection of a site or the purchase of real estate when the publicity regarding the consideration would cause a likelihood of an increase in price;

(viii) To consider acceptance of gifts, donations and bequests which the donor has requested in writing be kept confidential;

(ix) To consider or receive any information classified as confidential by law;

(x) To consider accepting or tendering offers concerning wages, salaries, benefits and terms of employment during all negotiations;

(xi) To consider suspensions, expulsions or other disciplinary action in connection with any student as provided by law.

(b) Minutes shall be maintained of any executive session. Except for those parts of minutes of an executive session reflecting a members' objection to the executive session as being in violation of this act, minutes and proceedings of executive sessions shall be confidential and produced only in response to a valid court order.

(c) Unless a different procedure or vote is otherwise specified by law, an executive session may be held only pursuant to a motion that is duly seconded and carried by majority vote of the members of the governing body in attendance when the motion is made. A motion to hold an executive session which specifies any of the reasons set forth in paragraphs (a) (i)

through (xi) of this section shall be sufficient notice of the issue to be considered in an executive session.

**16-4-406. Disruption of public meetings.**

If any public meeting is willfully disrupted by a person or group of persons so as to render the orderly conduct of the meeting unfeasible, and order cannot be restored by the removal of the person or persons who are willfully interrupting the meeting, the governing body of an agency may order the removal of the person or group from the meeting room and continue in session, or may recess the meeting and reconvene at another location. Only matters appearing on the agenda may be acted upon in a meeting recessed to another location. A governing body of an agency shall establish procedures for readmitting an individual or individuals not responsible for disturbing the conduct of a meeting. Duly accredited members of the press or other news media except those who participated in a disturbance shall be allowed to attend any meeting permitted by this section.

**16-4-407. Conflict of law.**

If the provisions of this act conflict with any other statute, the provisions of this act shall control.

**16-4-408. Penalty.**

(a) Any member or members of an agency who knowingly or intentionally violate the provisions of this act shall be liable for a civil penalty not to exceed seven hundred fifty dollars (\$750.00) except as provided in this subsection. Any member of the governing body of an agency who attends or remains at a meeting knowing the meeting is in violation of this act shall be liable under this subsection unless minutes were taken during the meeting and the parts thereof recording the member's objections are made public or at the next regular public meeting the member objects to the meeting where the violation occurred and asks that the objection be recorded in the minutes.

(b) If any action is prohibited both by this act and any provision of title 6, the provisions of this act shall not apply and the provisions of title 6 shall apply.

## Management Council Policy 06-02

### Subject: **Access to Legislative Records**

(Source Notes: MC Minutes 06/02/06; 12/12/12; 7/12/13)

Pursuant to W.S. 16-4-201 through 16-4-204, the Director of the LSO shall establish procedures for providing access to public legislative records, including a fee schedule for copying, printouts or other costs associated with furnishing copies of public records, and may assess a reasonable fee when other facilities or extraordinary staff time is required to provide records in disclosable form.

### **Access to Legislative Records - Procedures**

#### **Section 1. Introduction**

This policy is established pursuant to authority of the Management Council of the Wyoming Legislature. The following procedures govern the process for accessing public records maintained by the Legislative Service Office (LSO). This policy is intended to ensure that public records maintained by the LSO are made available for inspection; to provide for mechanics of access, classification and security of all records; and to prevent unnecessary interference with the regular discharge of the duties of the LSO.

#### **Section 2. Inspection Times**

Public records will be available for inspection during normal business hours of 8 a.m. to 5 p.m., Monday through Friday, except holidays.

#### **Section 3. Procedure for Access**

(a) Requests for access to public records shall be addressed to the Director of the Legislative Service Office. Subject to Section 3(d), the Director or his designee will determine whether the records requested are maintained by the LSO and whether the records contain information subject to public disclosure. Requests to the Legislative Service Office or Session staff for the production of email correspondence of a legislator shall be referred to the individual legislator.

(b) The LSO will provide an initial response to a request for access to records within seven (7) business days of receipt of the request unless good cause exists preventing a response within that time period.

(i) The initial response will specify whether the records are subject to public disclosure under W.S. 16-4-201 through 16-4-205 and 28-8-116 and, if so, whether the records are available through routine search or whether a significant amount of staff time will be required to search for and copy the records or to edit from the records information not available for public disclosure.

(ii) If the records requested are not in control of the LSO, or if they are in storage, or if the LSO is not the primary custodian of the records, the requesting party will be so notified within seven (7) business days from the date of acknowledged receipt of the request, unless good cause exists preventing a response within that time period.

(iii) For purposes of W.S. 16-4-201 (a)(i) and (ii), no member of the Legislative Service Office or Session staff is an authorized or official "custodian" of a legislator's email correspondence, nor are they authorized to have personal custody and control of a legislator's email correspondence that is not addressed to the staff member or the Legislative Service Office as the primary recipient.

(c) When responding to a public record request, the LSO will not extract or compile data, e.g., voting records of individual legislators, or provide the data in a format different from that in which the data currently appears.

(d) If a record within the LSO's control is generally available for public disclosure, but a portion of the information contained in the record is not available for such disclosure, the portion that is not available for disclosure will be redacted before the record is disclosed. The Legislative Service Office shall not provide records maintained by the office which are privileged or confidential pursuant to W.S. 28-8-116, or for which a legislative deliberative process privilege may be asserted, unless the privilege is expressly waived by a legislator holding the privilege. Issues relating to the existence or waiver of a privilege or confidentiality shall be referred to the individual legislator for determination.

(e) If a public record is fully and readily available for public disclosure it will be released immediately to the requester so long as the release does not impair or impede the LSO's ability to discharge its other duties. The LSO will make every reasonable effort to comply fully with all requests for disclosure of public records in a timely manner. Nonspecific requests or requests for a large number of documents that require the deployment of a substantial amount of LSO staff-hours to locate or copy will be processed as quickly as possible taking into account the man-hours required, the tasks from which staff resources must be diverted, and the impact that this diversion will have upon the LSO's primary duties in support of Legislative activities. If a request is so nonspecific or for such a large number of documents that a response will divert LSO personnel from their other duties for a substantial period of time, the Director may discuss alternatives with the requester including whether a more specific or less time consuming request can be made, or whether response to the request can be delayed until a less critical time, e.g., until after adjournment of the Legislative session. If a reasonable accommodation cannot be agreed upon, the Director may request direction from the Management Council as to the priority to be given to the records request.

(f) W.S. 16-4-202(d) shall apply to requests for electronic record inspection and copying.

(g) Costs incurred by the LSO in providing records in disclosable form will be assessed to the requesting party as follows:

(i) Reproduction, duplication, or copying of records, including the copying costs of transforming electronic records to paper: one dollar for the first printed page and ten cents per printed page thereafter;

(ii) Reproduction, duplication, or copying of microfilm: one dollar per microfilm frame and one dollar per microfiche;

(iii) Forwarding material to destination: postage, insurance, and other related costs will be charged on an actual cost basis. Facsimile transmission shall be fifty cents per page;

(iv) If fees other than those stated above are specifically provided by law, those other fees shall apply;

(v) A routine search for records by LSO staff shall be provided at no charge other than applicable copying charges if the search requires less than one man-hour time;

(vi) Pursuant to W.S. 16-4-204(b), the LSO may assess a reasonable fee for providing special facilities or extraordinary staff services in connection with furnishing copies of public records;

(vii) The payment of fees may be waived by the Director if the total fee is less than one dollar.

(h) In the event that a request for record copying is deemed to interfere with the efficient operation of the LSO, the records may be furnished to another entity for copying. If this occurs, the actual costs to the LSO will be assessed to the requesting party.

(i) Unless other billing arrangements have been mutually agreed upon by the LSO and the requesting party, charges for copies shall be paid by the requesting party before copies of records are provided. Notwithstanding this requirement, the LSO will make the public records available for inspection on premises.

#### **Section 4. Denial of Access**

(a) The provisions of W.S. 16-4-203 shall apply.

(b) For purposes of W.S. 16-4-201 (a)(i) and (ii), no internet service provider or Email hosting service is an authorized or official "custodian" of a legislator's email correspondence, nor are they authorized to have personal custody and control of a legislator's email correspondence.

(c) No member of the Legislative Service Office, Session staff, internet service provider or Email hosting service is authorized to access a legislator's email account without the express consent of the legislator.

f:\aa\mcpolicy\public records policy

# Administration & Information, Dept. of Director's Office

## Chapter 2: Uniform Procedures, Fees, Costs, and Charges for Inspection, Copying, and Producing Public Records

Effective Date: 09/06/2016 to Current

Rule Type: Current Rules & Regulations

Reference Number: 006.0011.2.09062016



## Chapter 2

### Uniform Procedures, Fees, Costs, and Charges for Inspecting, Copying, and Producing Public Records

**Section 1. Authority.** These rules are promulgated under the Department of Administration and Information’s rule-making authority established by W.S. 16-4-204(e).

**Section 2. Purpose.** The Department of Administration and Information hereby establishes uniform procedures, fees, costs, and charges for inspection, copies, and production of public records.

**Section 3. Definitions.**

(a) **“Applicant”** is the person that is making the public records request.

(b) **“Clerical/support staff”** are employees who generally perform office or administrative support duties. Clerical/support staff employees include secretaries and administrative assistants.

(c) **“Electronic public record”** is a public record that is primarily or solely stored in an electronic format. Typically, the custodian will only be able to produce a copy of the original electronic public record due to the native format, security, and integrity of the original data or electronic record.

(d) **“Information technology staff”** are employees who perform duties relating to retrieving, compiling, constructing, formatting, or extracting electronic public records located on computer systems, software, servers, or networks. Information technology staff employees may also perform computer programming or other computer services relating to electronic public records.

(e) **“Professional staff”** are employees who are not clerical/support or information technology staff as defined herein. Professional staff employees perform administrative, managerial, or professional duties.

(f) **“Supervise copying”** as stated in section 5(b)(viii) occurs if someone other than the custodian is allowed under W.S. 16-4-204(b) to make copies, printouts, or photographs. Under W.S. 16-4-204(b), the custodian is authorized to charge a reasonable fee to supervise the copying, printing out, or photographing if someone other than the custodian makes the copies, printouts or



photographs. The supervision fee shall be the hourly rates stated in section 4(c)(i) through (iii). For instance, if clerical/support staff is required to supervise the copying, printing out, or photographing, the hourly rate will be \$15.50.

**Section 4. Electronic Public Records.**

(a) Production and Construction Costs. Under W.S. 16-4-202(d)(i), a custodian shall charge an applicant the reasonable costs of producing and constructing a copy of an electronic public record for inspection and copying. This cost may include, but is not limited to, the time spent retrieving, compiling, sorting, reviewing, redacting, formatting, converting, or copying the electronic public record, as well as activities required to create or construct a new electronic public record from existing data sources and all associated programming and computer services.

(b) Minimum Requirement to Charge Costs. Production and construction costs will be charged only if they exceed \$180.00. If the costs exceed \$180.00, the initial \$180.00 will be a credit and not charged to the applicant. If electronic production and/or construction costs for a request total \$180.00, the applicant will not be charged any costs for production and/or construction of said electronic records. If, for example, the production and/or construction costs for a request total \$200.00, the applicant will be charged \$20.00. The initial \$180.00 is a credit upon the total amount charged for the production and/or construction of electronic records. Applicants may not use multiple record requests to evade this \$180.00 threshold. The custodian has discretion to consolidate public records requests that he or she reasonably believes have been drafted and submitted to evade this \$180.00 threshold.

(c) Production and Construction Costs. Production and construction costs for electronic public records shall be as follows:

- (i) \$15.50/hour for clerical staff time.
- (ii) \$30.00/hour for information technology staff time.
- (iii) \$40.00/hour for professional staff time.
- (iv) Actual cost of programming and computer services.

(d) Payment. The custodian must provide the applicant with an estimate of the reasonable costs of production and construction of the electronic public records. The applicant must pre-pay the estimated costs before the custodian produces or constructs the electronic public records or provides any copies for inspection. Payment shall be made to the custodian. If the custodian reaches the limit of the payment by the applicant, the custodian will produce the records that are ready and available at that point and will provide an additional estimate pursuant to this subsection prior to continuing with the request.

(e) Refund. If a custodian estimates and receives costs exceeding the actual time required to produce and construct the electronic public records, the custodian shall refund the excess charge received at the same time that he allows the applicant to inspect the electronic public records.

(f) Inspection. The custodian shall notify the applicant in writing when copies of the electronic public records are produced and available for inspection. The applicant shall have one month from the time the custodian provides notification to come to the custodian's designated location to inspect the records. After the one month time period, the request shall be officially closed.

(g) Request Priority. Requests that are at or below the \$180.00 threshold will be handled expeditiously by the custodian and will take priority over other public record requests that are above the threshold.

(h) Costs for Producing Copies. The fee schedules described in Section 5(b), (d), and (e) apply to electronic public records.

**Section 5. Non-Electronic Public Records.**

(a) Inspection. The custodian shall notify the applicant in writing when copies of the non-electronic public records are produced and available for inspection. The applicant shall have one month from the time the custodian provides notification to come to the custodian's designated location to inspect the records. After the one month time period, the request shall be officially closed.

(b) Fees for Copying Non-Electronic Public Records. Under W.S. 16-4-204, an applicant may obtain a paper copy of a non-electronic public record upon payment as follows:

- |   |                                   |
|---|-----------------------------------|
| (i) Standard (8.5 by 11 inch) - Black and White Copy. | \$0.10/page                       |
| (ii) Standard (8.5 by 11 inch) - Colored Copy.        | \$0.60/page                       |
| (iii) Legal (8.5 by 14 inch) - Black and White Copy.  | \$0.25/page                       |
| (iv) Legal (8.5 by 14 inch) - Colored Copy.           | \$1.00/page                       |
| (v) Other sheet size.                                 | Actual Cost                       |
| (vi) Photograph.                                      | Actual Cost                       |
| (vii) Utilization of an outside vendor for copying.   | Actual Cost                       |
| (viii) Custodian's fee to supervise copying.          | See section 4(c)(i) through (iii) |
| (ix) Special instances, i.e. film.                    | Actual Cost                       |

(c) Payment. The applicant shall pre-pay the fees in section 5(b) before the custodian provides the copies, if requested. Payment shall be made to the custodian.

(d) Costs for Producing Electronic Copies. An applicant may obtain an electronic copy of a non-electronic public record upon payment as follows:

- (i) Scanning non-electronic public records. \$0.10/page
- (ii) Electronic Media (disk, thumb drive, etc.). Actual Cost

(e) Fees for Transmitting Public Records. The custodian may charge the following fees for transmitting non-electronic public records:

- (i) Mailing, including cost of the shipping container. Actual Cost
- (ii) Facsimile. Actual Cost

# RULES GOVERNING ACCESS TO COURT RECORDS

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### Rule 1. Scope and purpose of rules.

These rules shall govern public access to court records as defined herein. The rules are designed and should be interpreted to (1) promote access to court records; (2) protect individual privacy rights and public interests; (3) prevent public access to information that is confidential as a matter of law, public policy, court rule, or court order; and (4) make effective use of court staff. The order in which these are listed does not reflect their importance; all are equally important. (Adopted August 11, 2010, effective January 1, 2011; amended April 26, 2011, effective April 26, 2011.)

### Rule 2. Definitions.

(a) "Administrative record" means any document or information pertaining to the administration of the courts, except personnel records, internal electronic or physical mail, appellate case assignments, and documents made confidential by statute, administrative rule, court rule, or court order.

(b) "Bulk distribution" means the distribution of all, or a significant subset, of the information in court records, as is and without modification or compilation.

(c) "Case record" means any document or information collected, received, or maintained by a custodian in connection with a specific case or judicial proceeding, except judicial or judicial staff work product, internal electronic or physical mail, memoranda or drafts, appellate case assignments, and documents made confidential by statute, administrative rule, court rule, or court order.

(d) "Compiled information" means information that is derived from the selection, aggregation, or reformulation by the court of some of the information from more than one case record, including statistical reports and information that are not available in an existing record or report.

(e) "Confidential" means unavailable to public access as a matter of state or federal statute, administrative rule, court rule, or court order.

(f) "Court" means the court in which the court record resides at the time of an access request.

(g) "Court record" means case records and administrative records, in whatever format, except personnel records, judicial or judicial staff work product, internal

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electronic or physical mail, memoranda or drafts, appellate case assignments, and records made confidential by statute, administrative rule, court rule, or court order.

(h) "Custodian" means the clerk of court, or his or her designee, unless otherwise designated by court order.

(i) "Data element" means information contained in a field in a computer database.

(j) "Electronic record" means any court record that is recorded in a form that only a computer can process, irrespective of whether it also exists in physical form.

(k) "Interested person" means any non-party identified in a case record.

(l) "Person" means any individual, business entity, media organization, or government agency for which there is no policy, statute, or rule defining the agency's access to court records.

(m) "Personnel record" means any documents or information relating to the employment of persons within the judiciary, except name, position, and salary.

(n) "Public" means any person except court employees, persons who provide court services, government agencies whose access to court records is defined by law, and the parties and attorneys involved in a particular case.

(o) "Public access" means that the public may inspect and obtain a copy of the information in a court record unless prohibited by statute, administrative rule, court rule, or court order.

(p) "Remote access" means the ability electronically to search, inspect, or copy information in a court record without the need physically to visit the court facility where the record is maintained.

(q) "Vendor" means any governmental or non-governmental provider of a court information technology system.

**Rule 3. General policy.**

Court records are presumed to be open to public access during the regular business hours of the court, except as provided herein or otherwise provided by law. These rules are not intended to limit the access of parties and attorneys to case records of cases in which they are involved, but such access may be limited by court order. No custodian may restrict access or allow greater access to court records than as provided herein or otherwise provided by law.

**Rule 4. When court records may be accessed.**

Court records shall be available for public access in the court facilities where the records are kept, during regular business hours. Upon receiving a request for access to court records, the custodian shall respond within a reasonable time regarding the availability of the records, and shall provide or deny access thereto within a reasonable time. Court records shall be provided at a time and in a manner that does not unreasonably interfere with other business of the courts. Electronic records to which the court allows remote access shall be available for public access at any time, subject to normal system maintenance and unexpected technical failures.

**Rule 5. Application procedures.**

Requests for public access to court records shall be directed to the custodian, and may be oral or written, except that requests for public access to administrative records shall be written. The person requesting access to court records shall not be required to disclose the purpose for the request, unless such purpose is commercial gain. Record requests shall clearly identify each record requested so the custodian can locate the record without extensive research. Continuing requests for documents not yet in existence shall not be considered. The custodian shall respond to the request within a

3 RULES GOVERNING ACCESS TO COURT RECORDS Rule 6

reasonable time. Denials of public access may be oral, unless requested to be written. Request and denial forms shall be developed by the Wyoming Supreme Court.

**Rule 6. Court records not available for public access.**

Public access to court records may be prohibited by statute, administrative rule, court rule, or court order. The below list serves as a partial list of the public access restrictions:

- (a) Records listed in Wyo. Stat. Ann. § 16-4-203(b) and (d).
- (b) Adoption and confidential intermediary records pursuant to Wyo. Stat. Ann. §§ 1-22-104(d), (e), and 1-22-203(c).
- (c) Attorney discipline records pursuant to Disciplinary Code §§ 5 and 12(h) and Lawyers' Assistance Committee Rule 4C.
- (d) Mediation proceeding records pursuant to Wyo. Stat. Ann. § 1-43-102 and agricultural mediation services records pursuant to Wyo. Stat. Ann. § 11-41-106.
- (e) Domestic violence protection order petitioners' and their children's identifying information pursuant to Wyo. Stat. Ann. § 35-21-105(e).
- (f) Grand jury records pursuant to Wyo. Stat. Ann. §§ 7-5-207, 7-5-208, and 7-5-308.
- (g) Guardianships and conservatorships records pursuant to Wyo. Stat. Ann. § 3-1-110(a) and § 16-4-203(b) and (d).
- (h) Involuntary commitment records pursuant to Wyo. Stat. Ann. § 25-10-122.
- (i) Records from child abuse and neglect proceedings, including but not limited to records of the multidisciplinary team, pursuant to Wyo. Stat. Ann. §§ 14-3-424, 14-3-427(g), 14-3-437, and 14-3-439, except any order for payment of support and treatment that is not confidential pursuant to Wyo. Stat. Ann. § 14-3-435.
- (j) Records related to juvenile justice proceedings in the district court, including but not limited to records of the multidisciplinary team, pursuant to Wyo. Stat. Ann. §§ 14-6-203(g) and (j), 14-6-227(g), 14-6-239, and 14-6-240, except any order for payment of support and treatment that is not confidential pursuant to Wyo. Stat. Ann. § 14-6-236.
- (k) Records related to children in need of supervision proceedings, including but not limited to records of the multidisciplinary team pursuant to Wyo. Stat. Ann. §§ 14-6-437 and 14-6-427, except any order for payment of support and treatment that is not confidential pursuant to Wyo. Stat. Ann. § 14-6-435.
- (l) Presence investigation reports pursuant to Wyo. Stat. Ann. § 7-13-409.
- (m) Search warrant applications and affidavits until served and returned, pursuant to W.R.Cr.P. 41(i).
- (n) Discovery material or other items submitted to a court for *in camera* review.
- (o) Trial juror addresses, qualification forms, and questionnaires, except to the parties in the case, if disclosure is restricted or prohibited by the court.
- (p) Mental health and counseling records pursuant to Wyo. Stat. Ann. §§ 33-27-123, 33-38-113, 9-2-125, and 9-2-126.
- (q) Substance abuse evaluation reports pursuant to Wyo. Stat. Ann. §§ 9-2-125 and 16-4-203(d)(i).
- (r) Records sealed by a court.
- (s) Sexual assault victim's identifying information prior to filing of the information or indictment in district court, and minor sexual assault victim's name pursuant to Wyo. Stat. Ann. § 6-2-319(a) and (b).
- (t) Medical records pursuant to Wyo. Stat. Ann. § 16-4-203(d)(i).
- (u) Crime victim's compensation application pursuant to Wyo. Stat. Ann. § 1-40-107(d).
- (v) Probation counselor case records pursuant to Wyo. Stat. Ann. § 5-3-504(b).
- (w) Court supervised treatment program information pursuant to Wyo. Stat. Ann. § 7-13-1610.

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- (x) Criminal history record information pursuant to Wyo. Stat. Ann. § 7-19-106.
- (y) Sex offender registration information pursuant to Wyo. Stat. Ann. § 7-19-303(b).
- (z) Administrative subpoena information regarding child exploitation investigations pursuant to Wyo. Stat. Ann. § 9-1-640(j), unless in connection with a criminal case related to the subpoenaed materials.
- (aa) Genetic testing information pursuant to Wyo. Stat. Ann. § 14-2-710(c).
- (bb) Parentage adjudication information pursuant to Wyo. Stat. Ann. § 14-2-819, other than the final judgment.
- (cc) Child abuse and neglect information pursuant to Wyo. Stat. Ann. § 14-3-214.
- (dd) Domestic relations financial affidavits and records pursuant to Wyo. Stat. Ann. § 20-2-308(d).
- (ee) Motor vehicle accident reports pursuant to Wyo. Stat. Ann. §§ 31-5-1110 and 1111.
- (ff) Adult protective services information pursuant to Wyo. Stat. Ann. § 35-20-112(a) and (b).
- (gg) Confidential fair market value information in eminent domain proceedings pursuant to Wyo. Stat. Ann. § 1-26-704(d).
- (hh) Sexual assault victim medical examination information and reports pursuant to Wyo. Stat. Ann. § 6-2-309(m).
- (ii) Sexually transmitted disease examination information and reports pursuant to Wyo. Stat. Ann. § 7-1-109(f).
- (jj) Patient records from the Wyoming Life Resources Center pursuant to Wyo. Stat. Ann. § 25-5-131.
- (kk) Coroner's records, including toxicology reports, photographs, video recordings or audio recordings made at the scene of the death or made in the course of postmortem examinations pursuant to Wyo. Stat. Ann. § 7-4-105.

Any party or other person making a filing in a case, wherein it is necessary to attach documents that are prohibited for public release by statute, administrative rule, court rule, or court order, shall make that filing a redacted filing in accordance with Rule 7, herein.

(Adopted August 11, 2010, effective January 1, 2011; amended April 26, 2011, effective April 26, 2011.)

**Rule 7. Filing confidential information.**

Confidential information that is required to be filed as part of a case record shall be submitted by providing a redacted version of the filing along with an unredacted version attached to a separate Confidential Information Form, as appended to these rules. The court must retain the unredacted copy as part of the confidential record. If the redacted and unredacted filings are not offered contemporaneously, the missing document may be filed or postmarked within one business day. The court may reject any paper filed not in compliance with these rules. When filing confidential or unredacted documents, the court will not accept fax filings. The Confidential Information Form and any attached confidential information are not subject to public access. If confidential information is admitted as evidence in a hearing or trial, any party or interested person may file a motion seeking to limit public access thereto for good cause as set forth in Rule 8 of the Rules Governing Access to Court Records.

(Adopted August 11, 2010, effective January 1, 2011; amended April 26, 2011, effective April 26, 2011.)

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**Rule 8. Motions to limit public access to information in case record.**

A motion to limit public access to information in a case record, supported by affidavit showing good cause, may be filed by any party to the case, by any interested person, by an entity charged with maintaining the confidentiality of records, or by the court. The motion and affidavit shall be accompanied by a proposed order, request for setting, and a certificate showing service of the motion and affidavit upon the parties and any interested persons, or a request for waiver of the notice requirements due to inability to locate any interested person after due diligence. The motion and affidavit of an interested person shall be titled as a motion for limited intervention and shall include a request for an order granting limited intervention. Any party or interested person may file a response within thirty days of service of the motion. When a motion to limit public access is filed, the Clerk shall keep the documents confidential and shall restrict public access until the judge has ruled on the motion. After the court has ruled on the motion, the clerk shall file the documents accordingly. Upon a finding that the information is confidential as a matter of law, or that disclosure of the information would do substantial injury to the public interest or to the privacy interest of an interested person, and the interest in non-disclosure resulting from such substantial injury outweighs the public right of access, notwithstanding the fact that the information might otherwise be available for public access, the court shall limit public access or the manner of public access, using the least restrictive means that achieves the purposes of the limitation. A record of the finding shall be kept, and the factual basis for the finding upon which closure is predicated shall be made apparent therein. There shall be a publicly accessible indication of the existence of information within a case record, to which access has been restricted, which indication shall include the title of the document with a notation that it is sealed.

**Rule 9. Motions requesting access to sealed documents in case record.**

Any person may file a motion for limited intervention, supported by affidavit showing good cause, for access to sealed documents in a case record, which shall be accompanied by a proposed order, request for setting, and a certificate showing service of the motion and affidavit upon the parties and any interested persons, or a request for waiver of the notice requirement due to inability to locate any interested person after due diligence. The motion shall include a request for an order granting limited intervention. The court may waive the notice requirement if the court finds that good faith efforts to locate an interested person have been made, that further efforts are not likely to be successful, and that the need for access to the sealed documents outweighs any prejudice to any interested person, and is in the interest of justice. Any party or interested person may file a response within thirty days of service of the motion. In determining the motion, the court shall consider applicable law and the content and purpose of these rules, and shall, in particular, balance the presumption in favor of public access to court records against the need to protect individual privacy rights and the public interest. This rule applies to case records that have been sealed, but does not apply to court records that are confidential as a matter of law.

**Rule 10. Judicial review.**

(a) Any person denied public access to any court record by the record's custodian may petition the court for an order directing the custodian to grant access. Such petition shall be heard upon appropriate notice given to all parties, interested persons, or entities charged with maintaining the confidentiality of records. Unless the court finds that the record is confidential as a matter of law, or that the record should remain sealed as otherwise provided herein, the court shall order the custodian to grant public access.



(b) Any court order granting or denying public access to a court record shall be written, and, except for orders of the Supreme Court, shall be subject to appellate review pursuant to Rule 13 of the Wyoming Rules of Appellate Procedure.

**Rule 11. Electronic records.**

Requests for compiled information and bulk data in electronic format shall be subject to the following additional restrictions:

(a) The courts shall not be required, in response to a request for public access to court records, to create a non-standard data element, to make a data element available electronically that is not presently available electronically, or to produce a nonstandard or alternative format report.

(b) The courts shall not be required to allow inspection or copying of a record in its electronic format if doing so would jeopardize or compromise the security or integrity of the original record or of any proprietary software in which it is maintained.

(c) The courts shall not be required to compile data, extract data or create a non-standard document to comply with an electronic record request if doing so would impair the court's ability to discharge its duties.

(d) The courts shall not be required to provide public access to the following data elements in an electronic record: social security numbers, street addresses, telephone numbers, personal identification numbers, motor vehicle driver's licenses and license plate numbers, and financial account information.

**Rule 12. Compiled information.**

The courts have no duty to provide compiled information. However, any person may request compiled information directly from the clerk of court, if the request consists solely of information that is publicly accessible, is not already available in an existing report, and pertains to new filings, dispositions, judgments, and satisfaction of judgments. Requests for compiled information shall identify what information is sought, describe the purpose for requesting the information, explain how the information will benefit the public interest, and explain provisions for the secure protection of any information requested. An applicant requesting compiled information shall be required to certify that the data will not be sold or otherwise distributed directly or indirectly to third parties, that the information will not be used directly or indirectly to sell a product or services to an individual or the general public, and that the information will not be copied or duplicated, except in the public interest. Compiled information requests shall be limited to no greater than the preceding three month period from the date of request. Absent a showing of good cause, the clerks of court shall provide compiled information within the above limitations; for purposes of this rule, good cause means the court's electronic case management system is not capable of compiling the requested information. The Supreme Court may compile and provide additional information if it determines, in the exercise of its discretion, that providing the information meets the criteria established herein, that the resources are available to compile the information, and that it is an appropriate use of public resources. The State Court Administrator shall make the initial determination and recommendation to the Supreme Court as to whether to provide the additional compiled information. (Adopted August 11, 2010, effective January 1, 2011; amended April 26, 2011, effective April 26, 2011.)

**Rule 13. Bulk distribution.**

No bulk distribution of court records shall be made without prior approval of the Supreme Court.

7 RULES GOVERNING ACCESS TO COURT RECORDS Rule 17

**Rule 14. Copies.**

In all cases in which a person has the right of public access to court records, he or she may request copies, printouts, or photographs. If the custodian does not have facilities for making copies, printouts or photographs, the applicant shall be granted access to the records for the purpose of making copies, printouts, or photographs. The copies, printouts, or photographs shall be made while the records are in the possession of the custodian and are subject to the supervision of the custodian. When practical, the copy, printout, or photography work shall be done in the place where the records are kept, but if it is impractical to do so, the custodian may make other arrangements, at the applicant's expense.

**Rule 15. Fees.**

The Rules for Fees and Costs for District Courts, Rules for Fees and Costs for Circuit Courts, and any rules governing fees and costs in the Wyoming Rules of Appellate Procedure, as amended from time-to-time, are incorporated herein. Fees shall be paid in advance.

**Rule 16. Vendors.**

If a court contracts with a vendor to provide information technology support to gather, store, or make accessible court records, the vendor shall be required to comply with these rules and any statutes or administrative agency regulations governing access to court records, and shall be required to notify the court of any requests for compiled information or bulk distribution of court records.

**Rule 17. Local rules.**

Local rules governing access to court records are prohibited.

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WY -- PROOF

Form 1

WYOMING COURT RULES

8

**FORMS**

**1. State of Wyoming Confidential Information Form.**

\_\_\_\_\_  
Name of Court

Case No. \_\_\_\_\_

\_\_\_\_\_  
Plaintiff/Petitioner

\_\_\_\_\_  
Defendant/Respondent

This form and the attached documents are confidential pursuant to the Wyoming Rules Governing Access to Court Records and are to be sealed when filed:

\_\_\_\_\_  
\_\_\_\_\_  
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\_\_\_\_\_  
\_\_\_\_\_  
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\_\_\_\_\_  
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Filed by: \_\_\_\_\_  
Name

\_\_\_\_\_  
Address  
\_\_\_\_\_

# RULES OF THE SUPREME COURT OF WYOMING

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### Rule

1. Public sessions; terms; business hours; open hearings.
2. Clerk of court.
3. Fee schedule.

**Note.** — The original 1957 Supreme Court Rules were adopted July 2, 1957, and effective December 1, 1957. Rules 4 through 15, 18 through 20 and 24, which provided for hearings (4), oral argument (5), motions (6), cost of record (7), costs in reserved cases (8), costs in other cases (9), withdrawing records (10), correction of errors (11), briefs (12), decisions (13), application for rehearing (14), mandate (15), failure to file on time (18), petition for rein-

### Rule

4. Composition of court on rehearing.
5. Use of cameras and wireless communication devices during proceedings.
6. Weapons on court premises.

statement (19), filings (20) and hearings before a district court (24), have all been abrogated by corresponding rules in the Wyoming Rules of Appellate Procedure. Rule 3 was repealed October 3, 1973, and Rule 22 was repealed March 12, 1973, with the adoption of the Disciplinary Code of the Wyoming State Bar. The remaining Supreme Court Rules have been renumbered consecutively.

### **Rule 1. Public sessions; terms; business hours; open hearings.**

(a) Public sessions of the court during each regular term shall be held at the Supreme Court and Library Building at the capital of Wyoming, commencing at 9:00 a.m., unless otherwise specially ordered in stated cases.

(b) Each term shall be deemed open and continue until the commencement of the next succeeding term.

(c) The court shall be open during all business hours for the filing of papers and documents, the hearing of cases, the rendering of decisions and the making of orders and rules; provided that, unless the court shall order otherwise, all hearings shall be held in open court after such notice to the parties or their counsel as the court shall deem reasonable. Hours for the electronic filing of documents shall be established by the Wyoming Rules of Appellate Procedure.

(d) If a case which has been designated as confidential is to be argued before the Court, before the argument begins, the clerk of court shall ensure that the courtroom has been cleared of all persons who are not parties, counsel for parties, Court staff personnel, or otherwise permitted to attend.

(Amended effective January 15, 2015.)

**Cross References.** — As to Supreme Court, see §§ 5-2-101 through 5-2-403. For rules made by Supreme Court having same effect as legislative enactments, see § 5-2-113. For authority of Supreme Court to adopt, modify and repeal rules and forms governing pleading, practice and procedure in all courts, see §§ 5-2-114 through 5-2-117.

**Quoted** in RHF v. RMC, 774 P.2d 624 (Wyo. 1989).

**Law reviews.** — For article, “Minimum Standards of Judicial Administration in Wyoming,” see V Wyo. L.J. 159.

**Am. Jur. 2d, ALR and C.J.S. references.** — 20 Am. Jur. 2d Courts § 1 et seq.  
21 C.J.S. Courts § 1 et seq.

**Rule 2. Clerk of court.**

The clerk of the court shall keep an office at the Supreme Court and Library Building and shall not practice as an attorney or counselor in this or any other court while holding such position. The clerk shall have the custody of the seal and all records (including electronic records), books and papers pertaining to the court and the proceedings therein. The clerk shall keep a record of all proceedings of the court, and for this purpose shall keep a journal, an appearance docket, a roll of the attorneys admitted to practice in the court showing the date of their admission, and records of the filing of applications for admission to the bar and the proceedings thereon. The clerk shall record in the journal as they occur the orders, judgments and other proceedings of the court which are proper to be recorded therein. The clerk shall enter each case upon the appearance docket in the order in which it is commenced or filed, numbering the cases consecutively. At the time of the commencement or filing of a case, the clerk shall enter on the appearance docket the full names of the parties, except in confidential cases, where the parties' initials should be used. The clerk shall note on the docket the names of counsel then appearing, or shown by the papers on file, and thereafter, whenever they appear, the name or names of other counsel. The clerk shall note under the case so docketed at the time the same occurs the filing of the various papers, the issuance of any process, the orders made in the case, the fees and taxation of costs, and whenever any fees are paid or advanced the amount and date thereof and the party paying or advancing the same, and such other proceedings, if any, as may be necessary from time to time to show the condition of the case. Whenever a decision is rendered the clerk shall promptly give notice thereof by United States mail, electronic mail, and/or telephone call to an attorney on each side and to the judge who presided over the proceedings subject to review.

(Amended December 22, 1965, effective March 22, 1966; amended November 14, 2014, effective January 14, 2015.)

**Cross References.** — As to duties of clerk upon reservation of constitutional question to Supreme Court during pendency of cause in civil and criminal cases, see §§ 1-13-101 through 1-13-103. As to general powers and duties of clerk of Supreme Court, see §§ 5-2-

201 through 5-2-207. As to clerks of court generally, see §§ 5-7-101 through 5-7-107.

**Am. Jur. 2d, ALR and C.J.S. references.** — 15A Am. Jur. 2d Clerks of Court § 1 et seq. 21 C.J.S. Courts §§ 236 to 265.

**Rule 3. Fee schedule.**

The clerk of the Supreme Court shall collect the following fees:

- (a) For the docketing of an appeal or any original proceeding, including any matters brought to the supreme court by the certification process or the writ of review, \$95.00, \$10.00 of which shall be deposited into the judicial systems automation account established by Wyo.Stat.Ann. § 5-2-120; and \$10.00 of which shall be deposited into the indigent civil legal services account established by Wyo.Stat.Ann. § 5-2-121.
- (b) The sum of \$5.00 for issuing certified court documents and certification of records.
- (c) The sum of \$10.00 for certificates of good standing of attorneys.
- (d) The sum of \$.50 per page for reproducing any document, record or other paper.
- (e) The sum of \$10.00 for replacement or duplication of admission certificate.
- (f) For notary service, fee as set by Wyo.Stat.Ann. § 34-26-302.

(Added January 15, 2015.)

**Rule 4. Composition of court on rehearing.**

Active members of the Court at the time of consideration of a petition for rehearing, and if granted, the rehearing itself shall participate in consideration and decision. If at that time a justice shall be recused, the justice participating in the original decision shall sit, if available.

(Added January 15, 2015.)

**Rule 5. Use of cameras and wireless communication devices during proceedings.**

(a) Absent express authorization by the Supreme Court, individuals attending or participating in open court or confidential proceedings shall not use or operate any camera, video recording device, or audio recording device to record, broadcast, or photograph the proceedings.

(b) Except as provided, individuals attending or participating in open court or confidential proceedings shall not use a Wireless Communication Device during the proceedings. Such devices shall be completely turned off and not merely set to “vibrate” or a similar setting.

(c) Wireless Communication Devices are those electronic devices that are capable of wirelessly transmitting voice and/or data including, but not limited to mobile phones, cellular communication devices, personal digital assistants (PDAs), and computers.

(d) Counsel of record during oral argument.

(i) Unless otherwise ordered by the Court, attorneys may use laptop computers that can access the internet at counsel tables during oral argument, provided that the rules prohibiting photography, recording and broadcasting court proceedings are not violated and all audio sounds are muted.

(ii) Attorneys of record may use cell phones, PDAs, and other Wireless Communication Devices at counsel table only with the express permission of the Court.

(e) A violation of this rule may result in the immediate removal of the person. The Court Security Officer or other law enforcement officers acting on the Court’s behalf are authorized to confiscate, seize and inspect Wireless Communication Devices or cameras used, or suspected of being used, in violation of this rule, and/r remove the person suspected to have violated this rule. Seized Wireless Communication Devices or cameras will generally be returned after the conclusion of proceedings or as otherwise directed by the Court.

(f) A violation of this rule may be punished by contempt of court, giving due consideration to the nature of the violation and any history of similar or past violations. A violation that disrupts a Court proceeding may be punished by direct summary contempt proceedings.

(g) Any person who brings a camera or Wireless Communication Device into a Wyoming Supreme Court open court or confidential proceeding shall be deemed to have consented to the terms and conditions of, and to be subject to, this rule.

(h) This rule is not applicable to employees of the Wyoming Supreme Court, including the Clerk of Court, judicial staff and administrative staff.

(Added January 15, 2015.)

**Rule 6. Weapons on court premises.**

(a) No dangerous weapon may be carried on the Wyoming Supreme Court’s premises, except as provided in this rule. Wyoming Supreme Court Security Offices and Wyoming Highway Patrol Troopers, when acting as Supreme Court Security Officers, are authorized to request that any persons carrying a dangerous weapon on the Supreme Court’s premises relinquish the weapon. The weapon will be secured at the Court

Security Office then returned to the person when he/she leaves the Supreme Court's premises, unless the Court Security Officer or Trooper to whom the weapon was relinquished determines that other law enforcement personnel should be involved. If a person carrying a dangerous weapon refuses to relinquish the weapon, he/she shall be denied access to the Supreme Court premises.

(b) As used in this policy, "dangerous weapon" means a firearm, explosive, incendiary material, or any other implement or device capable of being used as a deadly weapon, where such implement or device has no reasonable usage related to the conduct of government business.

(c) Nothing in this policy prohibits the carrying of weapons on the Supreme Court premises by Peace Officers, as defined and authorized by Wyoming Statutes, who are acting in an official capacity and who are not parties to a case currently before the Court. Peace Officers entering the Supreme Court Building shall disclose to Court Security Officers or Troopers acting as Court Security Officers, that they are carrying a weapon or weapons into the facility.

(d) Exceptions to this rule may be granted on an individual basis by the Court Security Officer, with the prior concurrence of the Court.

(Added January 15, 2015.)

**Editor's notes.** — This section has been reprinted to correct errors appearing in the 2016 Court Rules Edition.

# RULES FOR FEES AND COSTS FOR DISTRICT COURTS

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2. Record checks.	7. Fee for exemplification of court documents.
3. Fee for copies.	8. Jury demand fees.
4. Fee for facsimile transmission.	9. Abatement fees.
5. Civil fees.	

### Rule 1. Appellate filing and docketing fees.

The appellate and docketing fees for the district court shall be as set forth in Supreme Court General Order 10-2, which states:

A. For all transcripts and records in cases appealed or certified to the Supreme Court, including certificates, seals and transmission, \$70.00 of which \$10.00 shall be for court automation and \$10.00 shall be for indigent civil legal services and both shall be remitted as provided in Wyo. Stat. Ann. § 5-3-205.

B. For docketing a petition for review from an administrative agency, \$70.00, of which \$10.00 shall be for court automation and \$10.00 shall be for indigent civil legal services and both shall be remitted as provided by Wyo. Stat. Ann. § 5-3-205.

C. For docketing an appeal from a circuit court or municipal court, \$70.00, of which \$10.00 shall be for court automation and \$10.00 shall be for indigent civil legal services and both shall be remitted as provided in Wyo. Stat. Ann. § 5-3-205.

(Amended May 25, 2010, effective July 1, 2010.)

### Rule 2. Record checks.

All requests for a record check shall be submitted in writing by the applicant. Response to the request for a record check shall be made by the court in writing as soon as practicable after the written request is received by the court.

The fee for checking district court records shall be ten dollars (\$10.00). Payment of the \$10.00 fee for each record check shall be made in cash or check payable to the court.

Only one fee shall be charged for a record check involving a particular name and any reasonable derivation or other spelling of that name. However, a separate record check fee will be charged for each and every alias which is dissimilar to the original name submitted.

No charge shall be made for checking district court records if requested by an employee of a governmental agency.

Any request for copies of documents shall be billed separately as allowed by these rules above and beyond any fee charged as set forth herein.

This rule and the charge provided only applies to services required from court personnel to check and/or abstract court records. This rule has no application to the personal examination of any non-confidential court records including indexes by any individual desiring information from these public records.

### Rule 3. Fee for copies.

The fee for making copies shall be as set forth in Wyo. Stat. Ann. § 5-3-206(a)(vi).



Rule 4

WYOMING COURT RULES

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**Rule 4. Fee for facsimile transmission.**

The clerk shall charge \$1.00 per page to transmit or receive a facsimile.  
(Amended December 18, 2012, effective March 1, 2013.)

**Rule 5. Civil fees.**

For all civil matters filed or commenced, the clerk of each district court shall charge fees as set forth in Wyo. Stat. Ann. § 5-3-206.

**Rule 6. Probate fees.**

For all probate matters filed or commenced, the clerk of each district court shall charge fees as set forth in Wyo. Stat. Ann. § 2-2-401.

**Rule 7. Fee for exemplification of court documents.**

The fee for exemplification of court documents shall be \$5.00.

**Rule 8. Jury demand fees.**

Fees for all demands for trial by jury in district courts shall be as set forth in Wyoming Rules Civil Procedure Rule 38(b)(2).

**Rule 9. Abatement fees.**

In claims for abatement, the fees shall be as set forth in Wyo. Stat. Ann. § 20-2-305.

# RULES FOR FEES AND COSTS FOR CIRCUIT COURTS

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1. Costs and fees in criminal actions [Effective November 1, 2017.]	4. Fee for facsimile transmission.
2. Record checks.	5. Fee for copies of recorded proceedings.
	6. Overpayments.
	7. Fee for exemplification of court documents.

**Editor's notes.** — The Rules for Fees and Costs for County Courts, adopted April 7, 1987, and effective June 1, 1987, were superseded by

Rules for Fees and Costs for Circuit Courts, adopted May 9, 2000, and effective July 1, 2000.

### **Rule 1. Costs and fees in criminal actions [Effective until November 1, 2017.]**

(a) Circuit courts shall collect for every criminal/traffic charge (count) for which a conviction results unless otherwise specifically excepted by statute or court rule, costs in the sum of \$20.00 which shall be assessed as part of the sentence. In addition, for every criminal/traffic charge (count) for which a conviction results unless otherwise specifically excepted by statute or court rule, a fee of \$35.00 shall be imposed, \$25.00 of which shall be deposited into the judicial systems automation account established by W.S. § 5-2-120 and \$10.00 of which shall be deposited into the indigent civil legal services account established by W.S. § 5-2-121.

(b) For every charge (count) the court shall impose the costs and fees provided for under paragraph (a) above, and the victim's compensation fee as required by W.S. § 1-40-119, unless the court determines the defendant has an inability to pay and that no reasonable probability exists that the defendant will have an ability to pay.

(Amended August 13, 2002, effective September 1, 2002; amended December 17, 2002, effective January 1, 2003; amended May 25, 2010, effective July 1, 2010; amended July 18, 2017, effective July 18, 2017.)

### **Rule 1. Costs and fees in criminal actions [Effective November 1, 2017.]**

(a) Circuit courts shall collect for every criminal/traffic case for which a conviction results unless otherwise specifically excepted by statute or court rule, costs in the sum of \$20.00 which shall be assessed as part of the sentence. In addition, for every criminal/traffic case for which a conviction results unless otherwise specifically excepted by statute or court rule, a fee of \$35.00 shall be imposed, \$25.00 of which shall be deposited into the judicial systems automation account established by W.S. § 5-2-120 and \$10.00 of which shall be deposited into the indigent civil legal services account established by W.S. § 5-2-121.

(b) In addition to the costs and fees provided for under paragraph (a) above, the court shall impose the victim's compensation fee as required by W.S. § 1-40-119, unless the court determines the defendant has an inability to pay and that no reasonable probability exists that the defendant will have an ability to pay.

(Amended August 13, 2002, effective September 1, 2002; amended December 17, 2002, effective January 1, 2003; amended May 25, 2010, effective July 1, 2010; amended July

18, 2017, effective July 18, 2017; amended August 23, 2017, effective November 1, 2017.)

**Rule 2. Record checks.**

All requests for a record check shall be submitted in writing by the applicant. Response to the request for a record check shall be made by the court in writing as soon as practicable after the written request is received by the court.

The fee for checking circuit court records shall be ten dollars (\$10.00). Payment of the \$10.00 fee for each record check shall be made in cash, by check payable to the court, or by debit or credit card.

Only one fee shall be charged for a record check involving a particular name and any reasonable derivation or other spelling of that name. However, a separate record check fee will be charged for each and every alias which is dissimilar to the original name submitted.

No charge shall be made for checking circuit court records if requested by an employee of a governmental agency.

Any request for copies of documents shall be billed separately as allowed by these rules above and beyond any fee charged as set forth herein.

This rule and the charge provided only applies to services required from court personnel to check and/or abstract court records. This rule has no application to the personal examination of any court records including indexes by any individual desiring information from these public records.

(Amended July 24, 2001, effective November 1, 2001; amended December 31, 2001, effective April 1, 2002; amended September 11, 2002, effective November 1, 2002; amended August 11, 2016, effective September 1, 2016.)

**Rule 3. Fee for copies.**

The fee for making copies shall be \$1.00 for the first page and \$.50 for each subsequent page.

(Added December 31, 2001, effective April 1, 2002.)

**Rule 4. Fee for facsimile transmission.**

The clerk shall charge \$1.00 per page to transmit or receive a facsimile.

(Added December 31, 2001, effective April 1, 2002; amended December 18, 2012, effective March 1, 2013.)

**Rule 5. Fee for copies of recorded proceedings.**

The fee for copies of recorded proceedings shall be \$5.00 per proceeding.

(Added December 31, 2001, effective April 1, 2002; amended December 22, 2015, effective April 1, 2016.)

**Rule 6. Overpayments.**

In the case of overpayments, a refund need not be made unless the over payment exceeds \$10.00.

(Added December 31, 2001, effective April 1, 2002.)

**Rule 7. Fee for exemplification of court documents.**

The fee for exemplification of court documents shall be \$5.00.

(Added December 31, 2001, effective April 1, 2002.)

# RULES FOR FEES AND COSTS FOR MUNICIPAL COURTS

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**Editor's notes.** — The former rules, adopted December 23, 1974, and effective January 1, 1975, were superseded by revised rules adopted May 9, 2000, and effective July 1, 2000.

### Rule 1. [Abrogated].

**Editor's notes.** — This rule, providing the scope of the rules for fees and costs for justice of the peace courts and municipal courts, was abrogated by order of the Supreme Court dated December 2, 2002, effective January 6, 2003.

### Rule 2. Municipal courts.

(a) Costs and fees assessed and collected in municipal courts shall be fixed by ordinance in each city and town but costs shall not exceed \$10.00. Such costs shall be remitted to the city or town treasurer. By ordinance, a city or town may prescribe either a court automation fee of \$25.00 or an indigent civil legal services fee of \$10.00 or both as a cost to be paid by every person guilty of a violation of a city or town ordinance, and if so prescribed those fees shall be remitted to the judicial systems automation account established by W.S. § 5-2-120 and the indigent civil legal services account established by W.S. § 5-2-121.

(b) *Record check requests.* — All requests for a record check shall be submitted in writing by the applicant. Response to the request for a record check shall be made by the court in writing as soon as practicable after the written request is received by the court.

The fee for checking municipal court records shall be ten dollars (\$10.00). Payment of the \$10.00 fee for each record check shall be made in cash or check payable to the court.

Only one fee shall be charged for a record check involving a particular name and any reasonable derivation or other spelling of that name. However, a separate record check fee will be charged for each and every alias which is dissimilar to the original name submitted.

No charge shall be made for checking municipal court records if requested by an employee of a governmental agency.

Any request for copies of documents shall be billed separately above and beyond any fee charged as set forth herein.

This rule and the charge provided only applies to services required from court personnel to check and/or abstract court records. This rule has no application to the personal examination of any court records including indexes by any individual desiring information from these public records.

(Amended May 9, 2000, effective July 1, 2000; amended December 17, 2002, corrected June 26, 2003, effective July 1, 2003; amended May 25, 2010, effective July 1, 2010; amended July 18, 2017, effective July 18, 2017.)

**Am. Jur. 2d, ALR and C.J.S. references.**  
— 20 Am. Jur. 2d Costs § 1 et seq.

**Rule 3. [Abrogated].**

**Editor's notes.** — This rule, pertaining to fees and costs for justice of the peace courts, was abrogated by order of the Supreme Court dated December 2, 2002, effective January 6, 2003.

**Rule 4. Fee for copies.**

The fee for making copies shall be \$1.00 for the first page and \$.50 for each subsequent page.  
(Added December 31, 2001, effective April 1, 2002.)

**Rule 5. Fee for facsimile transmission.**

The clerk shall charge \$1.00 per page to transmit or receive a facsimile.  
(Added December 31, 2001, effective April 1, 2002; amended December 18, 2012, effective March 1, 2013.)

**Rule 6. Fee for copying tapes.**

The fee for copying tapes shall be \$5.00 per tape.  
(Added December 31, 2001, effective April 1, 2002.)

**Rule 7. Overpayments.**

In the case of overpayments, a refund need not be made unless the over payment exceeds \$10.00.  
(Added December 31, 2001, effective April 1, 2002.)

**Rule 8. Fee for exemplification of court documents.**

The fee for exemplification of court documents shall be \$5.00.  
(Added December 31, 2001, effective April 1, 2002.)