

IN THE SUPREME COURT, STATE OF WYOMING

APRIL TERM, A.D. 2010

In the Matter of the Creation of)
Rule 32.1 of the Wyoming Rules of)
Criminal Procedure)

**ORDER CREATING RULE 32.1 OF THE
WYOMING RULES OF CRIMINAL PROCEDURE**

This matter came before the Court upon recommendation of the Board of Judicial Policy and Administration to create Rule 32.1 of the Wyoming Rules of Criminal Procedure. The Court has determined that Rule 32.1 of the Wyoming Rules of Criminal Procedure is necessary and proper. It is, therefore,

ORDERED that Rule 32.1 of the Wyoming Rules of Criminal Procedure is hereby created as shown on the attachment hereto effective on July 1, 2010. It is further

ORDERED that this order and the rule amendments be published in the advance sheets of the Pacific Reporter; the rule amendments be published in the Wyoming Court Rules Volume; and this order and the rule amendments be made available online at the Wyoming Judicial Branch's website, <http://www.courts.state.wy.us>. The amendments shall thereafter be spread at length upon the journal of this Court.

DATED this 25th day of May, 2010.

BY THE COURT:

BARTON R. VOIGT
Chief Justice

WYOMING RULES OF CRIMINAL PROCEDURE

Rule 32.1. Offender payments and restitution.

The clerk of court shall use the following prioritized order when distributing offender payments and restitution:

1. Crime Victims Compensation Surcharge (Wyo. Stat. Ann. §1-40-119)
2. Judicial Systems Automation Fee (Wyo. Stat. Ann. §5-2-120)
3. Indigent Civil Legal Services Fee (Wyo. Stat. Ann. §5-2-121)
4. Restitution as follows:
 - a) Restitution payments received by a court shall be forwarded to the third party whenever the court has received funds totaling \$25 or more. Nothing in this rule shall be construed as to limit any number of additional payments the clerks may choose to make.
 - b) If there are multiple victims in a case, the clerk shall pay out to each victim in equal amounts, but may hold those monies until the clerk has received funds totaling \$25 per victim.
 - c) If six months between restitution payments have lapsed, the clerk shall pay out in equal amounts the remainder of monies held.
5. Court costs
6. Fines
7. Fees (in the following order, including but not limited to: public defender fee, prosecution fee, addicted offender fee, probation fee, jail costs, extradition fee, and other fees)
8. Contempt.