

IN THE SUPREME COURT, STATE OF WYOMING

April Term, A.D. 2011

In the Matter of Amendments to)
Rules 3 and 3.1 of the Wyoming)
Rules of Criminal Procedure)

**ORDER ADOPTING AMENDMENTS TO RULES 3 AND 3.1 OF THE
WYOMING RULES OF CRIMINAL PROCEDURE**

This matter came before the Court upon its own motion. In the 2011 General Legislative Session, the Wyoming Legislature made changes to a number of statutes that govern issuance and acceptance of citations. See 2011 Wyo. Session Laws, ch. 167, § 1. Based on those statutory amendments, this Court finds that it should amend Rules 3 and 3.1 of the Wyoming Rules of Criminal Procedure. It is, therefore,

ORDERED that the amendments to Rules 3 and 3.1 of the Wyoming Rules of Criminal Procedure, attached hereto, be and hereby are adopted by the Court to be effective July 18, 2011; and it is further

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

DATED this 18th day of May, 2011.

BY THE COURT:

/s/

MARILYN S. KITE
Chief Justice

Wyoming Rules of Criminal Procedure

Rule 3. Indictment, information or citation.

(a) In general. Prosecution of all offenses shall be by indictment, information or by citation when a citation is authorized by law and shall be carried on in the name and by the authority of the State of Wyoming, and all indictments, informations and citations shall conclude 'against the peace and dignity of the State of Wyoming'.

(3) Citation. Except as provided in W.S. 14-6-203(d) and (f), a citation may be issued as a charging document for any misdemeanor for which the issuing officer has probable cause to believe was committed by the person to whom the citation was issued. By accepting the citation, the person issued the citation signifies his promise to appear in court on the date and time stated on the citation. A citation may be issued by any peace officer authorized to do so by statute or ordinance. The citation shall be signed by the issuing officer but need not be under oath. The citation must state:

- (A) The name of the court where it is to be filed;
- (B) The names of the state or municipality and the defendant;
- (C) For each count, a reference to the statute, ordinance, rule, regulation or other provision of law which the defendant is alleged to have violated;
- (D) The date and time the defendant must appear in court; and
- (E) Whether a court appearance may be avoided by paying a fine and costs or forfeiture of bail.

~~The citation must contain a place for the defendant to sign a promise to appear in court on a date and at a time certain.~~

Rule 3.1. Use of citations; bail.

(a) Where filed. Citations shall be filed in the circuit court or municipal court in the county or municipality where the offense allegedly occurred.

(b) When Citation May Issue. A person arrested and taken into custody for any crime shall be brought before a judicial officer as provided in Rule 5, except:

(1) A person who has been stopped, detained or arrested for a misdemeanor may, then or after further investigation, be issued a citation to avoid further detention. If the person to whom the citation is issued ~~signs a~~ accepts the citation (thereby signifying his promise to appear in court on a date and time certain to answer to the offense charged in the citation), the person shall then be released from custody; and

(2) A person arrested and taken into custody for a 'forfeit' offense (as later defined in this rule) must be taken before a judicial officer within 12 hours. If the person is not taken before a judicial officer within 12 hours, the person must be issued a citation and released from custody, but only if the person signs a promise to appear in court on a date and time certain to answer to the offense charged in the citation. A judicial officer may, but is not required to, hold an initial appearance hearing for forfeit offenses other than during the regular business hours of the court.
