

Members of the Wyoming Joint Judiciary Committee:

My name is Thayne Peterson and I have been a Municipal Prosecutor in multiple jurisdictions in Southwestern Wyoming for more than fifteen years. I am requesting a modification of Wyoming State Statutes §§ 5-6-201, 5-6-210, 5-6-301 and 15-1-103 (a) (xli). These sections limit the penalties that may be imposed by Wyoming Municipal Courts.

W.S. § 5-6-201 applies to cities and reads in applicable part:

(a) . . . [A] municipal judge has exclusive jurisdiction over all violations of ordinances of the city. The municipal judge shall hear and determine violations of ordinances and may impose fines not exceeding seven hundred fifty dollars (\$750.00), or imprisonment not exceeding six (6) months, or both, to which may be added costs.

This is restated in W.S. § 5-6-201, which reads in part:

(a) Any person convicted by a municipal judge of any offense under any ordinance of the city shall be punished by fine or imprisonment or both as provided by ordinance. . . . [N]o fine shall exceed seven hundred fifty dollars (\$750.00) for any one (1) offense recoverable with costs, and no imprisonment shall exceed six (6) months.

W.S. § 5-6-201 makes the limit applicable to towns:

(a) A person convicted before a municipal judge shall be fined and imprisoned as provided by ordinance. Except as provided by W.S. 15-1-103(a)(xli) or subsection (c) of this section, no fine shall exceed seven hundred fifty dollars (\$750.00), and no imprisonment shall exceed six (6) months.

Finally, W.S. § 15-1-103(a)(xli) reiterates the limitations imposed on the municipalities but grants one exception:

[A municipality may] enforce all ordinances by imposing fines not exceeding seven hundred fifty dollars (\$750.00), or imprisonment not exceeding six (6) months, or both. The governing body of a city or town may by ordinance impose a term of probation for battery which may exceed the maximum term of imprisonment established for the offense provided the term of probation, together with any extension thereof, shall in no case exceed one (1) year;

With that one exception, Wyoming Municipal Courts are limited to punishing a criminal offender to no more than a \$750.00 fine and/or six (6) months of incarceration.

The difficulty with this is that the Wyoming State Legislature has authorized the imposition of higher fines for an increasing number of cases. Attached is a spreadsheet showing some of these enhanced penalties. I do not represent that this list is exhaustive.

So, for example, if a person were charged in Circuit Court with the misdemeanor offense of littering a bottle of urine, that person could face a penalty of a maximum \$1,000.00 and nine months of incarceration. The same person being charged in a Municipal Court under an identically worded Ordinance would only face a \$750.00 penalty and the possibility of 6 months in jail.

In order to bring predictability and equity to the power of Municipal and Circuit Courts, I request that the Statutes above be modified to authorize Wyoming Municipal Courts to impose fines and incarceration penalties equal to the State Statute for misdemeanors if the Ordinance is substantively identical to the State Statute. This will allow uniformity across Wyoming Courts as well as predictability for law enforcement.

Thank You For Your Consideration:



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<u>Statute</u>	<u>Offense</u>	<u>Statutory Fine</u>	<u>Statutory Incarceration</u>
6-2-203	False Imprisonment	\$1,000.00	One Year
6-2-313	Sexual Battery	\$1,000.00	One Year
6-2-403	Intimidation By A Street Gang	\$1,000.00	One Year
6-2-507 (b)	Neglect of a Vulnerable Adult	\$1,000.00	One Year
6-2-511 (b) (ii)	Second Domestic Violence Battery in 5 years	\$1,000.00	One Year
6-3-112	Obstructing Firefighters	\$1,000.00	One Year
6-3-204	Littering Bodily Waste	\$1,000.00	Nine Months
6-3-305	Breaking Into A Coin Machine	\$1,000.00	One Year
6-3-606	Impersonation Of A Police Officer	\$1,000.00	One Year
6-3-612 (b)	False Statement To A Pawn Broker	\$1,000.00	One Year
6-3-615	False ID Regarding Citizenship Status	\$1,000.00	Six Months
6-3-902	False Electronic ID	\$1,000.00	One Year
6-4-302 (b) (i)	Promoting Obscenity To An Adult	\$1,000.00	One Year
6-4-302 (b) (ii)	Promoting Obscenity To A Minor	\$6,000.00	One Year
6-4-403	1 <sup>st</sup> Offense Child Abandonment/Endangerment	\$1,000.00	One Year
6-5-204	Interference With Peace Officer	\$1,000.00	One Year
6-5-210 (a)(ii)	False Reporting Of An Emergency	\$1,000.00	One Year
6-5-305 (b)	Obstructing A Court	\$1,000.00	One Year
6-5-406 (b)	Providing Kickbacks	\$1,000.00	One Year
6-6-103	Lewd Or Threatening Phone Call	\$1,000.00	One Year
31-5-959 (b) & ©	Depositing Hazardous Materials On A Public Street	\$1,000.00	One Year
31-5-1201 (d) (viii) (D)	2nd Offense Speeding In A School Zone	\$1,000.00	None
31-11-102	Unauthorized Use Of A Motor Vehicle	\$1,000.00	One Year
35-1-106	Violating of Public Health Rules	\$1,000.00	One Year
35-7-1031 (a) (iv)	Delivery of Schedule V Drugs	\$1,000.00	One Year
35-20-113	False Reporting Of A Vulnerable Adult	\$1,000.00	One Year