

HOUSE BILL NO. HB0184

Expungement of criminal records.

Sponsored by: Representative(s) Luthi and Simpson

A BILL

for

1 AN ACT relating to expungement of certain criminal records;
2 establishing procedures for the expungement of certain
3 criminal records as specified; and providing for an
4 effective date.

5

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

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8 **Section 1.** W.S. 7-13-1401 is created to read:

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10

ARTICLE 14

11

EXPUNGEMENT OF CRIMINAL RECORDS

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13 **7-13-1401. Petition for expungement; records of**
14 **arrest, dismissal of charges, disposition; eligibility; no**
15 **filing fee.**

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1 (a) A person may petition the court in which a
2 proceeding occurred, or would have occurred, for an order
3 expunging records of arrest, charges or dispositions which
4 may have been made in the case, subject to the following
5 limitations:

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7 (i) At least one hundred eighty (180) days have
8 passed since the arrest, or from the date the charge or
9 charges were dismissed for which expungement is sought,
10 there are no formal charges pending against the person when
11 the petition is filed, the petitioner sufficiently
12 demonstrates that his petition satisfies all the
13 requirements of this section, and at least one (1) of the
14 following applies:

15
16 (A) There were no convictions pursuant to
17 any charge or charges, including a conviction pursuant to a
18 different or lesser charge as the result of the incident
19 leading to the arrest, there were no dispositions pursuant
20 to W.S. 7-13-301 to any charge or charges as the result of
21 the incident leading to the arrest, including dispositions
22 to a different or lesser charge, there were no dispositions
23 pursuant to W.S. 35-7-1037 to any charge or charges as the
24 result of the incident leading to the arrest, including

1 dispositions to a different or lesser charge, and there
2 were no dispositions pursuant to former W.S. 7-13-203 to
3 any charge or charges as the result of the incident leading
4 to the arrest, including dispositions to a different or
5 lesser charge;

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7 (B) No criminal charges of any nature were
8 filed in any court as the result of the incident leading to
9 the arrest; or

10

11 (C) All criminal proceedings against the
12 person were dismissed by the prosecutor or the court, and
13 such proceedings were the result of the incident which led
14 to the arrest.

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16 (b) Any petition filed under this section shall be
17 verified by the petitioner, served upon and reviewed by the
18 prosecuting attorney, and no order granting expungement
19 shall be issued prior to the expiration of twenty (20) days
20 after service was made.

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22 (c) The prosecuting attorney shall file with the
23 court, an objection, if any, to the petition within twenty
24 (20) days after service. If an objection is filed, the

1 court shall set the matter for hearing. If no objection is
2 filed, the court may summarily enter an order if the court
3 finds that the petitioner is otherwise eligible for relief
4 under this section.

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6 (d) If the court finds that the petitioner is
7 eligible for relief under this section, it shall issue an
8 order granting the expungement of the applicable record.
9 The court shall also place the court file under seal,
10 available only for inspection by order of that court. The
11 court shall transmit a certified copy of the order to the
12 division of criminal investigation.

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14 (e) There shall be no filing fee for a petition filed
15 under this section.

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17 (f) A person who has received an order of expungement
18 under this section may respond to any inquiry as though the
19 arrest, or charge or charges did not occur, unless
20 otherwise provided by law.

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22 (g) The state, through the prosecuting attorney, may
23 appeal any order of expungement issued by any court under
24 this section.

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2 (h) Notwithstanding W.S. 1-39-101 through 1-39-120,
3 the division of criminal investigation and its employees
4 are immune from liability, either as an agency or
5 individually, for any actions, inactions or omissions by
6 the agency or any employee thereof, pursuant to this
7 section.

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9 (j) As used in this section:

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11 (i) "Expungement" means only the classification
12 of the record maintained in the files of the state central
13 repository at the division of criminal investigation as
14 defined by W.S. 7-19-107(a), in a manner reasonably
15 tailored to ensure that the record will not be available
16 for dissemination purposes other than to a criminal justice
17 agency of any state or a federal criminal justice agency,
18 to be used solely for criminal justice purposes.
19 Expungement shall not include investigatory files of any
20 local, state or federal criminal justice agency, where
21 those files are being used solely for criminal justice
22 purposes;

23

1 (ii) "Record" means any notation of the arrest,
2 charge or disposition maintained in the state central
3 repository at the division of criminal investigation,
4 whether in paper or electronic format.

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6 **Section 2.** This act is effective July 1, 2003.

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(END)