

## HOUSE BILL NO. HB0037

Juvenile justice data reporting.

Sponsored by: Joint Judiciary Interim Committee

A BILL

for

1 AN ACT relating to criminal history records; transferring  
2 responsibility for the juvenile justice information system  
3 to the department of family services; requiring the  
4 department of family services to standardize the collection  
5 of juvenile justice information; amending requirements for  
6 juvenile justice information to be collected by the  
7 department; providing definitions; making conforming  
8 amendments; repealing requirements for submitting certain  
9 juvenile justice information; requiring rulemaking; and  
10 providing for effective dates.

11

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

13

14 **Section 1.** W.S. 14-6-606 is created to read:

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1           **14-6-606. Standardization of juvenile justice**  
2 **information.**

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4           (a) The department shall facilitate the  
5 standardization, identification, sharing and coordination  
6 of juvenile justice information collected and provided to  
7 the department and disseminated by the department as  
8 required by this act. The department shall work with all  
9 federal, state and local entities that provide information  
10 under this act.

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12           (b) The department shall promulgate rules to adopt  
13 uniform information collection standards, methodologies and  
14 best practices for the collection and dissemination of  
15 juvenile justice information under this act. Any state  
16 agency or local governmental entity required to submit  
17 information under this act shall comply with the rules  
18 promulgated under this subsection.

19  
20           (c) The department shall be responsible for assuring  
21 the consistency of participation by any state agency or  
22 local governmental entity required to provide juvenile

1 justice information under this act or that seeks to access  
2 juvenile justice information under this act.

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4 **Section 2.** W.S. 14-6-203(g)(vi), 14-6-239(d) and  
5 14-6-240(b) are amended to read:

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7 **14-6-203. Jurisdiction; confidentiality of records.**

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9 (g) Except as provided by subsection (j) of this  
10 section, all information, reports or records made, received  
11 or kept by any municipal, county or state officer or  
12 employee evidencing any legal or administrative process or  
13 disposition resulting from a minor's misconduct are  
14 confidential and subject to the provisions of this act. The  
15 existence of the information, reports or records or  
16 contents thereof shall not be disclosed by any person  
17 unless:

18

19 (vi) The disclosure is authorized by W.S.  
20 ~~7-19-504~~ 14-6-604; or

21

22 **14-6-239. Records and reports confidential;**  
23 **inspection.**

1

2 (d) Nothing in subsection (a) of this section shall  
3 limit the disclosure of records authorized by W.S. ~~7-19-504~~  
4 14-6-604.

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6 **14-6-240. Fingerprinting or photographing of child;**  
7 **disclosure of child's records.**

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9 (b) Fingerprints and photographs of a child  
10 adjudicated to have committed a delinquent act which would  
11 be a felony if committed by an adult may be retained in a  
12 local law enforcement agency file and in the Wyoming  
13 division of criminal investigation files in accordance with  
14 W.S. ~~7-19-501-14-6-601~~ through ~~7-19-505-14-6-606~~. If the  
15 matter does not result in an adjudication that the child  
16 was a delinquent for having committed an act constituting a  
17 felony, the enforcement agency which obtained the  
18 fingerprints or photographs pursuant to paragraph (a)(iii)  
19 of this section shall destroy those records and shall  
20 report the destruction of the records to the court.  
21 Further, the court shall order all records pertaining to  
22 the matter in the files of law enforcement agencies  
23 destroyed or expunged.

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2           **Section 3.** W.S. 7-19-501 through 7-19-504 as 14-6-601  
3 through 14-6-604 are amended and renumbered to read:

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## ARTICLE 6

6

## JUVENILE JUSTICE INFORMATION SYSTEM

7

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~~7-19-501~~ 14-6-601. **Definitions.**

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10           (a) As used in this act:

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12                   (i) "Adjudicated" or "adjudication" means as  
13 defined by W.S. 14-6-201(a)(i);

14

15                   (ii) "Adult" means an individual who has  
16 attained the age of majority;

17

18                   (iii) "Delinquent child" means as defined by  
19 W.S. 14-6-201(a)(x);

20

21                   (iv) "Disposition" means the action ordered by  
22 the juvenile court judge under W.S. 14-6-229 upon

1 adjudication of a juvenile for a delinquent act or the  
2 sentence imposed on a juvenile who is convicted;

3

4 (v) ~~"Division"~~ "Department" means the Wyoming  
5 ~~division of criminal investigation within the office of the~~  
6 ~~attorney general~~ department of family services;

7

8 (vi) "Juvenile" means an individual who is under  
9 the age of majority;

10

11 (vii) "Qualifying offense" means conduct that,  
12 if committed by an adult, would constitute a felony under  
13 the provisions of W.S. 6-1-104(a)(xii) or 35-7-1031 or  
14 under similar federal law;

15

16 (viii) "Conviction" or "convicted" means a  
17 conviction of a juvenile of a qualifying offense or a  
18 conviction for any offense for which the juvenile was  
19 charged in a circuit court or district court;

20

21 (ix) "Detention" means the legal and physical  
22 restriction and housing of a juvenile at the Wyoming state  
23 hospital, the Wyoming boys' school, the Wyoming girls'

1 school or a juvenile detention facility defined in W.S.  
2 14-6-201(a)(xxiv). "Detention" shall not include any  
3 placement in a qualified residential treatment program as  
4 defined by W.S. 14-6-201(a)(xxviii) or a residential  
5 treatment facility that is operated for the primary purpose  
6 of providing treatment to a juvenile;

7  
8 ~~(viii)(x)~~ "This act" means W.S. ~~7-19-501~~  
9 14-6-601 through ~~7-19-505~~ 14-6-606.

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11 ~~7-19-502~~ 14-6-602. **Record system created.**

12  
13 (a) The ~~division~~ department shall create and maintain  
14 a database for a juvenile justice information system as  
15 provided in this act.

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17 (b) The database shall contain the information  
18 required by this act. Access to information in the database  
19 shall be limited as provided by W.S. ~~7-19-504~~ 14-6-604.

20  
21 (c) The ~~division~~ department shall promulgate  
22 reasonable rules and regulations necessary to carry out the  
23 provisions of this act. The ~~division~~ department shall

1 annually report by March 1 to the joint judiciary interim  
2 committee on the numbers of entries and usage of the  
3 database.

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5 ~~7-19-503~~ 14-6-603. Collection of juvenile justice  
6 information.

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8 (a) In any case in which a juvenile is convicted or  
9 is adjudicated a delinquent child for the commission of a  
10 qualifying offense or a criminal act, the court shall  
11 direct that, to the extent possible, the following  
12 information be collected and provided to the ~~division~~  
13 department:

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15 (i) Offender identification information  
16 including:

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18 (A) The juvenile offender's name, including  
19 other names by which the juvenile is known, and social  
20 security number;

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22 (B) The juvenile offender's date ~~and place~~  
23 of birth;



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2 (C) The juvenile offender's physical  
3 description, including sex, weight, height, race, and  
4 ethnicity, eye color, hair color, scars, marks and tattoos;  
5 and

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7 (D) The juvenile offender's last known  
8 residential address. ~~;~~ and

9

10 (E) ~~The juvenile offender's fingerprints.~~

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12 (ii) Offense identification information  
13 including:

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15 (A) The criminal offense for which the  
16 juvenile was convicted or adjudicated delinquent;

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18 (B) Identification of the juvenile court in  
19 which the juvenile was adjudicated delinquent or the court  
20 in which the juvenile was convicted; and

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22 (C) The date and description of the final  
23 disposition ordered by the juvenile court.

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(iii) The nature of the disposition ordered by the court, including whether a juvenile is:

(A) Committed to detention;

(B) Ordered to serve probation, placed under a plan of supervision or ordered to participate in an intensive supervision program;

(C) Committed to treatment;

(D) Held in pretrial detention.

(b) The information maintained by the division department for purposes of this act shall not include predisposition studies and reports, social summaries, medical or psychological reports, educational records, multidisciplinary team minutes and records or transcripts of dispositional hearings.

1 (c) The ~~division~~department may designate codes  
2 relating to the information described in subsection (a) of  
3 this section.

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5 ~~7-19-504~~14-6-604. Access to and dissemination of  
6 information.

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8 (a) Information contained in the juvenile justice  
9 information system shall be accessible, whether directly or  
10 through an intermediary, to:

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12 (i) Other criminal justice agencies, including  
13 the division of criminal investigation;

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15 (ii) Any person designated for the purpose  
16 provided by W.S. 14-6-227;

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18 (iii) The department ~~of family services~~ if the  
19 subject is in the custody of the department;

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21 (iv) An individual who has met the requirements  
22 established by the ~~division~~department to ensure the record  
23 will be used solely as a statistical research or reporting

1 record and that the record is to be transferred in a form  
2 that is not individually identifiable;

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4 (v) Any record subject as provided by W.S.  
5 7-19-109.

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7 (b) When a subject reaches the age of majority, all  
8 information in the juvenile justice information system  
9 pertaining to that subject shall be deleted.

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11 (c) Any person who willfully violates subsection (a)  
12 or (b) of this section is guilty of a misdemeanor and upon  
13 conviction shall be fined not more than five hundred  
14 dollars (\$500.00). Any person or entity who violates  
15 subsection (a) of this section shall be denied further  
16 access to the system.

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18 **Section 4.** W.S. 7-19-505 is renumbered as 14-6-605.

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20 **Section 5.** W.S. 14-6-603(a)(i)(E), renumbered from  
21 W.S. 7-19-503(a)(i)(E) by section 3 of this act, is  
22 repealed.

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