

August 1, 2007

Joint Judiciary Interim Committee
c/o Wyoming Legislative Services Office
Attn: John Rivera
State Capitol, Room 213
Cheyenne, WY 82002

Dear Committee Members:

This letter is in response to the June 7, 2007 meeting where Brian Christensen of the Natrona County District Attorney's Office and I spoke to your committee concerning juvenile justice system services and proposed changes.

The purpose of these proposals is not to remove jurisdiction from the District Court of the cases District Judges now hear and decide, but to allow new approaches and early intervention in Circuit Court for misdemeanor charges for juveniles, giving the child access to services before there is repeated or more serious offenses.

I. Probation

W.S. §14-6-301 has been interpreted by the Wyoming Attorney General as allowing the Department of Family Services probation only for District Court sentences of juveniles.

W.S. §14-6-301 should be amended as follows.

- (a)(v) Probation also includes the legal status where a child has been convicted and granted probation by a Circuit Court
- (a)(vi) by a juvenile or Circuit Court
- (a)(vii) or convicted and granted probation by a Circuit Court
- (b) The Department of Family Services, Probation Division shall provide the probation services for youth adjudicated delinquent or in need of supervision and shall provide the probation services to a youth convicted of a criminal offense in Circuit Court where the offense occurred prior to the youth's 18th birthday, but probation services shall continue beyond the individual's 18th birthday until the individual's probation is discharged and completed.

In addition, W.S. §5-9-134 (Probation, et al) should be amended as follows.

- (b) Individuals whose date of offense occurred prior to the age of 18 years of age may be placed on probation pursuant to the offense of conviction, and when placed on probation shall be supervised by the Department of Family Services, Probation Division. The Department of Family Services shall provide the rules and regulations for operation.

Additionally, W.S. §9-2-2006, 9-2-2104, 2105, 2101 (Department of Family Services - Authority to Provide Probation Services in Circuit Court) should be amended as follows.

- (a) Provide probation services to youth convicted of criminal offenses where the offense occurred prior to the individuals 18th birthday, but probation services shall continue until the individual's probation is discharged.

II. Substance Abuse Assessment

W.S. §31-5-233(e) has been interpreted by the Department of Health to require payment of the statutorily required substance abuse assessment at the time of service. However, this has been impractical for individuals incarcerated at the time of the required assessment.

W.S. §31-5-233(e) should be amended to allow the cost of a substance abuse assessment to be paid during the term of probation, allowing for the assessment to be completed prior to payment and prior to sentencing.

III. Confidentiality

To help support confidentiality of the criminal justice system for minors in Circuit Court, the State may wish to consider the adoption of a confidentiality statute similar to the confidentiality statutes for victims of sexual assault and sexual abuse. This may be placed in W.S. §5-9-134

- (c)(a) The criminal process of charges through Circuit Court or the identity of individuals under the age of 18 years, shall not be released to the public by any public employee except as authorized by the judge with jurisdiction over the criminal charges. The actor's name may be released to the public to aid or facilitate an arrest.
- (d) Any person who willfully violates this section or who willfully neglects or refuses to obey any court order made pursuant to this section is guilty of contempt and upon conviction shall be fined not more than \$750.00 or be imprisoned in the county jail not more than 90 days or both.

(e) This section does not restrict the requirements of the Victim's Bill of Rights.

Please contact either myself or Brian Christensen for comments or clarification.

Thank you for your consideration.

A handwritten signature in black ink, appearing to read "B. Christensen", written over a horizontal line.

Brian D. Christensen
Assistant District Attorney
Natrona County
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A handwritten signature in black ink, appearing to read "H. Brown", written over a horizontal line.

Honorable H. Steven Brown
Circuit Court, Natrona County
(307) 235-9266