

# SUMMARY *of* PROCEEDINGS



## JOINT JUDICIARY COMMITTEE

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### COMMITTEE MEETING INFORMATION

September 11 and 12, 2014  
University of Wyoming, Union Family Room

### COMMITTEE MEMBERS PRESENT

Representative Keith Gingery, Co-Chairman  
Senator Leland Christensen, Vice-Chairman  
Senator Bruce Burns  
Senator Floyd Esquibel  
Senator Larry Hicks  
Senator Dave Kinskey  
Representative Mark Baker  
Representative Cathy Connolly  
Representative Marti Halverson  
Representative Kendell Kroeker  
Representative David Miller  
Representative Tom Walters  
Representative Stephen Watt

### COMMITTEE MEMBERS NOT PRESENT

Representative Samuel Krone

### LEGISLATIVE SERVICE OFFICE STAFF

Jennifer Lockwood, Associate Research Analyst  
Mitch Martin, Staff Attorney  
Lily Sharpe, Staff Attorney

### OTHERS PRESENT AT MEETING

Please refer to appendix 1 to review the Subcommittee Sign-in Sheet for a list of other individuals who attended the meeting.

*The Committee Meeting Summary of Proceedings (meeting minutes) is prepared by the Legislative Service Office (LSO) and is the official record of the proceedings of a legislative committee meeting. This document does not represent a transcript of the meeting; it is a digest of the meeting and provides a record of official actions taken by the Committee. All meeting materials and handouts provided to the Committee by the Legislative Service Office, public officials, lobbyists, and the public are on file at the Legislative Service Office and are part of the official record of the meeting. An index of these materials is provided at the end of this document and these materials are on file at the Legislative Service Office. For more information or to review meeting materials, please contact the Legislative Service Office at (307) 777-7881 or by e-mail at [lso@wyoleg.gov](mailto:lso@wyoleg.gov). The Summary of Proceedings for each legislative committee meeting can be found on the Wyoming Legislature's website at [www.wyoleg.gov](http://www.wyoleg.gov).*

**EXECUTIVE SUMMARY**

The Committee heard testimony and received information on offenses against public administration, e-ticketing, controlled substances, forfeitures and seizures, University of Wyoming, drones, families in need of supervision, method of execution, sentencing and detention, criminal trespass for data collection, sexual assault protection orders and restoration of voting rights.

**CALL TO ORDER (SEPTEMBER 11, 2014)**

Co-Chairman Gingery called the meeting to order at 8:00 a.m. The following sections summarize the Committee proceedings by topic. Please refer to appendix 2 to review the Committee Meeting Agenda.

**APPROVAL OF MINUTES**

Minutes from the July 17-18, 2014 Committee meeting were approved.

**OFFENSES AGAINST PUBLIC ADMINISTRATION****15LSO-0012 0.4**

Chairman Gingery explained 15LSO-0012 and the committee discussed the implications of the changes. No public comment was offered. After consideration and adoption of amendments, the Committee voted unanimously to sponsor the 15LSO-0012 (appendix 3). Representative Connolly was excused from the vote. Representative Krone was excused for the entire meeting.

**E-TICKETING UPDATE****15LSO-0071 0.2**

Jennifer Lockwood updated the Committee on possible participation in e-ticketing by the Game and Fish Department and State Parks. The Game and Fish Department indicated that due to the variety of vehicles used for patrols, it would be difficult to issue e-citations from its vehicles. Currently there are no hand-held computer devices available for e-citations. There are also potential issues such as connectivity in remote areas and a need for waterproof equipment. State Parks advised that it does not have computers in vehicles and does not have the budget for computer installation or maintenance. Byron Oedekoven, Association of Sheriffs and Chiefs of Police, noted the draft does not assist counties in maintaining their systems. Joann Odendahl, Supreme Court Administrator, explained that the sheriffs are currently providing information to the court information system and should soon be able to participate in e-citations. Shelley Simonton, Wyoming Association of Municipalities, expressed support for the bill draft. She stated Casper, Laramie and Cheyenne are all considering participating in e-citations. After discussion and adoption of amendments, the Committee voted to sponsor the 15LSO-0071 (appendix 4). Senator Hicks and Representatives Miller and Walters were opposed. Representative Connolly was excused.

## **CONTROLLED SUBSTANCES**

### **15LSO-0070 0.4**

Dave Delicath, Deputy Attorney General, advised that the substances listed in 15LSO-0070 (appendix 5) are all stimulants currently controlled under federal law. They have been added to Schedule I by the Attorney General's rules. This bill draft would include the substances in Title 35, so all controlled substances can be found in the statutes. The Committee voted to sponsor the bill draft with no amendments. Representative Kroeker was opposed.

## **FORFEITURES AND SEIZURES**

### **15LSO-0009 0.3**

### **15LSO-0010 0.7**

Chairman Gingery described the bill drafts. He noted that 15LSO-10 only deals with drug crimes. Donna Addler stressed the need to ensure due process before property is taken in civil forfeitures. Mike Geesey, Wyoming Bankers Association, emphasized the need to protect third party interests. He suggested creating a simplified procedure for third parties to establish ownership. Tony Rose, Association of Sheriffs and Chiefs of Police, shared concerns and suggestions on both bill drafts. Linda Burt, American Civil Liberties Union, urged support for 15LSO-0010 and moving from civil forfeiture to criminal forfeiture. Steve Klein, Wyoming Liberty Group, also supported 15LSO-0010. Shelley Simonton, Wyoming Association of Municipalities, asked the Committee to delete the limitation on the property an agency may receive in 15LSO-0009. After discussion and adoption of amendments, the Committee voted to sponsor the 15LSO-0010 (appendix 6). Representative Walters was opposed. The Committee did not consider 15LSO-0009 (appendix 7).

## **LAW SCHOOL REVIEW**

Jacquelyn Bridgeman, University of Wyoming Law School Interim Dean, updated the Committee on the Law School survey and plans for future development. Dean Bridgeman provided handouts describing the School's future goals and statistical admission information (appendix 8). Ryan Lance, Crowell and Moring, described the survey of lawyers throughout the state conducted by the Law School. Dean Bridgeman relayed that the clinical space is limited. The Law School believes the best solution is to build a new building. Representative Gingery suggested sending Management Council a letter to inform Council that the Committee had completed its review and include the hand-outs provided by the law school and the final survey results. Marcia Shanor, Wyoming Trial Lawyers Association, submitted a hand-out stressing the need for a well-rounded law school (appendix 9).

## **DRONES**

### **15LSO-37 0.3**

Linda Burt, American Civil Liberties Union, and Steve Klein, Wyoming Liberty Group, articulated support for the bill draft. Mr. Klein also proposed amendments (appendix 10). Tony Rose, Association of Sheriffs and Chiefs of Police, pointed out areas of

concern and accentuated that agencies may need to rely on drones for cost effective law enforcement. Ken Hamilton, Wyoming Farm Bureau Association, reiterated the need to regulate the collection of private information and information about private land. After discussion and adoption of amendments, the Committee voted to sponsor 15LSO-37 (appendix 11). Representative Walters was opposed.

## **FAMILIES IN NEED OF SUPERVISION**

### **15LSO-63 0.1**

### **15LSO-57 0.2**

Director Corsi informed the Committee that some counties and county attorneys are already utilizing diversion agreements. Director Corsi noted that 15LSO-63 (appendix 12) may be preferable because it is less complex. Director Corsi did not foresee any additional costs if the bill passed. Dan Wilde, Guardian Ad Litem Program Administrator, observed 15LSO-57 (appendix 13) allows the guardian ad litem to represent a sibling, which the guardian ad litem cannot do now. District Court Judge Jeff Donnell explained that diversion agreements are intended to avoid court involvement. He noted that there would be no proceedings and consequently, the Court would have no jurisdiction to appoint a guardian ad litem. Donna Sheen supported both bill drafts. Other states have simply authorized the guardian ad litem to provide advice as to entering into the agreement, but the attorney is not appointed for the child. Dan Wilde believes the Division could provide such advice if authorized by statute. He anticipated that the Guardian Ad Litem Program would not need additional funding to provide the advice. After discussion and adoption of amendments, the Committee voted unanimously to sponsor the 15LSO-0063.

## **MEETING RECESS**

The Committee recessed at 3:30 p.m. to tour the Albany County Courthouse.

## **CALL TO ORDER (SEPTEMBER 12, 2014)**

Vice-chairman Christensen called the meeting to order at 8:50 a.m. The following sections summarize the Committee proceedings by topic. Please refer to Appendix 2 to review the Committee Meeting Agenda.

## **METHOD OF EXECUTION**

### **15LSO-0002 0.1**

Steve Lindly, Department of Corrections Deputy Director, explained that it may be impossible to obtain the drugs needed for lethal injection. This bill draft would allow an alternative method of execution. The protocol for execution would be developed by the Department of Corrections. After discussion, the Committee voted to sponsor 15LSO-0002 (appendix 14) with no amendments. Senator Esquibel and Representatives Gingery, Connolly and Watt were opposed.

**15LSO-0056 0.1**

Chairman Gingery explained the bill draft. Chesie Lee, Wyoming Association of Churches, expressed support for the bill draft. She stated that the Association represents eight denominations and over 200 churches. Linda Burt, American Civil Liberties Union, and Donna Addler, also voiced support for the bill draft. A motion to sponsor the 15LSO-0056 (appendix 15) failed for a lack of a majority vote in the Senate Judiciary Committee. Senator Esquibel and Representatives Gingery, Baker, Connolly, Halverson, Miller and Watt voted aye.

**SENTENCING AND DETENTION**

Steve Lindly, Department of Corrections Deputy Director, predicted that Department will run out of beds by 2017. Mr. Lindly reported that Pew Charitable Trusts and the National Governor's Association have gathered and analyzed data on Wyoming prison inmates and sentencing practices. Jake Horowitz, Pew Charitable Trusts, presented a power point on Pew's findings (appendix 16). Jeff McCleod, National Governors Association, presented a power point (appendix 17) and Steve Lindly provided a summary of options for improving public safety and containing costs (appendix 18). Chief Justice Jim Burke urged the Committee to include the Judicial Branch in its future discussions and advised that the Judicial Branch would provide the Committee and Legislature with needed information from the courts.

**CRIMINAL TRESPASS FOR DATA COLLECTION****15LSO-0003 0.2**

Todd Parfitt, Department of Environmental Quality Director, observed that the bill draft could criminalize mistakes and suggested an exception for state employees when acting in good faith. The Department's internal policy is to refuse data acquired through a trespass. Brett Moline, Wyoming Farm Bureau, and Bobbie Frank, Wyoming Association of Conservation Districts, supported the bill draft. Jim Magagna, Wyoming Stock Growers Association, iterated support for the bill draft and was willing to consider a due diligence exception. Dr. Gary Beauvais, University of Wyoming Natural Diversity Database Director, agreed the draft could criminalize inadvertent trespass. He suggested regulating the use of wrongfully collected data. Dr. Beauvais also counseled that written permission is much more difficult to obtain than verbal permission. Bruce Hinchey, Wyoming Petroleum Association, reflected that the restriction on data usage is the most critical portion of the bill draft. Scott Talbot, Game and Fish Department Director, added that that wardens may need to take biological samples for safety, such as testing for brucellosis, in the course of their law enforcement duties. After discussion and adoption of amendments, the Committee voted to sponsor 15LSO-0003 (appendix 19). Senators Burns and Esquibel and Representatives Connolly and Walters were opposed. Representative Gingery was excused from the vote and for the remaining votes.

**SEXUAL ASSAULT PROTECTION ORDERS****15LSO-0036 0.6**

Suzan Campbell, Wyoming Coalition Against Domestic Violence and Sexual Assault, and Senator Hastert discussed the bill draft. The Committee also received public comment in favor of the bill draft. After discussion and adoption of amendments, the Committee voted unanimously to sponsor 15LSO-0036 (appendix 20).

**RESTORATION OF VOTING RIGHTS****15LSO-0007 0.8****15LSO-0004 0.4**

Pat Arp and Peggy Nighswonger, Secretary of State's Office, and Steve Lindly, Department of Corrections, addressed 15LSO-0007 (appendix 21) and advised that they were satisfied with the current language of the draft. Sandy Landers, Laramie County Clerk of Court, questioned if there would be forms for appealing to the district court and what information the clerks would need to provide to the Department of Corrections. Steve Lindly responded the Department would very rarely have to request information from the clerk of court. Marguerite Herman, League of Women Voters, expressed support for the bill draft and suggested amendments. After discussion, the Committee unanimously voted to sponsor the bill draft with no amendments. The Committee did not consider 15LSO-0004 (appendix 22).

**MEETING ADJOURNMENT**

There being no further business, Vice-Chairman Christensen adjourned the meeting at 3:15 p.m.

Respectfully submitted,

Representative Gingery, Co-Chairman

Senator Christensen, Vice-Chairman

# Committee Meeting Materials Index

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Appendix	Agenda Item	Appendix Description	Appendix Provider
1	Committee Sign-In Sheet	Lists meeting attendees	Legislative Service Office
2	Committee Meeting Agenda	Provides an outline of the topics the Committee planned to address at meeting	Legislative Service Office
3	Offenses against Public Administration	15LSO-0012 0.4	Legislative Service Office
4	E-ticketing	15LSO-0071 0.2	Legislative Service Office
5	Controlled Substances	15LSO-0070 0.4	Legislative Service Office
6	Forfeitures and Seizures	15LSO-0010 0.7	Legislative Service Office
7	Forfeitures and Seizures	15LSO-009 0.3	Legislative Service Office
8	Law School Review	Law Plan and Statistics	College of Law
9	Law School Review	Letter	Wyoming Trial Lawyers Association
10	Drones	Proposed amendments	Wyoming Liberty Group
11	Drones	15LSO-0037 0.3	Legislative Service Office
12	Children in Need of	15LSO-0063 0.1	Legislative Service

	Supervision		Office
13	Children in Need of Supervision	15LSO-0057 0.2	Legislative Service Office
14	Method of Execution	15LSO-0002 0.1	Legislative Service Office
15	Method of Execution	15LSO-0056 0.1	Legislative Service Office
16	Sentencing and Detention	Power point	Jake Horowitz, Pew Charitable Trusts
17	Sentencing and Detention	Power point	Jeff McCleod, National Governors Association
18	Sentencing and Detention	Recommendations	Steve Lindly, Department of Corrections
19	Criminal Trespass for Data Collection	15LSO-0003 0.2	Legislative Service Office
20	Sexual Assault Protection Orders	15LSO-0036 0.6	Legislative Service Office
21	Restoration of Voting Rights	15LSO-0007 0.8	Legislative Service Office
22	Restoration of Voting Rights	15LSO-0004 0.4	Legislative Service Office