

**DRAFT ONLY
NOT APPROVED FOR
INTRODUCTION**

HOUSE BILL NO.

Juvenile justice data reporting.

Sponsored by: Joint Judiciary Interim Committee

A BILL

for

1 AN ACT relating to criminal history records; requiring the
2 division of criminal investigation to standardize the
3 collection of juvenile justice information; amending
4 requirements for juvenile justice information to be
5 collected by the division; providing definitions; making
6 conforming amendments; requiring rulemaking; and providing
7 for an effective date.

8

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

10

11 **Section 1.** W.S. 7-19-506 is created to read:

12

1 **7-19-506. Standardization of juvenile justice**
2 **information.**

3

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

10

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

18

19 (c) The division shall be responsible for assuring the
20 consistency of participation by any state agency or local
21 governmental entity required to provide juvenile justice
22 information under this act or that seeks to access juvenile
23 justice information under this act.

1

2 **Section 2.** W.S. 7-19-501(a) by creating new paragraphs
3 (viii) and (ix) and by amending and renumbering (viii) as
4 (x), 7-19-503(a) by creating a new paragraph (iii) and 14-
5 6-240(b) are amended to read:

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STAFF COMMENT

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Wyoming law already requires the Division of Criminal
Investigation to establish a juvenile-justice information
system. That entire article is reproduced here for
reference; the sections and subsections that are not
amended in this bill draft will be removed from any final
version of the bill draft.

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23

7-19-501. Definitions.

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(a) As used in this act:

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(i) "Adjudicated" or "adjudication" means as

28

defined by W.S. 14-6-201(a)(i);

29

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

3

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

6

7 (iv) "Disposition" means the action ordered by
8 the juvenile court judge under W.S. 14-6-229 upon
9 adjudication of a juvenile for a delinquent act;

10

11 (v) "Division" means the Wyoming division of
12 criminal investigation within the office of the attorney
13 general;

14

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

17

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

22

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

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STAFF COMMENT

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 13
 14 The Committee may wish to consider whether placement at the
 15 State Hospital, the Wyoming Boys' School, and the Wyoming
 16 Girls' School should be included in the definition of
 17 "detention" above.

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22 (ix) "Probation" means as defined by W.S. 14-6-
 23 201(a)(xix);

24

25 ~~(viii)~~(x) "This act" means W.S. 7-19-501 through
 26 ~~7-19-505-7-19-506.~~

27

28 7-19-502. Record system created.

1

2 (a) The division shall create and maintain a database
3 for a juvenile justice information system as provided in
4 this act.

5

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

9

10 (c) The division shall promulgate reasonable rules
11 and regulations necessary to carry out the provisions of
12 this act. The division shall annually report by March 1 to
13 the joint judiciary interim committee on the numbers of
14 entries and usage of the database.

15

16 **7-19-503. Collection of juvenile justice information.**

17

18 (a) In any case in which a juvenile is adjudicated a
19 delinquent child for the commission of a qualifying
20 offense, the court shall direct that, to the extent
21 possible, the following information be collected and
22 provided to the division:

23

1 (i) Offender identification information
2 including:

3
4 (A) The juvenile offender's name, including
5 other names by which the juvenile is known, and social
6 security number;

7
8 (B) The juvenile offender's date and place
9 of birth;

10
11 (C) The juvenile offender's physical
12 description, including sex, weight, height, race,
13 ethnicity, eye color, hair color, scars, marks and tattoos;

14
15 (D) The juvenile offender's last known
16 residential address; and

17
18 (E) The juvenile offender's fingerprints.

19
20 (ii) Offense identification information
21 including:

22

1 (A) The criminal offense for which the
2 juvenile was adjudicated delinquent;

3

4 (B) Identification of the juvenile court in
5 which the juvenile was adjudicated delinquent; and

6

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

9

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

12

13 (A) Committed to detention in accordance
14 with the Juvenile Justice Act;

15

16 (B) Ordered to serve probation, placed under
17 a plan of supervision or ordered to participate in an
18 intensive supervision program established under W.S. 14-6-
19 301 through 14-6-314;

20

21 (C) Committed to treatment in accordance
22 with the Juvenile Justice Act.

23

1 (b) The information maintained by the division shall
 2 not include predisposition studies and reports, social
 3 summaries, medical or psychological reports, educational
 4 records, multidisciplinary team minutes and records or
 5 transcripts of dispositional hearings.

6

7 (c) The division may designate codes relating to the
 8 information described in subsection (a) of this section.

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12 STAFF COMMENT

13
 14 The Committee may wish to consider whether the Division (or
 15 another entity) should be required to collect and maintain
 16 information regarding the following:

- 17
 18 • Actions in which a juvenile is alleged to be
 19 delinquent under the Juvenile Justice Act but is not
 20 adjudicated as delinquent.
 21 • Actions where children are alleged to be in need of
 22 supervision under the Children In Need of Supervision
 23 (CHINS) Act.
 24 • Actions initiated under or referred to the Teen Court
 25 program (created under W.S. 7-13-1201 through 7-13-
 26 1205).

27
 28 If the Committee considers these additions, it may also
 29 wish to consider whether this information should be
 30 available for access or dissemination under W.S. 7-19-504
 31 (or if it should be available for data-analysis purposes in
 32 the aggregate only, for example).

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2 **7-19-504. Access to and dissemination of information.**

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4 (a) Information contained in the juvenile justice
5 information system shall be accessible, whether directly or
6 through an intermediary, to:

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8 (i) Other criminal justice agencies;

9

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

12

13 (iii) The department of family services if the
14 subject is in the custody of the department;

15

16 (iv) An individual who has met the requirements
17 established by the division to ensure the record will be
18 used solely as a statistical research or reporting record
19 and that the record is to be transferred in a form that is
20 not individually identifiable;

21

22 (v) Any record subject as provided by W.S. 7-19-
23 109.

1

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

5

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

12

13 **7-19-505. Inspection of information.**

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15 An individual, his parents and guardian have the right to
16 inspect all juvenile justice record information located
17 within this state which refers to that individual in
18 accordance with W.S. 7-19-109.

19

20 **14-6-240. Fingerprinting or photographing of child;**
21 **disclosure of child's records.**

22

1 (b) Fingerprints and photographs of a child
2 adjudicated to have committed a delinquent act which would
3 be a felony if committed by an adult may be retained in a
4 local law enforcement agency file and in the Wyoming
5 division of criminal investigation files in accordance with
6 W.S. 7-19-501 through ~~7-19-505~~7-19-506. If the matter does
7 not result in an adjudication that the child was a
8 delinquent for having committed an act constituting a
9 felony, the enforcement agency which obtained the
10 fingerprints or photographs pursuant to paragraph (a)(iii)
11 of this section shall destroy those records and shall
12 report the destruction of the records to the court.
13 Further, the court shall order all records pertaining to
14 the matter in the files of law enforcement agencies
15 destroyed or expunged.

16

17 **Section 3.** The division of criminal investigation
18 within the office of the attorney general shall promulgate
19 all rules necessary to implement the provisions of this
20 act.

21

22 **Section 4.** This act is effective July 1, 2022.

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(END)