

**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; 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; requiring rulemaking; and providing for
9 effective dates.

10

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

12

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

1

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

4

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

12

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

20

21 (c) The department shall be responsible for assuring
22 the consistency of participation by any state agency or
23 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.

3

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

6

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

8

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. ~~7-19-~~
20 ~~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.

5

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

8

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~~ department of family
14 services files in accordance with W.S. ~~7-19-501~~ 14-6-601
15 through ~~7-19-505~~ 14-6-606. If the matter does not result in
16 an adjudication that the child was a delinquent for having
17 committed an act constituting a felony, the enforcement
18 agency which obtained the fingerprints or photographs
19 pursuant to paragraph (a)(iii) of this section shall
20 destroy those records and shall report the destruction of
21 the records to the court. Further, the court shall order
22 all records pertaining to the matter in the files of law
23 enforcement agencies destroyed or expunged.

1

2

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

5

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

7

8 (a) As used in this act:

9

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

12

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

15

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

18

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

22

1 (v) ~~"Division"~~ "Department" means the Wyoming
2 ~~division of criminal investigation within the office of the~~
3 ~~attorney general~~ department of family services;

4
5 (vi) "Juvenile" means an individual who is under
6 the age of majority;

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

12
13 (viii) "Detention" means the legal and physical
14 restriction and housing of a juvenile at the Wyoming state
15 hospital, the Wyoming boys' school, the Wyoming girls'
16 school or a juvenile detention facility defined in W.S. 14-
17 6-201(a)(xxiv). "Detention" shall not include any placement
18 in a qualified residential treatment program as defined by
19 W.S. 14-6-201(a)(xxviii) or a residential treatment
20 facility that is operated for the primary purpose of
21 providing treatment to a juvenile;

22

1 (ix) "Probation" means as defined by W.S. 14-6-
2 201(a)(xix);

3

4 ~~(viii)(x)~~ "This act" means W.S. ~~7-19-501-14-6-~~
5 601 through ~~7-19-505-14-6-606~~.

6

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

8

9 (a) The ~~division~~department shall create and maintain
10 a database for a juvenile justice information system as
11 provided in this act.

12

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

16

17 (c) The ~~division~~department shall promulgate
18 reasonable rules and regulations necessary to carry out the
19 provisions of this act. The ~~division~~department shall
20 annually report by March 1 to the joint judiciary interim
21 committee on the numbers of entries and usage of the
22 database.

23

1

2 ~~7-19-503~~14-6-603. Collection of juvenile justice
3 information.

4

5 (a) In any case in which a juvenile is adjudicated a
6 delinquent child for the commission of a qualifying
7 offense, the court shall direct that, to the extent
8 possible, the following information be collected and
9 provided to the ~~division~~department:

10

11 (i) Offender identification information
12 including:

13

14 (A) The juvenile offender's name, including
15 other names by which the juvenile is known, and social
16 security number;

17

18 (B) The juvenile offender's date and place
19 of birth;

20

21 (C) The juvenile offender's physical
22 description, including sex, weight, height, race,
23 ethnicity, eye color, hair color, scars, marks and tattoos;

1

2

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

4

5

(E) The juvenile offender's fingerprints.

6

7

(ii) Offense identification information including:

9

10

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

12

13

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

15

16

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

18

19

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

21

22

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

23

1

2

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

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

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

(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.

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

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

1 (a) Information contained in the juvenile justice
2 information system shall be accessible, whether directly or
3 through an intermediary, to:

4

5 (i) Other criminal justice agencies, including
6 the division of criminal investigation;

7

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

10

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

13

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

19

20 (v) Any record subject as provided by W.S. 7-19-
21 109.

22

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

4

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

11

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

13

14 *****
15 *****

16 **STAFF COMMENT**

17

18 **For ease of reference, W.S. 7-19-505 (now renumbered as 14-**
19 **6-605) is included below.**

20

21 **~~7-19-505~~ 14-6-605. Inspection of information.**

22

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

27

28 *****
29 *****

30

31

