

SUMMARY *of* PROCEEDINGS



JOINT JUDICIARY COMMITTEE

COMMITTEE MEETING INFORMATION

September 18-19, 2023 | 8:30 a.m.

Thyra Thomson State Office Building, Round House Conference Room, 3rd Floor, Room 3024
444 W Collins Drive
Casper, Wyoming

COMMITTEE MEMBERS PRESENT

Senator Bill Landen, Co-Chairman
Representative Art Washut, Co-Chairman
Senator Cale Case
Senator Ed Cooper
Senator Dan Furphy
Senator Wendy Schuler
Representative Ken Chestek
Representative Barry Crago
Representative Jeremy Haroldson
Representative Mark Jennings (via Zoom September 19)
Representative Tony Niemiec
Representative Ember Oakley
Representative Rachel Rodriguez-Williams

COMMITTEE MEMBERS NOT PRESENT

Representative Karlee Provenza

LEGISLATIVE SERVICE OFFICE STAFF

Katie Adams, Staff Attorney
Pierre Chesnais, Associate Research Analyst
Brian Fuller, Senior Staff Attorney
Clarissa Nord, Legislative Editor

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OTHERS PRESENT AT MEETING

Please refer to **Appendix 1-02** to review the Committee Sign-in Sheet for a list of other individuals who attended the meeting.

EXECUTIVE SUMMARY

The Joint Judiciary Committee (Committee) met for two days in Casper to continue its interim work. The Committee considered bill drafts regarding the creation of a statewide medical examiner's office, judge and courtroom security, Department of Corrections records and correctional compacts, rural attorney recruitment, guardians, controlled substances and hemp, sex offender registration, cold cases, and parental abductions.

The Committee received updates from the Mental Health and Vulnerable Adult Task Force, the Wyoming Judicial Branch, and the Division of Criminal Investigation, and updates concerning controlled substances, and internet crimes against children.

The Committee requested bill drafts regarding hemp revisions, public records available to the Peace Officer Standards and Training Commission, and sex offender registration.

The Committee voted to sponsor the following bill drafts for the 2024 Budget Session:

- 24LSO-0048, Public records-DOC investigations.
- 24LSO-0054, Controlled Substances Act-substance type amendments.
- 24LSO-0044, Uniform Child Abduction Prevention Act.
- 24LSO-0046, Interference with parent-child contact.

CALL TO ORDER (SEPTEMBER 18, 2023)

Chairman Washut called the meeting to order at 8:29 a.m. The following sections summarize the Committee proceedings by topic. Please refer to [Appendix 1-01](#) to review the Committee Meeting Agenda. The meeting can be viewed on YouTube – Joint Judiciary Meeting, September 18, 2023, ([AM](#)), ([PM](#)); and September 19, 2023, ([AM](#)), ([PM](#)).

LAW ENFORCEMENT ISSUES - STATEWIDE MEDICAL EXAMINER OFFICE

Brian Fuller, Senior Staff Attorney, Legislative Service Office (LSO), reviewed 24LSO-0057, Statewide medical examiner, which would establish a statewide medical examiner unit within the Wyoming Department of Health (WDH) and provide and fund positions for the unit, [Appendix 2-01](#).

Brittany Nyman, President, Wyoming County Coroner's Association, expressed concerns that a statewide medical examiner's office would not be financially viable, [Appendix 2-02](#).

Erin Ivie, Vice President, Wyoming County Coroner's Association, stated the Association is opposed to the bill draft and provided additional information regarding the potential costs associated with a statewide medical examiner system.

Jerimiah Rieman, Executive Director, Wyoming County Commissioners Association (WCCA), summarized data collected by the WCCA, [Appendix 2-04](#). Mr. Rieman noted the preferences and concerns of the county commissioners and potential interest in developing a partnership with the State where counties could further develop county coroners' facilities to incentivize the hiring of forensic pathologists.

Franz Fuchs, Policy Analyst, WDH, discussed a previous proposal for the establishment of a statewide medical examiner's office in Casper that would support two forensic pathologists,

administrative staff, and autopsy technicians. Mr. Fuchs mentioned the WDH did not request the bill draft; the Chairmen of the Joint Labor, Health and Social Services Interim Committee and the Wyoming County Coroner's Association asked the WDH to complete the previous analysis.

Public Comment

No public comment was provided on this topic.

Committee Action

The Committee took no action on 24LSO-0057, Statewide medical examiner.

JUDICIAL BRANCH TOPICS - COURT AND JUDGE SECURITY

Mr. Fuller provided an overview of 24LSO-0063, Influencing jurors, witnesses or officers-amendments, which would clarify that judges are covered under the existing criminal offense of influencing, intimidating or impeding jurors, witnesses and officers, **Appendix 3-01**.

Mr. Fuller summarized 24LSO-0062, Intimidating or influencing judges-criminal offense, which establishes a separate offense of intimidating or influencing judges and specifies penalties associated with the offense, **Appendix 3-02**.

The Honorable John Fenn, Wyoming Supreme Court and Chairman of the Court Security Commission, expressed his appreciation for the Committee considering judge and court security and discussed the bill drafts.

The Honorable Catherine Rogers, District Court Judge, 1st Judicial District, Laramie County, noted threats against judges are becoming more common across the country and provided several examples for the Committee to consider.

The Honorable Wendy Bartlett, Circuit Court Judge, 6th Judicial District, Campbell County, shared her own experiences with threats and highlighted the importance of protecting judges and public officials.

Tucker Ruby, President, Wyoming County and Prosecuting Attorneys Association, discussed the use of current law and suggested including the terms "harass" or "stalking" that could be narrowly tailored toward behavior that is intended to intimidate judges.

Public Comment

No public comment was provided on this topic.

Committee Action

The Committee took no action on 24LSO-0063, Influencing jurors, witnesses or officers-amendments.

Representative Oakley moved that the consideration of 24LSO-0062, Intimidating or influencing judges-criminal offense, continue to the next meeting. The motion passed by voice vote. The Chairmen directed LSO to work with Committee members on amendments to the bill draft.

JUDICIAL BRANCH TOPICS - COURT AND JUDGE SECURITY - CONTINUED

Mr. Fuller summarized 24LSO-0064, Judges-personal information publication prohibited, which would create the offense of unlawful publication of personal information for judges, **Appendix 3-03**.

Justice Fenn commented on 24LSO-0064, Judges-personal information publication prohibited, and noted the bill draft addresses some of the concerns raised at the Committee's April 2023 meeting.

Mr. Fuller provided an overview of 24LSO-0065, Duties of sheriff-security of court, which would require county sheriffs to provide security for judges and courts, **Appendix 3-04**.

Justice Fenn outlined the need for judge and court security while noting potential issues with resources to accomplish the requirements in the bill.

The Honorable Lynda Bush, Circuit Court Judge, 6th Judicial District, Crook and Weston Counties, noted her concerns regarding court security, as she has seen a decline from having a sheriff's deputy present at every hearing to now having an officer present in Court when requested. Judge Bush expressed support for providing additional funding to county sheriff's offices to address staffing shortages.

Allen Thompson, Executive Director, Wyoming Association of Sheriffs and Chiefs of Police (WASCOP), testified that Sheriffs' biggest concern regarding the bill draft is the workforce and funding that would be required to meet the security requirements.

John Harlin, Natrona County Sheriff and President of WASCOP, stated that he and his colleagues were committed to protecting judges but expressed concerns with the bill draft.

Levi Dominguez, Sheridan County Sheriff and Vice President of WASCOP, noted the bill draft as proposed could cause significant, negative staffing consequences for sheriffs' offices throughout the State. Mr. Dominguez highlighted the collaboration between the Sheridan County Sheriff's Office and judges in Sheridan County in security matters.

The Committee considered various methods of recruiting and retaining staff within sheriffs' offices and discussed the average salary of sheriff's deputies.

Public Comment

No public comment was provided on this topic.

Committee Action

The Committee took no action on 24LSO-0064, Judges-personal information publication prohibited.

The Committee took no action on 24LSO-0065, Duties of sheriff-security of court. Chairman Landen mentioned the Committee may want to consider sending a letter to the Joint Appropriations Committee (JAC) to express support for providing additional resources to county sheriffs' offices.

JUDICIAL BRANCH TOPICS - ADMINISTRATIVE OFFICE OF THE COURTS

The Honorable Kate Fox, Chief Justice, Wyoming Supreme Court, reviewed the Judicial Branch's mission and noted the Courts are operating in a changing landscape where there are increasing

numbers of self-represented litigants and more mentally ill people who are encountering the court system. Chief Justice Fox noted the Judicial Branch is also working on the electronic filing system and a growing need for court interpreter services. Chief Justice Fox outlined how the Judicial Branch will be requesting ten full-time positions for the next biennial budget to provide more services to the public.

Elisa Butler, State Court Administrator, Wyoming Judicial Branch, reviewed the ten positions the Judicial Branch plans to request in the next biennial budget, [Appendix 4-04](#).

NATRONA COUNTY TOWNSEND JUSTICE CENTER

The Committee toured the Natrona County Townsend Justice Center.

JUDICIAL BRANCH TOPICS - ADMINISTRATIVE OFFICE OF THE COURTS - CONTINUED

Ben Burningham, Chief Legal Officer and Director of Chancery Court, Wyoming Judicial Branch, reviewed the Branch's actions to facilitate the Treatment Courts transition from the Department of Health to the Judicial Branch by July 1, 2024. Mr. Burningham stated the Judicial Branch will develop standards and a certification process for Treatment Courts, which will incorporate best practices and nationally recognized, evidence-based standards.

Mr. Burningham provided an update on the Diversion Pilot Program to connect defendants with mental illnesses with treatment options in lieu of proceeding through a court case. Mr. Burningham reviewed the Diversion Pilot Program workflow, [Appendix 4-01](#).

Public Comment

No public comment was provided on this topic.

Committee Action

Chairman Landen noted the Committee may want to consider including the Committee's support for the Court's Diversion Pilot Program and position requests in a letter to JAC.

Public Comment

Carter Napier, Casper City Manager, testified that the city is currently struggling with an increasing homeless population. Mr. Napier noted the transportation of several homeless people to Casper without the city receiving prior notice or making arrangements for the people to receive services. Mr. Napier stated constituents are concerned regarding the increase in crime in the city and how the homeless population has required a variety of public safety responses.

Mr. Rieman noted he is not aware of Wyoming communities transporting homeless populations to Casper.

Keith McPheeters, Chief, Casper Police Department, provided additional information about the criminal offenses the Department is currently encountering with respect to the homeless population.

Deb Clark, Casper, commented on potential solutions to address homelessness in Casper.

Committee Action

The Committee directed LSO to conduct research regarding how other states address homelessness to assist the Committee in determining what options may be available for a community to manage challenges the City of Casper is experiencing.

WYOMING RURAL ATTORNEY PROGRAM

Mr. Fuller summarized 24LSO-0061, Wyoming rural attorney recruitment program, which would establish a rural attorney recruitment pilot program for attorneys to receive an incentive payment in exchange for practicing law in a rural, underserved Wyoming county, [Appendix 6-01](#).

Kelly Neville, Wyoming State Bar Treasurer, commented on the need to establish a rural attorney recruitment program in Wyoming and provided several revisions for the Committee to consider for the bill draft, [Appendix 6-02](#). Ms. Neville recommended the Committee consider authorizing the Wyoming State Bar to administer the program and further allow counties to find other financial sources for the local contribution portion of the incentive payment. Ms. Neville also noted the Committee may want to revise the parameters for the number of licensed attorneys in a county to determine eligibility for the program.

Alan Romero, Professor and Director, Rural Law Center, University of Wyoming (UW) College of Law, reviewed research he conducted where previous UW College of Law students provided feedback about how certain factors affected their decision to practice law in rural communities throughout Wyoming, [Appendix 6-03](#).

Mark Gifford, Bar Counsel, Wyoming State Bar, commented on how the Bar would address attorneys who do not comply with the program's requirements and how the Bar would ensure those attorneys repay the incentive payments.

Public Comment

No public comment was provided on this topic.

Committee Action

After discussion, the Chairmen directed that, absent objection, consideration of 24LSO-0061, Wyoming rural attorney recruitment program, would continue to the next meeting.

DEPARTMENT OF CORRECTIONS ISSUES - PUBLIC RECORDS

Katie Adams, Staff Attorney, LSO, provided an overview of 24LSO-0048, Public records-department of corrections investigations, which would apply the investigatory records disclosure exception to the investigatory records of the Department of Corrections, [Appendix 7-01](#).

Ms. Adams also summarized 24LSO-0049, Public records-department of corrections, which creates an exception to disclosure for the Department of Corrections' records of investigations where inspection can be limited only if the inspection would endanger the life, health, safety, or welfare of any person, [Appendix 7-02](#).

Heather Babbitt, Deputy Director, Wyoming Department of Corrections (DOC), noted for 24LSO-0049, Public records-department of corrections, the DOC would like clarity on the definition of

“law enforcement purpose,” as other entities or state agencies could be involved in DOC investigations.

Timothy Rysell, Major, DOC, noted the Department has previously assisted in investigations with the Federal Bureau of Investigation, local municipalities, the Office of the State Public Defender, Wyoming Military Department, and the Wyoming Liquor Commission, and accordingly the DOC’s investigations may not always be covered under the definition of “law enforcement purpose.” Major Rysell noted the DOC’s preference would be for the Committee to move forward with 24LSO-0048.

Public Comment

No public comment was provided on this topic.

Committee Action

Senator Case moved for the Committee to sponsor 24LSO-0049, Public records-department of corrections. The motion to sponsor failed by roll-call vote, with Representative Provenza excused and with Senators Case and Furphy, Representatives Chestek, Haroldson, and Jennings, and Chairman Landen voting aye.

Representative Oakley moved for the Committee to sponsor 24LSO-0048, Public records-department of corrections investigations. The motion to sponsor passed by roll-call vote with Representative Provenza excused and with Senator Case and Representatives Chestek, Haroldson, and Jennings voting no.

DEPARTMENT OF CORRECTIONS ISSUES - INTERSTATE CORRECTIONS COMPACT

Mr. Fuller reviewed 24LSO-0060, Interstate corrections compact (ICC), which would provide for Wyoming’s adoption of the ICC and specifies the authority for the DOC to transfer inmates and enter into contracts with other states who participate in the ICC, **Appendix 7-03**.

Deputy Babbitt mentioned the DOC uses the ICC to transfer inmates to other states primarily due to DOC investigations. Deputy Babbitt noted the DOC brought this topic for the Committee’s consideration, as other states frequently incorporate language from the ICC into contracts to transfer inmates. Deputy Babbitt noted the DOC could continue with its current practice in terms of contracting with other ICC states if the Committee decides to take no action on the bill draft.

Public Comment

No public comment was provided on this topic.

Committee Action

Chairman Landen moved for the Committee to sponsor 24LSO-0060, Interstate corrections compact. The motion to sponsor failed by roll-call vote, with Representative Provenza excused and Senator Schuler, Representatives Chestek, Niemiec, and Oakley, Chairman Landen, and Chairman Washut voting aye.

GUARDIANS FILING FOR DIVORCE

Ms. Adams summarized 24LSO-0050, Guardians-divorce of ward, which would authorize a guardian to petition a court for authority to seek a divorce on behalf of a ward, **Appendix 8-01**.

Public Comment

No public comment was provided on this topic.

Committee Action

The Committee took no action on 24LSO-0050, Guardians-divorce of ward.

MENTAL HEALTH & VULNERABLE ADULT TASK FORCE UPDATE

Representative Lloyd Larsen, Co-Chairman, Mental Health & Vulnerable Adult Task Force, provided an update on the Task Force's actions throughout the 2023 Interim. Representative Larsen reviewed 24LSO-0023, DFS and law enforcement-cross reporting, which would require law enforcement to notify the Department of Family Services (DFS) upon receiving a report of a vulnerable adult in need of potential protective services, [Appendix 9-02](#).

Representative Larsen also summarized 24LSO-0021, Emergency protective services-effective period, which would increase the effective period of emergency protective services ordered after an ex parte court hearing from 72 hours to 14 days, [Appendix 9-01](#).

Public Comment

No public comment was provided on this topic.

Committee Action

Senator Cooper moved to sponsor 24LSO-0023, DFS and law enforcement-cross reporting. The motion to sponsor passed by roll-call vote, with Representative Provenza excused and with Representative Jennings voting no.

Senator Case commented on when the bill drafts were available for the public's review and recommended that the Committee provide adequate time for the public's consideration of the bill drafts.

Senator Case moved to reconsider the motion to sponsor 24LSO-0023, DFS and law enforcement-cross reporting. The motion passed by roll call vote, with Representative Provenza excused.

Senator Case then moved that the consideration of 24LSO-0023, DFS and law enforcement-cross reporting, continue to the next meeting. That motion passed by voice vote.

Representative Chestek moved that the consideration of 24LSO-0021, Emergency protective services-effective period, continue to the next meeting. The motion passed by voice vote.

MEETING RECESS

The Committee recessed at 4:56 p.m.

CALL TO ORDER (TUESDAY, SEPTEMBER 19, 2023)

Chairman Landen called the meeting to order at 8:30 a.m.

LAW ENFORCEMENT ISSUES - CONTROLLED SUBSTANCE REVISIONS

Mr. Fuller provided an overview of 24LSO-0054, Controlled Substances Act-substance type amendments, which would eliminate the form of a controlled substance as an element of the

misdeemeanor offense of unlawful possession of a controlled substance and clarifies that possessing any mixture or substance containing a detectable amount of a controlled substance is prohibited, **Appendix 13-01**.

Kellsie Singleton, Senior Assistant Attorney General, Wyoming Attorney General's (AG) Office, testified that the State Crime Lab within the Division of Criminal Investigation (DCI) regularly interacts substances that are not addressed in the current Controlled Substances Act and this bill draft would help address that problem. Ms. Singleton noted the threshold or the amounts for a felony offense for liquid methamphetamine and psilocybin mushrooms would change, but DCI had minimal concerns associated with those changes.

Sarah Barrett, Drug, Chemistry, and Toxicology Supervisor, Wyoming State Crime Lab, DCI, provided information about the different forms of marijuana and how the concentration of THC can vary depending on the product. Ms. Barrett also reviewed the difference between existing statute and the proposed bill for cocaine base or crack cocaine. Ms. Barrett noted the original intent of bringing the bill draft before the Committee was to reduce the form aspect of controlled substances, as there are certain forms that are not covered by the current Controlled Substances Act.

Matt Waldock, Commander, DCI, provided additional information about the distinction between cannabis products, including the difference between wax and "shatter" THC (a cannabis extract) compared to plant material. Commander Waldock noted there is a higher dosage of THC contained in wax or shatter products versus plant material.

Public Comment

Mr. Thompson commented on the different forms of controlled substances and noted this distinction should exist in statute, as it is very dangerous for a police officer to find and manage a loaded syringe containing a liquid form of a controlled substance.

Committee Action

Chairman Washut moved for the Committee to sponsor 24LSO-0054, Controlled Substances Act-substance type amendments. The motion to sponsor passed by roll-call vote, with Representative Jennings and Provenza excused and with Senator Case voting no. The Committee adopted the following amendments:

- | | |
|---------------------|--|
| Page 1-above line 1 | In the catch title, delete "substance type" and insert "possession". |
| Page 1-line 6 | After "specifying" insert "and amending". |
| Page 3-line 22 | After "(vii)" insert " <u>Except as provided in paragraphs (viii) and (ix) of this subsection,</u> ". |
| Page 4-line 8 | After " <u>possession</u> " insert " <u>methamphetamine in liquid form, heroin in liquid form, fentanyl in liquid form or</u> ". |
| Page 5-line 3 | After " <u>possession</u> " insert " <u>methamphetamine in liquid form, heroin in liquid form, fentanyl in liquid form or</u> ". |

LAW ENFORCEMENT ISSUES - CONTROLLED SUBSTANCE REVISIONS - CONTINUED

Mr. Fuller summarized 24LSO-0055, Delta-8 controlled substances, which would clarify that Delta-8 tetrahydrocannabinol and its isomers are included in Schedule I of the Wyoming Controlled Substances Act of 1971, [Appendix 13-02](#).

Mr. Fuller reviewed 24LSO-0129, Hemp production-psychoactive and edible hemp prohibited, which would prohibit hemp with any detectable amount of natural or synthetic tetrahydrocannabinol and would prohibit the production of hemp intended for human consumption, [Appendix 13-03](#).

Ms. Singleton noted DCI does not have an issue with the language contained in 24LSO-0055 but they are not certain the draft achieves what the Committee intends with respect to criminalizing Delta-8 products. Ms. Singleton testified that Delta-8 naturally occurs in small quantities in hemp products, but Delta-8 can also be synthetically modified to have the same psychoactive effect as THC. Ms. Singleton noted the State Crime Lab does not have the ability to test Delta-8 and determine if it occurs naturally in hemp or is synthetically modified.

Ms. Barrett testified that Delta-8 occurs naturally in hemp in negligible amounts and noted other states prevent isomerization or the chemical modification of hemp cannabinoids into other types of cannabinoids. Ms. Barrett also stated that Delta-6 and Delta-8 THC are the same chemical as referenced in the bill draft.

Doug Miyamoto, Director, Department of Agriculture, noted the loophole for Delta-8 exists because the State previously removed hemp as a Schedule-1 controlled substance and allowed all hemp products to be legal. Director Miyamoto recommended changing the bill draft language to prohibit the manufacturing of psychoactive derivatives from a hemp product.

Public Comment

Rochelle Tabor and David Tabor, Natural Wellness CBD, Cheyenne, Wyoming, provided information about their business and noted that all Delta-8 products are harmful.

Corridan Butler, Wyoming Hemp Coop, stated the synthetic chemicals used to create Delta-8 products are the main source of concern rather than industrial hemp, [Appendix 13-06](#).

Kyle Gamroth, Casper City Council, commented on the history of the criminalization of cannabis and advocated for the decriminalization of cannabis.

Marcus Jones, Platte Hemp Company, and Sam Watt, Platte Hemp Company, Shane England, Mellow Yellow Hemp Co., and Dustin Smith, Wild Cannabis, spoke in support of the hemp industry and against the proposed bill drafts.

Committee Action

The Committee took no action on 24LSO-0055, Delta-8 controlled substances and 24LSO-0129, Hemp production-psychoactive and edible hemp prohibited.

The Committee directed LSO to draft a new bill that reflects the Committee's discussion regarding Delta-8 THC and the State's hemp statutes.

LAW ENFORCEMENT ISSUES – SEX OFFENDER REGISTRATION REQUIREMENTS

Mr. Fuller summarized 24LSO-0056, Sex offender registration-registerable offenses, which would insert five additional offenses for which convicted offenders must register as a sex offender and would repeal a definition associated with sex offender registration, [Appendix 13-04](#).

Ms. Singleton noted the AG's Office is aware of the potential concerns associated with including the offenses of felonious restraint or false imprisonment, where a juvenile could be prosecuted and required to register. Ms. Singleton noted the offenses would be under W.S. 7-19-302(g), where juveniles are not required to register. Ms. Singleton reiterated the AG's Office initially brought this topic to the Committee's attention to receive clarity regarding whether certain offenses are registerable, and it is the Committee's discretion as to which offenses should be included.

Public Comment

Maddi Morgan, West Virginia, testified about her own personal experience and provided information about a man who was convicted of sending obscene photos to her when she was a minor, moved to Wyoming, and no longer registers as a sex offender due to a difference in Wyoming law. Ms. Morgan recommended the Committee criminalize the offense of obscenity under West Virginia Statute and make it a registerable offense in Wyoming, [Appendix 16-04](#).

Jason Hanson, Wisconsin, commented on and expressed concerns with Wyoming's Sex Offender Registry requirements, specifically related to W.S. 6-2-316(a)(ii), Third Degree Sexual Abuse of a Minor.

PRESENTATION FROM DALE QUIGLEY, NATIONAL MARIJUANA INITIATIVE

The Committee received a presentation from Dale Quigley, National Marijuana Initiative Deputy Coordinator, [Appendix 15-01](#).

Committee Action – Law Enforcement Issues – Sex Offender Registration Requirements (Continued).

Chairman Washut moved for the Committee to sponsor 24LSO-0056, Sex offender registration-registerable offenses. After discussion, Chairman Washut withdrew this motion absent objection. The Chairmen directed that consideration of this bill draft continue to the next meeting.

Chairman Washut moved for LSO to draft a bill to ensure that the offense of obscenity as provided in West Virginia Statute 61-8A-2 is a registerable offense in Wyoming. The motion passed by voice vote.

The Committee requested that LSO research whether there is a discrepancy in the Wyoming Sex Offender Registration Act as described by Mr. Hanson.

LAW ENFORCEMENT ISSUES – REQUESTING AND RECEIVING PUBLIC RECORDS FOR PEACE OFFICERS

Chris Walsh, Director, Peace Officer Standards and Training Commission (POST), reviewed the process in which POST certifies peace officers throughout the State, as well as situations where an investigation of major misconduct allegations may be required. Director Walsh noted POST does not have the authority to receive certain records including personnel files of peace officers. Director Walsh stated that, in general, law enforcement agencies have been cooperative in

providing personnel files, but in some cases, POST does not receive personnel files (in one case, this was due to a court decision that POST does not have legal jurisdiction to obtain the records, as personnel files are largely exempt from disclosure under the Wyoming Public Records Act).

Mr. Thompson noted WASCOP's members are interested in providing records to POST as long as there is a legal basis and they are not subject to litigation for violating other statutes.

Public Comment

Debra Hinkel, Robbie's House, Laramie, provided information to the Committee regarding her son's officer-involved death and spoke in favor of the Committee considering proposed legislation to address POST's authority to access peace officer personnel records.

Committee Action

Chairman Washut moved to have a bill drafted based on 2023 House Bill 173, Records available to POST. The motion passed by voice vote.

LAW ENFORCEMENT ISSUES - UNSOLVED MURDERS

Ms. Adams provided an overview of 24LSO-0047, Cold case database, which would require DCI to develop and maintain a cold case database and would require law enforcement agencies to provide cold case information to DCI, [Appendix 14-01](#).

Mr. Fuller reviewed 24LSO-0059, Cold case investigations, which would authorize DCI to allow retired peace officers to assist the Division with cold case investigations and would provide two full-time positions within DCI to investigate cold cases, [Appendix 14-02](#).

The Committee considered the appropriation that would be required to fund two full-time positions within DCI to investigate cold cases.

Cara Chambers, Director, Wyoming Division of Victim Services, Office of the Attorney General, noted the Attorney General was not prepared to offer an exact amount to fund the two full-time positions as provided in 24LSO-0059, as the AG's Office is currently developing its budget priorities for the 2025-2026 Fiscal Biennium. Director Chambers referenced the material DCI provided with respect to the benefits associated with hiring full-time investigators versus part-time investigators, [Appendix 14-03](#). Director Chambers also referred to the cold case numbers DCI provided to the Committee, [Appendix 14-04](#).

Ryan Cox, Commander, DCI, noted the Division supports what 24LSO-0059, Cold case investigations, proposes in that there are benefits to employing full-time investigators, as well as retired peace officers to supplement the Division's work related to cold cases.

Director Chambers testified that, due to a variety of factors, it is difficult for the AG's Office to provide an exact appropriation for either the full-time or part-time positions and further noted that the Select Tribal Relations Committee is currently interested in establishing a pilot project to utilize genetic genealogy to help facilitate cold case investigations.

Director Chambers stated that DCI is generally not concerned with the requirements established in 24LSO-0047, Cold case database, but encouraged the Committee to make a requirement to pursue federal funding discretionary and to use Arizona's definition of "cold case" that refers to homicides and felony sexual offenses that remain unsolved for one year or more.

Mr. Thompson noted that, with respect to the unsolved murders bill drafts, WASCOP's members wanted to convey the State has very robust and competent law enforcement entities that investigate cold cases.

Public Comment

No public comment was provided on this topic.

Committee Action

Senator Case moved for the Committee to sponsor 24LSO-0047, Cold case database. After discussion, Chairman Landen moved to continue consideration of this bill draft at the next meeting. The motion passed by voice vote. The Committee adopted the following amendment:

Page 2-lines 12 through 15 Delete entirely and insert:

"(A) As used in this section, "cold case" means a homicide or felony sexual offense that remains unsolved for one (1) year or more after being reported to a law enforcement agency and that has no viable and unexplored investigatory leads;".

Senator Schuler moved that the Committee sponsor 24LSO-0059, Cold case investigations. After discussion, Chairman Washut moved to continue consideration of this bill draft at the next meeting. The motion passed by voice vote.

LAW ENFORCEMENT ISSUES - INTERNET CRIMES AGAINST CHILDREN (ICAC)

Mr. Fuller provided an overview of a memorandum that addresses the Committee's questions from the April 2023 meeting surrounding whether computer-generated images (CGI) are included in the state-law criminal offense of sexual exploitation of children, **Appendix 16-01**.

Mr. Fuller also referenced a memorandum that provides information regarding Wyoming's and other states' laws on sextortion and revenge porn, **Appendix 16-02**.

Mr. Fuller referred the Committee to a memorandum Pierre Chesnais, Associate Research Analyst, LSO, prepared that includes information about Wyoming and other states' digital forensic analysts' qualifications, duties, and law enforcement licensing requirements, **Appendix 16-03**.

ICAC Team Budget and Position Requests

Director Chambers noted the AG's Office is still in the process of developing the agency's budget for the 2025-2026 Biennium, and the Attorney General has not included additional positions for the ICAC Team in her upcoming budget request. Director Chambers referred to additional information that was provided about the ICAC Team's investigations, **Appendix 16-09**.

Chris McDonald, Commander, ICAC Team, DCI, commented on the increase of CGI in child sexual abuse material that are part of DCI's investigations.

Director Chambers noted the AG's Office suggestion to strike "child pornography" and insert "child sexual abuse material" in W.S. 6-4-303, **Appendix 16-08**.

Public Comment

Ross Schriftman, Jewish Pro-Life Foundation, discussed the importance of saving children from human traffickers as depicted in the movie, *Sound of Freedom*.

Committee Action

The Committee did not take any action on this topic.

LAW ENFORCEMENT ISSUES - PARENTAL ABDUCTIONS

Ms. Adams reviewed 24LSO-0044, Uniform Child Abduction Prevention Act, which would adopt the Uniform Child Abduction Prevention Act and would authorize a district court to order child abduction prevention measures when the evidence establishes a credible risk of abduction, **Appendix 17-01**.

Elizabeth Lance, Attorney, Lance & Hall, LLP, testified that she reached out to attorneys who practice family law across the State and, in general, they did not have any concerns with the bill draft. Ms. Lance noted the Act would be helpful for providing additional guidance to the Judicial Branch and establishing other means and approaches for attorneys to utilize.

Public Comment

Elisa Butler, State Court Administrator, Wyoming Judicial Branch, commented on how Wyoming's adoption of the Uniform Child Abduction Prevention Act could impact the Judicial Branch. Ms. Butler noted the provisions contained in the Act could increase the workload of judges, as additional and potentially lengthy hearings could be required.

Committee Action

Senator Case moved that the Committee sponsor 24LSO-0044, Uniform Child Abduction Prevention Act. The motion to sponsor passed by roll-call vote with Representative Provenza excused and Representative Jennings voting no.

Ms. Adams provided an overview of 24LSO-0046, Interference with parent-child contact, which would establish the misdemeanor offense of interference with parent-child contact, **Appendix 17-02**.

Ms. Lance noted she can see where the misdemeanor offense would potentially serve a purpose in certain situations. Ms. Lance recommended using the typical penalties associated with misdemeanor offenses in Wyoming and including affirmative defenses for the misdemeanor offense similar to Montana's law.

Public Comment

Mr. Thompson noted he needs to speak with WASCOP's membership regarding the misdemeanor offense, but stated he can understand where the misdemeanor offense could serve as a useful tool for officers to use in custody disputes.

Committee Action

Senator Case moved that the Committee sponsor 24LSO-0046, Interference with parent-child contact. The motion to sponsor passed by roll-call vote with Representative Provenza excused and with Representatives Chestek, Haroldson, and Jennings and Chairman Washut voting no.

The Committee adopted the following amendments:

- | | |
|----------------------|--|
| Page 2-line 2 | After "contact;" insert "specifying affirmative defenses;". |
| Page 2-line 10 | After "prevents" delete "," and insert "or"; after "obstructs" delete "or". |
| Page 2-line 11 | Delete "frustrates". |
| Page 2-after line 13 | Insert: |
| | (c) It is an affirmative defense to a prosecution under this section that: |
| | (i) The action was necessary to preserve the child from an immediate danger to his welfare; or |
| | (ii) The child was not less than fourteen (14) years old and the child was taken away or was not returned: |
| | (A) At his own instigation; and |
| | (B) Without intent to commit a criminal offense with or against the child. |
| Page 2-line 15 | Delete "(c)" and insert "(d)". |
| Page 2-line 17 | Delete "five (5) days" and insert "six (6) months"; delete "five hundred dollars". |
| Page 2-line 18 | Delete "(\$500.00)" and insert "seven hundred fifty dollars (\$750.00)". |

LAW ENFORCEMENT ISSUES - PARENTAL ABDUCTIONS - CONTINUED

Ms. Adams summarized 24LSO-0045, Educational neglect-applicability, which would amend the minimum age when school attendance is required from seven years old to five years old, **Appendix 17-03**.

Wanda Maloney, Chief Policy Officer, Wyoming Department of Education, commented on the bill draft and noted Megan Degenfelder, Wyoming Superintendent of Public Instruction, does not support amending the minimum age when school attendance is required to age five. Ms. Maloney testified that Superintendent Degenfelder believes in parental discretion where parents should have the opportunity to decide when their children should attend school before age seven.

Public Comment

No public comment was provided on this bill draft.

Committee Action

Senator Schuler moved that the Committee sponsor 24LSO-0045, Educational neglect-applicability. The motion failed for a lack of a second.

Chairman Landen noted the Committee should be aware of several items that may affect the 2024 Budget Session moving forward, including the homeless situation in Casper and the Judicial Branch's Diversion Program and Treatment Courts.

MEETING ADJOURNMENT

There being no further business, Chairman Landen adjourned the meeting at 4:21 p.m.

Respectfully submitted,

Representative Art Washut, Co-Chairman

Committee Meeting Materials Index

Index Number	Agenda Item	Document Description	Document Provider
1-01		Agenda	Legislative Service Office
1-02		Sign-In Sheet	Legislative Service Office
2-01	Law Enforcement Issues - Statewide Medical Examiner Office	24LSO-0057 v0.6 Statewide medical examiner.	LSO
2-02	Law Enforcement Issues - Statewide Medical Examiner Office	Letter-Wyoming Coroner's Association	Wyoming Coroner's Association
2-03	Law Enforcement Issues - Statewide Medical Examiner Office	Assessment of Needs for System and/or Facilities	Wyoming Coroner's Association and Wyoming Board of Coroner Standards
2-04	Law Enforcement Issues - Statewide Medical Examiner Office	Updated Data - Statewide-Regional Medical Examiners Office	Wyoming County Commissioners Association
2-05	Law Enforcement Issues - Statewide Medical Examiner Office	Wyoming State Board of Coroner Standards Proposal	Dr. Dave Harness
3-01	Judicial Branch Topics - Court and Judge Security	24LSO-0063 v0.5 Influencing jurors, witnesses or officers-amendments.	LSO

3-02	Judicial Branch Topics - Court and Judge Security	24LSO-0062 v0.4 Intimidating or influencing judges-criminal offense.	LSO
3-03	Judicial Branch Topics - Court and Judge Security	24LSO-0064 v0.4 Judges-personal information publication prohibited.	LSO
3-04	Judicial Branch Topics - Court and Judge Security	24LSO-0065 v0.4 Duties of sheriff- security of court.	LSO
4-01	Judicial Branch Topics - Administrative Office of the Courts	Three Branch Mental Health Diversion Pilot Workflow	Wyoming Judicial Branch
4-02	Judicial Branch Topics - Administrative Office of the Courts	National Center for State Courts Report Executive Summary	Wyoming Judicial Branch
4-03	Judicial Branch Topics - Administrative Office of the Courts	National Center for State Courts Report, Wyoming Administrative Office of the Courts	Wyoming Judicial Branch
4-04	Judicial Branch Topics - Administrative Office of the Courts	Wyoming Judicial Branch, Administrative Office of the Courts Positions Descriptions	Wyoming Judicial Branch
6-01	Wyoming Rural Attorney Program	24LSO-0061 v0.5 Wyoming rural attorney recruitment program.	LSO
6-02	Wyoming Rural Attorney Program	The Need for Rural Attorneys in Eight Wyoming Counties Report	Rural Law Center, University of Wyoming College of Law
6-03	Wyoming Rural Attorney Program	Assessing and Addressing the Need for Rural Lawyers in Wyoming	Wyoming State Bar
6-04	Wyoming Rural Attorney Program	Wyoming Rural Attorney Recruitment Program Presentation	Rural Law Center, University of Wyoming College of Law

7-01	Department of Corrections Issues - Public Records and Interstate Corrections Compact	24LSO-0048 v0.5 Public records-DOC investigations.	LSO
7-02	Department of Corrections Issues - Public Records and Interstate Corrections Compact	24LSO-0049 v0.5 Public records-department of corrections-safety.	LSO
7-03	Department of Corrections Issues - Public Records and Interstate Corrections Compact	24LSO-0060 v0.5 Interstate corrections compact.	LSO
8-01	Guardians Filing for Divorce	24LSO-0050 v0.4 Right of a guardian to seek a divorce on behalf of ward.	LSO
9-01	Mental Health & Vulnerable Adult Task Force Update	24LSO-0021 v0.5 Emergency protective services-effective period.	LSO
9-02	Mental Health & Vulnerable Adult Task Force Update	24LSO-0023 v0.5 DFS and law enforcement-cross reporting.	LSO
13-01	Law Enforcement Issues - Controlled Substance Revisions, Sex Offender Registry Requirements, and Peace Officer Public Records	24LSO-0054 v0.5 Controlled Substances Act-substance type amendments.	LSO
13-02	Law Enforcement Issues - Controlled Substance Revisions, Sex Offender Registry Requirements, and Peace Officer Public Records	24LSO-0055 v0.4 Delta-8 controlled substances.	LSO

13-03	Law Enforcement Issues - Controlled Substance Revisions, Sex Offender Registry Requirements, and Peace Officer Public Records	24LSO-0129 v0.4 Hemp production-psychoactive and edible hemp prohibited.	LSO
13-04	Law Enforcement Issues - Controlled Substance Revisions, Sex Offender Registry Requirements, and Peace Officer Public Records	24LSO-0056 v0.4 Sex offender registration-registerable offenses.	LSO
13-05	Law Enforcement Issues - Controlled Substance Revisions, Sex Offender Registry Requirements, and Peace Officer Public Records	Memo-Public Records Act and Peace Officer Standards and Training (POST) Commission	LSO
13-06	Law Enforcement Issues - Controlled Substance Revisions, Sex Offender Registry Requirements, and Peace Officer Public Records	Letter for 24LSO-0129-Hemp production-psychoactive and edible hemp prohibited	Rez Dog Ranch
14-01	Law Enforcement Issues - Unsolved Murders	24LSO-0047 v0.5 Cold case database.	LSO
14-02	Law Enforcement Issues - Unsolved Murders	24LSO-0059 v0.4 Cold case investigations.	LSO
14-03	Law Enforcement Issues - Unsolved Murders	Information Related to Cold Case Investigations	Wyoming Division of Criminal Investigation

14-04	Law Enforcement Issues - Unsolved Murders	Cold Case numbers	Wyoming Division of Criminal Investigation
15-01	Working Lunch/Presentation from Dale Quigley, National Marijuana Initiative Deputy Coordinator	National Marijuana Initiative Presentation	Dale Quigley, Deputy Coordinator, National Marijuana Initiative
16-01	Law Enforcement Issues - Internet Crimes Against Children (ICAC)	Memo-Computer-Generated Representations of Child Pornography	LSO
16-02	Law Enforcement Issues - Internet Crimes Against Children (ICAC)	Memo-Sextortion and Revenge Porn Laws	LSO
16-03	Law Enforcement Issues - Internet Crimes Against Children (ICAC)	Memo-Qualifications and Duties of Digital Forensic Analysts in Wyoming and Other States	LSO
16-04	Law Enforcement Issues - Internet Crimes Against Children (ICAC)	ICAC Statutory Changes-Recommendations	Maddi Morgan
16-05	Law Enforcement Issues - Internet Crimes Against Children (ICAC)	DCI Computer Crime Team Forensic Analyst	Wyoming Division of Criminal Investigation
16-06	Law Enforcement Issues - Internet Crimes Against Children (ICAC)	DCI Computer Crime Team/ICAC Task Force	Wyoming Division of Criminal Investigation
16-07	Law Enforcement Issues - Internet Crimes Against Children (ICAC)	Forensic Analyst Compensation	Wyoming Division of Criminal Investigation

16-08	Law Enforcement Issues - Internet Crimes Against Children (ICAC)	Proposed Changes for W.S. 6-4-303	Wyoming Attorney General's Office
16-09	Law Enforcement Issues - Internet Crimes Against Children (ICAC)	DCI ICAC Team Information	Wyoming Division of Criminal Investigation
17-01	Law Enforcement Issues - Parental Abductions	24LSO-0044 v0.5 Uniform Child Abduction Prevention Act.	LSO
17-02	Law Enforcement Issues - Parental Abductions	24LSO-0046 v0.4 Interference with parent-child contact.	LSO
17-03	Law Enforcement Issues - Parental Abductions	24LSO-0045 v0.5 Educational neglect-applicability.	LSO