

**DRAFT ONLY
NOT APPROVED FOR
INTRODUCTION**

HOUSE BILL NO.

Peace officers-records and reporting.

Sponsored by: Joint Judiciary Interim Committee

A BILL

for

1 AN ACT relating to the administration of government;
2 requiring personnel files of peace and corrections officers
3 and dispatchers to be available to the peace officer
4 standards and training commission as specified; making
5 conforming amendments; and providing for an effective date.

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

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9 **Section 1.** W.S. 9-1-704 by creating a new subsection
10 (m), 9-1-708 by creating a new subsection (h), 9-1-710 by
11 creating a new subsection (o) and 16-4-203(d)(iii) are
12 amended to read:

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- Whether to specify a deadline by which a law enforcement agency must make a record available to the POST Commission after the agency receives a request from the Commission.
- Whether the language should only except the Public Records Act (i.e., common-law privileges could still be asserted).

The provisions referenced in the three revisions to the POST statutes are:

- W.S. 9-1-704(b): qualifications for appointment as a peace officer.
- W.S. 9-1-702(f)(iv): Rules for reasonable minimum qualifications related to a peace officer's physical, mental, and moral fitness.
- W.S. 9-1-702(f)(v): Rules for granting, suspending, or revoking a peace officer's or dispatcher's certification.

9-1-708. Certificate required for permanent employment; temporary employment; waiver or modification of training requirements; wages during training; grandfather provisions.

(h) Notwithstanding any other law to the contrary, the portion of a personnel file relevant to any of the qualifications specified in W.S. 9-1-704(b) or prescribed by the commission under W.S. 9-1-702(f)(iv) or (v) for any

1 person employed as a dispatcher required to be certified
2 under this section shall be made available to the
3 commission upon written request of the commission to the
4 employing agency. The commission shall request records
5 under this subsection only for purposes of investigating or
6 determining a dispatcher's initial certification,
7 continuing certification, suspension, revocation or
8 termination. The personnel file information received by
9 the commission under this subsection shall not be disclosed
10 by the commission to any other person except as otherwise
11 required by law.

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13 **9-1-710. Qualifications for employment as a**
14 **correctional officer; termination of employment;**
15 **certification without compliance with the requirements of**
16 **this section.**

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18 (o) Notwithstanding any other law to the contrary,
19 the portion of a personnel file relevant to any of the
20 qualifications specified in subsection (b) of this section
21 or established under W.S. 9-1-702(k)(ii) and subsection (n)
22 of this section for any person employed as a certified
23 correctional officer, correctional officer or part-time

1 correctional officer by the department of corrections shall
2 be made available to the commission upon written request of
3 the commission to the department of corrections. The
4 commission shall request records under this subsection only
5 for purposes of investigating or determining a correctional
6 officer's initial certification, continuing certification,
7 suspension, revocation or termination. The personnel file
8 information received by the commission under this
9 subsection shall not be disclosed by the commission to any
10 other person except as otherwise required by law.

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12 **16-4-203. Right of inspection; grounds for denial;**
13 **access of news media; order permitting or restricting**
14 **disclosure; exceptions.**

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16 (d) The custodian shall deny the right of inspection
17 of the following records, unless otherwise provided by law:

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19 (iii) Personnel files except those files shall
20 be available to the duly elected and appointed officials
21 who supervise the work of the person in interest and those
22 portions of files specified in W.S. 9-1-704(m), 9-1-708(h)
23 and 9-1-710(o) shall be available and provided to the peace

1 officer standards and training commission in accordance
 2 with W.S. 9-1-704(m), 9-1-708(h) and 9-1-710(o).
 3 Applications, performance ratings and scholastic
 4 achievement data shall be available only to the person in
 5 interest and to the duly elected and appointed officials
 6 who supervise his work. Employment contracts, working
 7 agreements or other documents setting forth the terms and
 8 conditions of employment of public officials and employees
 9 are not considered part of a personnel file and shall be
 10 available for public inspection;

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12 *****
 13 *****
 14 STAFF COMMENT
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16 Per the Committee's discussion at its September meeting,
 17 below are the provisions that require the applicable entity
 18 to report to the POST Commission within 15 days of a peace
 19 officer, dispatcher, or correctional officer is appointed,
 20 terminated, has resigned, or died.

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 22 9-1-704. Qualifications for employment as a peace
 23 officer; loss of certification for felony conviction;
 24 termination from employment.

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 26 (a) Within fifteen (15) days after the appointment,
 27 termination, resignation or death of any peace officer or
 28 dispatcher, written notice thereof shall be given to the
 29 commission by the employing agency.

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 31 9-1-710. Qualifications for employment as a
 32 correctional officer; termination of employment;
 33 certification without compliance with the requirements of
 34 this section.

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(a) Within fifteen (15) days after the appointment, termination, resignation or death of any correctional officer or certified correctional officer, written notice thereof shall be given to the commission by the employing agency.

Section 2. This act is effective July 1, 2024.

(END)