

Draft Only
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**SUMMARY of
PROCEEDINGS**



JOINT JUDICIARY COMMITTEE

COMMITTEE MEETING INFORMATION

June 17-18, 2024 | 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 (via Zoom June 18)
Senator Ed Cooper
Senator Dan Furphy
Senator Wendy Schuler
Representative Ken Chestek
Representative Jeremy Haroldson
Representative Mark Jennings
Representative Tony Niemiec
Representative Ember Oakley (excused June 17)
Representative Karlee Provenza
Representative Rachel Rodriguez-Williams

COMMITTEE MEMBERS NOT PRESENT

Representative Barry Crago

LEGISLATIVE SERVICE OFFICE STAFF

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

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.

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. The Summary of Proceedings for each legislative committee meeting can be found on the Wyoming Legislature's website at www.wyoleg.gov.

EXECUTIVE SUMMARY

The Joint Judiciary Committee (Committee) met for two days in Casper to begin its interim work. The Committee received information regarding protection orders and the Wyoming adoption and foster care system. The Committee received updates from the Wyoming Judicial Branch and Wyoming Office of Homeland Security. The Committee addressed several topics pertaining to the Wyoming Board of Parole, Wyoming Department of Corrections, and Wyoming Attorney General's Office. The Committee discussed statutory monetary amounts and law enforcement issues including peace officer training, fingerprinting and background checks, crime reporting, and homelessness and squatting issues in Wyoming. The Committee also addressed the topic of gun-free zones and preemption by appointing a working group comprised of Committee members.

The Committee requested bill drafts regarding protection orders, amendments related to the restoration of civil rights, the Wyoming Office of Homeland Security's access to law enforcement information, maximum-liability amounts in the Wyoming Governmental Claims Act and maximum amounts for settlement agreements for minors, the state's statutory right of appeal in criminal cases, and homelessness and squatting issues.

CALL TO ORDER (MONDAY, JUNE 17, 2024)

Chairman Washut called the meeting to order at 8:32 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, June 17, 2024, ([AM](#)), ([PM](#)); and June 18, 2024, ([AM](#)), ([PM](#)).

PROTECTION ORDERS

Katie Adams, Staff Attorney, Legislative Service Office (LSO), reviewed a topic summary regarding the laws governing protection orders in Wyoming, [Appendix 2-01](#). Ms. Adams noted that the types of protection orders that may be issued in Wyoming include domestic violence protection orders, stalking protection orders, and sexual assault protection orders. The Committee discussed the issue of firearms possession with domestic violence protection orders.

Elisa Butler, State Court Administrator, Wyoming Judicial Branch, reviewed several legislative changes related to protection orders in Wyoming, including amendments to service timelines, service of notice requirements for protection orders, and clarification regarding minors in protection order cases. Ms. Butler testified that the three-day deadline to serve protection orders to a defendant as part of the ex parte process is frequently difficult to meet. Ms. Butler commented on the tolling procedures for protection orders and stated it is challenging to track when an offender is incarcerated, and the time allotted for the protection order.

The Honorable Brian Christensen, Circuit Court Judge, 7th Judicial District, Natrona County, provided additional information about the protection order service process and commented on the availability of attorneys throughout the State to assist with protection order cases.

The Committee considered 2021 Senate File 75, Protective orders-amendments. Chairman Landen noted he and Representative Stith may sponsor the legislation individually for the 2025 General Session, [Appendix 2-02](#).

Public Comment

Allen Thompson, Executive Director, Wyoming Association of Sheriffs and Chiefs of Police (WASCOP), commented on the tolling process for protection orders. Mr. Thompson noted that there have been discussions regarding how to track the tolling periods for a protection order. Mr. Thompson stated that law enforcement agencies currently do not have access to a database that tracks protection order tolling or

extensions. Mr. Thompson reviewed the protection order service procedures for law enforcement and stated that most individuals are cooperative to accept the service of a protection order, but there is a portion of the population that is difficult to find.

Cara Chambers, Director, Wyoming Division of Victim Services (DVS), Wyoming Attorney General's Office, provided information about the funding process for attorneys to represent clients for protection order cases and noted DVS passes through funds to Equal Justice Wyoming for attorney representation. Ms. Chambers also discussed the VINE system, which is a nationwide system that alerts victims as to the status of offenders. Ms. Chambers noted there are modules to connect the VINE system with the Criminal Justice Information System (CJIS).

Committee Action

Representative Chestek noted he would like to receive additional information from the Division of Criminal Investigation (DCI) about whether the tolling protection order issue could be solved with additional funding and if the VINE and CJIS systems could work together with a system module.

Chairman Landen moved for LSO to draft a bill that would incorporate the items Ms. Butler discussed for protection orders, including amendments to the protection order process to revise the three-day service process for protection orders, the tolling issue for protection orders, and clarification for minors in protection order cases. The motion passed by voice vote.

Representative Rodriguez-Williams moved for LSO to draft a bill that would allow for protection orders to remain in effect during any appeal. The motion passed by voice vote.

Representative Provenza requested that LSO conduct research regarding how other states provide notice for lifetime protection orders.

Representative Haroldson noted that he would like to continue the Committee's discussion about firearm rights and ex parte protection orders.

ADOPTION AND FOSTER CARE ISSUES

Pat Hartley, Casper, and Nathan Baker, Casper, described their personal experiences with the adoption and foster care system and provided several suggestions for the Committee to modify the adoption and foster care process within the state, **Appendix 3-03**.

Korin Schmidt, Director, Wyoming Department of Family Services (DFS), summarized the Wyoming foster care and adoption system and stated that DFS is frequently one member of several entities that determine the placement of children, **Appendix 3-01**. Director Schmidt noted that DFS must balance the best interests of the child versus family unification, and DFS utilizes the best interest of the child standard, along with assistance from the appointment of a Guardian Ad Litem and Court Appointed Special Advocates that assess the legal interests of children. Director Schmidt also reviewed the multi-disciplinary team (MDT) approach that aims to measure the best interests of the child.

Lindsey Schilling, Social Services Senior Administrator, DFS, reviewed a presentation regarding the Wyoming adoption and foster care system, **Appendix 3-02**. Ms. Schilling summarized the responsibilities of foster care coordinators who provide information about foster care certification procedures, onboarding information, and training for foster care parents. The Committee considered how the Legislature can streamline the foster-care and adoption process and how to further balance the interests of the child and parental rights.

Director Schmidt reviewed the Kinship Pilot Program and noted that DFS created the pilot project from funds received through the federal American Rescue Plan Act and the Department would need to augment the program with state or other funds to further expand the project.

Public Comment

No public comment was provided on this topic.

Committee Action

Senator Case requested that the Committee consider the topic at the Committee's September 2024 meeting to learn more about parental rights versus the right of the child and stated he would like to hear from the Judicial Branch about the process from the courts' perspective.

Representative Provenza noted she would like to receive additional information from the Judicial Branch about the MDT process and how often judges implement the MDT's recommendations for child welfare cases.

Senator Landen requested that LSO research other states' foster care and adoption structures and how Wyoming's system may differ structurally and organizationally.

WYOMING JUDICIAL BRANCH UPDATES

The Committee received a presentation from Ms. Butler regarding the Judicial Branch's ongoing projects and operations including the Court Navigator Pilot Program, the Diversion Pilot Program, treatment courts, and court security, [Appendix 4-01](#).

Public Comment

No public comment was provided on this topic.

Committee Action

The Committee did not take any action on this topic.

PRESENTATION FROM JIM SEWARD, DIRECTOR, VETERANS JUSTICE COMMISSION

Jim Seward, Director, Veterans Justice Commission, reviewed a presentation regarding Veterans Treatment Courts, [Appendix 5-01](#). Mr. Seward summarized the Commission's research and work regarding justice-involved veterans.

Dan Shannon, Director, Wyoming Department of Corrections (DOC), provided information regarding the number of veterans that are incarcerated in Wyoming and reviewed the programs and services that are available to veterans who may be involved in the corrections system.

Public Comment

No public comment was provided on this topic.

Committee Action

The Committee did not take any action on this topic.

WYOMING BOARD OF PAROLE

The Committee received a presentation from Margaret White, Executive Director, Wyoming Board of Parole, regarding proposed amendments to the statutes governing parole ineligibility for committing an assault with a deadly weapon on a corrections employee or an inmate, as well as for escape from an adult community correctional facility, [Appendix 6-01](#).

Director Shannon provided information regarding offenders who escape DOC facilities and discussed the DOC's current return and escape policy for adult community correctional facilities.

Public Comment

No public comment was provided on this topic.

Committee Action

Representative Provenza requested that the Committee review additional information from the Council of State Governments about the criminal justice reform measures that have been in place in Wyoming since 2019. Representative Provenza noted she would like the Committee to consider the concept of “good time” and the number of individuals involved in the Wyoming corrections system that have been successfully rehabilitated.

WYOMING OFFICE OF HOMELAND SECURITY

Lynn Budd, Director, Wyoming Office of Homeland Security (WOHS), reviewed a presentation regarding the Office's operations and partnerships with federal partners, [Appendix 7-01](#), [Appendix 7-02](#), and [Appendix 7-03](#). The Committee reviewed 2023 House Bill 145, Disclosure of sensitive information-law enforcement, which would allow the WOHS to access criminal identification and intelligence information. Director Budd noted the bill would be helpful to allow the WOHS to develop a complete picture of any potential threat to Wyoming.

Public Comment

Clint Becker, Converse County Sheriff, and Marilyn Connolly, Wyoming Search and Rescue Council, commented on the support and resources the WOHS provides to local communities, including search and rescue services, equipment, and air support assistance.

Committee Action

Chairman Washut moved for a bill draft based on 2023 House Bill 145, Disclosure of sensitive information-law enforcement. The motion passed by voice vote.

WYOMING DEPARTMENT OF CORRECTIONS

Director Shannon provided information to the Committee regarding the procedures and requirements for the restoration of civil rights and proposed several revisions to the statutes governing the procedures for the restoration of civil rights for nonviolent felonies, [Appendix 8-01](#).

Paul Martin, Deputy Director, DOC, provided additional information regarding the restoration of rights and noted the DOC regularly receives questions regarding the civil rights that can be restored under law.

Public Comment

No public comment was provided on this topic.

Committee Action

Representative Haroldson moved for LSO to draft a bill that incorporates the DOC's proposed recommendations to amend W.S. 7-13-105 concerning the restoration of rights for certain felonies. The motion passed by voice vote.

MEETING RECESS

The Committee recessed at 3:39 p.m.

CALL TO ORDER (TUESDAY, JUNE 18, 2024)

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

JOINT JUDICIARY COMMITTEE Summary of Proceedings

STATUTORY MONETARY AMOUNTS

Clarissa Nord, Legislative Editor, LSO, summarized the statutory history of the fixed monetary amounts included in the Wyoming Governmental Claims Act (WGCA) and for settlement agreements for minors, **Appendix 12-01**.

Marcia Shanor, Executive Director, Wyoming Trial Lawyers Association (WTLA), expressed her appreciation for the Committee considering the topic.

Sarah Kellogg, WTLA President, provided information about the WGCA and reviewed several examples that highlight where increasing the maximums for the fixed monetary amounts within the WGCA would benefit Wyoming citizens, **Appendix 12-02**. Ms. Kellogg reviewed other states that maintain maximum limits for governmental liability and presented the WTLA's proposed updates to the maximum liability amounts for the WGCA and settlement agreements for minors.

Gary Shockey, Board Member, WTLA, discussed the Casper landfill fire where several homes were destroyed. Mr. Shockey testified that due to the limits placed on governmental liability, a low percentage of homeowners' losses were covered. Mr. Shockey also commented on how the fixed monetary amounts can affect the ability of individuals to obtain attorney representation due to the maximum liability amounts.

Public Comment

Bob McLaurin, Wyoming Association of Municipalities (WAM) stated that WAM does not have a current position on increasing the amounts under the WGCA as they do not know how the premiums local governments are responsible for could be affected. Mr. McLaurin noted WAM would need additional information about the costs associated with the increased liability limits.

Kelly Krakow, Albin Mayor, testified that taxpayers pay the premiums for increasing liability limits and encouraged the Committee to receive additional data and information regarding what it would cost to increase the caps.

Torey Racines, Executive Director, Wyoming Local Government Liability Pool (LGLP), discussed the history of the Wyoming LGLP and commented on how Wyoming compares to other states with respect to placing maximum limits on governmental liability. Mr. Racines noted that the actuary with the Wyoming LGLP estimated the impact to local governments if the Legislature doubled the amounts contained under the WGCA. Mr. Racines provided information regarding the Wyoming Association of Risk Management (WARM) and how local governments can obtain insurance beyond the \$250,000 threshold.

Mark Stewart, WARM Counsel, noted that the WARM liability pool consists of the City of Cheyenne, City of Laramie, City of Casper, City of Gillette, Laramie County, and Natrona County. Mr. Stewart noted WARM has experienced five claims within the last 50 years that considered damages that exceeded the maximums established in the WGCA. Mr. Stewart recommended if the Committee increases the maximum liability amounts, that the Legislature do so over the next several years to allow local governments to gradually pay higher premiums.

Jonathan Russell, Policy Analyst, Wyoming County Commissioners Association (WCCA), noted that the WCCA is still considering and assessing the topic and that the WCCA is happy to collaborate with the Committee on the issue.

Erin Edwards, State Risk Manager, Department of Administration & Information, testified that, in examining data from previous claims, the maximums have only been met on a few occasions and described one instance where a claimant was not able to find an attorney for representation in a claims case.

Committee Action

Representative Chestek moved that LSO draft a bill that would increase the maximum liability amounts for the WGCA to \$1,000,000 for one claimant for each transaction or occurrence and \$2,000,000 for all claims arising out of a single transaction or occurrence. Representative Chestek also moved that LSO draft a bill that would increase the settlement agreements for minors to \$25,000. Representative Jennings amended the motion to allow the Committee to consider an incremental approach for addressing the maximum liability amounts and asked the Wyoming LGLP and WARM to provide the Committee with data regarding possible increases in the maximum amounts. The motion, as amended, passed by voice vote.

WYOMING ATTORNEY GENERAL'S OFFICE***Cold Case Database Update***

Ms. Chambers provided an update on the development of the cold case database required under 2024 Wyoming Session Laws, Chapter 86.

Ryan Cox, Commander, DCI, noted that DCI reached out to law enforcement agencies to communicate their process for collecting and disseminating cold case information for the database. Mr. Cox also noted that DCI is promulgating rules for the implementation of the database on July 1, 2024. Mr. Cox testified that DCI developed the database within state government and did not purchase a product for the database software. Mr. Cox reviewed the public-viewing interface for the database and how the public will be able to search the information once the database is publicly available.

Public Comment

No public comment was provided on this topic.

Committee Action

The Committee did not take any action on this topic.

Statutory Right of Appeal

Jenny Craig, Criminal Division Deputy Attorney General, Wyoming Attorney General's Office, provided an overview of the Committee's interim topic on statutory right of appeal and noted that the State of Wyoming does not have the statutory right to seek review of decisions made in criminal cases in the circuit or district courts, [Appendix 13-03](#). Ms. Craig noted that the Wyoming Supreme Court has recognized that the state may seek discretionary review through a petition for writ of review, but the Court has interpreted its case law regarding the State's use of the writ so narrowly that the Court rarely grants review in cases sought by the state. Ms. Craig summarized several states that might serve as a model for the Committee to develop a bill draft.

Brian Fuller, Senior Staff Attorney, LSO, provided an overview of a memorandum that reviews background information on the state's ability and authority to seek appellate review of adverse decisions in criminal cases, [Appendix 13-01](#). Mr. Fuller also summarized the laws of surrounding states concerning a statutory right of appeal for the state, [Appendix 13-02](#).

Public Comment

Ms. Butler noted that, with respect to the statutory right of appeal discussion, a modification of the appeal process would increase the workload of the courts.

Committee Action

Chairman Washut moved that LSO draft a bill that incorporates Utah's approach for the state's statutory right of appeal in criminal cases. Representative Oakley requested that LSO include other aspects from other states' laws, including Texas and Maine, for consideration. The motion passed by voice vote.

LAW ENFORCEMENT ISSUES

Peace Officer Training

Pierre Chesnais, Research Analyst, LSO, reviewed a memorandum that provides a multistate comparison of peace officer basic certification training, [Appendix 14-01](#) and [Appendix 14-02](#).

Chris Walsh, Executive Director, Wyoming Peace Officer Standards and Training Commission (POST) reviewed the purpose of POST and noted that the Wyoming Law Enforcement Academy (WLEA) gathers the topics and training they believe are necessary for officers to complete. Mr. Walsh noted the WLEA requires 605 hours of training and all law enforcement agencies within the state attend the WLEA except for the Wyoming Highway Patrol (WHP), as the WHP has its own basic training program. Mr. Walsh provided information about continuing education for officers.

Chuck Bayne, Director, WLEA, and Jesse Curtis, Deputy Director, WLEA, summarized the Academy's handout for the Committee that contains the WLEA's yearly report and information about the Academy's accomplishments, training, and budget, [Appendix 14-03](#). Mr. Curtis answered several questions related to how the Academy adjusts and updates its curriculum depending on case law and advancements in the law enforcement profession. Director Bayne reviewed the peace officer training basic course and the training structure established by the Academy.

Colonel Timothy Cameron, Administrator, WHP, provided information regarding the WHP's Trooper Basic Academy. Colonel Cameron noted that the WHP has its own academy in coordination with the Laramie County Community College. Colonel Cameron testified that the WHP adheres to all state mandates and requires State Troopers to complete more training regarding certain areas like fatal crashes. Colonel Cameron noted that Wyoming State Troopers must complete 800 hours of training at the Trooper Basic Academy.

Mr. Thompson described the changes in the WLEA's budget over the past ten years and noted that, even though the state has recognized cost savings in recent years through budget cuts, those costs are now transferred to local law enforcement agencies. Mr. Thompson testified that guest instructors can provide essential training to peace officers throughout the state, but the rate at which the WLEA can pay guest instructors is untenable.

Public Comment

No public comment was provided on this topic.

Committee Action

Chairman Washut asked for the Committee to reconsider the topic at the Committee's September 2024 meeting and requested that Attorney General Bridget Hill attend the meeting to provide updates and discuss the WLEA's budget.

Fingerprints and Background Checks

Allison Moore, Deputy Director, DCI, provided background information regarding the fingerprints and background check process in Wyoming. Ms. Moore described DCI's responsibilities versus the responsibilities of the Federal Bureau of Investigation (FBI) in relation to fingerprinting and background checks. Deputy Director Moore summarized the various technology and equipment that can be utilized for

fingerprints and reviewed how state agencies process and manage fingerprint cards. Deputy Director Moore testified that DCI plans to hire two additional full-time positions the Legislature previously approved and noted that DCI intends for these positions to increase the efficiency of the fingerprint and background check process along with other internal adjustments to improve the system.

Public Comment

Nicole Hauser, Executive Director, Wyoming Cathedral Home for Children, described the fingerprints and background checks process from the facility's perspective and noted the appeal procedures for applicants who do not initially meet the criteria established by DFS.

Clark Fairbanks, Director, Wyoming Youth Services Association, provided background information regarding the topic and reviewed potential solutions for the Committee to consider, **Appendix 14-05**.

Rachel Campbell, Social Services Program Supervisor, DFS, provided the Committee with information about the Department's process related to fingerprints and background checks. Ms. Campbell noted that DFS must follow DCI and FBI requirements. Ms. Campbell testified that DFS recently completed an audit for the fingerprinting and background check process and isolated specific areas to make improvements.

Committee Action

Chairman Landen asked DCI and DFS to consider how the Legislature can assist with the fingerprints and background checks process and for the agencies to bring any suggestions they may have to streamline the process to the Committee's September 2024 meeting.

Crime Reporting Update

Ms. Chambers provided the Committee with background information regarding the Committee's previous efforts during the 2021 Interim to establish uniform crime reporting to the FBI's National Incident-Based Reporting System (NIBRS), **Appendix 14-04**.

Deputy Director Moore reviewed which Wyoming law enforcement agencies are currently reporting to NIBRS and which agencies are in the process of establishing a system that would be compliant with NIBRS.

Chairman Landen noted that the Committee would like to receive information regarding specific law enforcement agencies that are not currently reporting to NIBRS to understand any challenges those agencies may be experiencing to adhere to statutory requirements.

Consideration of Homelessness and Squatting Issues in Wyoming

Keith McPheeters, Chief of Police, Casper Police Department, commented on the issue of homelessness and squatting in Casper. Chief McPheeters asked the Committee to consider a bill draft that would establish an expedited due process to evict squatters from properties and address the trespassing issues the City has experienced.

Public Comment

Daniel Itzen, District Attorney, Natrona County, noted his Office has not seen an increase in personnel in 20 years and new laws regularly establish increased responsibilities for the Office. Mr. Itzen provided additional information regarding the squatting and property damage issues in Casper and noted the problem has increased recently.

Kyle Gamroth, Council Member, City of Casper, commented on the City of Casper's challenges regarding homelessness and squatting. Mr. Gamroth asked the Legislature to consider solutions for affordable housing across the State.

Committee Action

Representative Oakley moved that LSO draft a bill that would address the fraudulent writing component and the passing of a false document aspect that Chief McPheeters identified. The motion passed by voice vote.

GENERAL PUBLIC COMMENT

Chief McPheeters noted the crime of mental or emotional abuse is not covered under Wyoming statute and requested that the Committee consider developing legislation that would address emotional abuse. Chief McPheeters introduced Talia Munsell, Casper, Wyoming, and Leslie Fritzler, Victim Specialist, Casper Police Department.

Ms. Munsell described her personal experience regarding the emotional abuse she previously experienced. Ms. Munsell requested that the Committee consider supporting legislation that would amend Wyoming's assault crime to cover certain threats.

Chief McPheeters also testified that the City of Casper is experiencing a decline in the overall occurrence of crime but has encountered an increase in violent crime. Chief McPheeters requested that the Committee consider amending Wyoming law for certain loopholes that exist for offenses including the tampering of evidence, an individual's ability to aid and abet a fugitive, and the unauthorized use of a vehicle.

Committee Action

Representative Rodriguez-Williams asked WASCOP to poll its members on the prevalence of the issues presented by Chief McPheeters. Chairman Landen noted the recommendations Chief McPheeters provided to the Committee may need to be individually sponsored bills for the 2025 General Session.

GUN-FREE ZONES

Chairman Washut summarized the gun-free zones topic, which Management Council assigned to the Committee for the 2024 Interim. Chairman Washut noted that the chairmen intend to form a working group to address the issue of gun-free zones and preemption. Chairman Washut appointed the co-chairmen and Representative Niemiec, Representative Haroldson, Senator Cooper, and Senator Schuler to the Working Group. The Working Group will present recommendations to the Committee at its September 2024 meeting.

REVIEW OF WYOMING SUPREME COURT OPINIONS

Chairman Landen stated that the Committee will consider the Palm-Egle v. Briggs case at its September 2024 meeting. The case involves the duty of care owed by law enforcement offices to suspects when conducting a criminal investigation.

MEETING ADJOURNMENT

There being no further business, Chairman Landen adjourned the meeting at 4:36 p.m.

Respectfully submitted,

Representative Art Washut, Co-Chairman

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