

HOUSE BILL NO. HB0037

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; amending reporting requirements; providing
8 definitions; making conforming amendments; repealing
9 requirements for submitting and maintaining certain
10 juvenile justice information; authorizing a position;
11 providing appropriations; requiring rulemaking; requiring a
12 report and providing for effective dates.

13

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

15

16 **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
5 14-6-240(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.
20 ~~7-19-504-14-6-604~~; 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 files in accordance with
14 W.S. ~~7-19-501-14-6-601~~ through ~~7-19-505-14-6-606~~. If the
15 matter does not result in an adjudication that the child
16 was a delinquent for having committed an act constituting a
17 felony, the enforcement agency which obtained the
18 fingerprints or photographs pursuant to paragraph (a)(iii)
19 of this section shall destroy those records and shall
20 report the destruction of the records to the court.
21 Further, the court shall order all records pertaining to
22 the matter in the files of law enforcement agencies
23 destroyed or expunged.

1

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

4

5

ARTICLE 6

6

JUVENILE JUSTICE INFORMATION SYSTEM

7

8

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

9

10 (a) As used in this act:

11

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

14

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

17

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

20

21 (iv) "Disposition" means the action ordered by
22 the juvenile court judge under W.S. 14-6-229 upon

1 adjudication of a juvenile for a delinquent act or the
2 sentence imposed on a juvenile who is convicted;

3

4 (v) ~~"Division"~~ "Department" means the Wyoming
5 ~~division of criminal investigation within the office of the~~
6 ~~attorney general~~ department of family services;

7

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

10

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

15

16 (viii) "Conviction" or "convicted" means a
17 conviction of a juvenile of a qualifying offense or a
18 conviction for any offense for which the juvenile was
19 charged in a circuit court or district court;

20

21 (ix) "Detention" means the legal and physical
22 restriction and housing of a juvenile at the Wyoming state
23 hospital, the Wyoming boys' school, the Wyoming girls'

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

7
8 ~~(viii)(x)~~ "This act" means W.S. ~~7-19-501~~
9 14-6-601 through ~~7-19-505~~ 14-6-606.

10
11 ~~7-19-502~~ 14-6-602. **Record system created.**

12
13 (a) The ~~division~~ department shall create and maintain
14 a database for a juvenile justice information system as
15 provided in this act.

16
17 (b) The database shall contain the information
18 required by this act. Access to information in the database
19 shall be limited as provided by W.S. ~~7-19-504~~ 14-6-604.

20
21 (c) The ~~division~~ department shall promulgate
22 reasonable rules and regulations necessary to carry out the
23 provisions of this act. The ~~division~~ department shall

1 annually report by March 1 to the joint judiciary interim
2 committee on the numbers of entries and usage of the
3 database and overall compliance with this act.

4

5 ~~7-19-503~~ 14-6-603. Collection of juvenile justice
6 information.

7

8 (a) In any case in which a juvenile is convicted or
9 is adjudicated a delinquent child for the commission of a
10 qualifying offense or a criminal act, the court shall
11 direct that, to the extent possible, the following
12 information be collected and provided to the ~~division~~
13 department:

14

15 (i) Offender identification information
16 including:

17

18 (A) The juvenile offender's name, including
19 other names by which the juvenile is known, and social
20 security number;

21

22 (B) The juvenile offender's date ~~and place~~
23 of birth;

1

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

5

6 (D) The juvenile offender's last known
7 residential address. ~~;~~ ~~and~~

8

9 (E) ~~The juvenile offender's fingerprints.~~

10

11 (ii) Offense identification information
12 including:

13

14 (A) The criminal offense for which the
15 juvenile was convicted or adjudicated delinquent;

16

17 (B) Identification of the juvenile court in
18 which the juvenile was adjudicated delinquent or the court
19 in which the juvenile was convicted; and

20

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

23

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

3
4 (A) Committed to detention;

5
6 (B) Ordered to serve probation, placed
7 under a plan of supervision or ordered to participate in an
8 intensive supervision program;

9
10 (C) Committed to treatment;

11
12 (D) Held in pretrial detention.

13
14 ~~(b) The information maintained by the division shall~~
15 ~~not include predisposition studies and reports, social~~
16 ~~summaries, medical or psychological reports, educational~~
17 ~~records, multidisciplinary team minutes and records or~~
18 ~~transcripts of dispositional hearings.~~

19
20 (c) The ~~division~~department may designate codes
21 relating to the information described in subsection (a) of
22 this section.

23

1 ~~7-19-504~~14-6-604. Access to and dissemination of
2 information.

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

7
8 (i) Other criminal justice agencies, including
9 the division of criminal investigation;

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

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

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

22

1 (v) Any record subject as provided by W.S.
2 7-19-109.

3
4 (b) The department may by rule promulgate a process
5 in which, when a subject reaches the age of majority, all
6 information in the juvenile justice information system
7 pertaining to that subject ~~shall be deleted~~ can be
8 preserved in a manner to avoid identification of an
9 individual subject while still allowing for longitudinal
10 data analyses of recidivism.

11
12 (c) Any person who willfully violates subsection (a)
13 or (b) of this section is guilty of a misdemeanor and upon
14 conviction shall be fined not more than five hundred
15 dollars (\$500.00). Any person or entity who violates
16 subsection (a) of this section shall be denied further
17 access to the system.

18
19 **Section 4.** W.S. 7-19-505 is renumbered as 14-6-605.

20
21 **Section 5.** W.S. 14-6-603(a)(i)(E) and (b), renumbered
22 from W.S. 7-19-503(a)(i)(E) and (b) and W.S.

1 14-6-604(a)(iii), renumbered from W.S. 7-19-504(a)(iii) by
2 section 3 of this act, are repealed.

3

4 **Section 6.**

5

6 (a) The department of family services shall
7 promulgate all rules necessary to implement the provisions
8 of this act.

9

10 (b) Not later than October 15, 2022 the department of
11 family services shall report to the joint judiciary interim
12 committee on the status of the transfer of responsibilities
13 under this act, including any progress made on a process
14 for preserving data for analysis and avoiding
15 identification of any particular individual under W.S.
16 14-6-604(b).

17

18 **Section 7.**

19

20 (a) The department of family services is authorized
21 one (1) full-time position for the purposes of this act.
22 There is appropriated two hundred fifty-one thousand eight
23 hundred forty-eight dollars (\$251,848.00) from the general

1 fund to the department of family services for purposes of
2 funding the position created by this section and related
3 costs for the period beginning July 1, 2022 and ending June
4 30, 2024. These funds shall not be transferred or expended
5 for any other purpose and any unexpended, unobligated funds
6 remaining from this appropriation on June 30, 2024 shall
7 revert as provided by law. It is the intent of the
8 legislature that this appropriation be included in the
9 standard budget for the department of family services for
10 the immediately succeeding fiscal biennium.

11

12 (b) There is appropriated four hundred fifty thousand
13 dollars (\$450,000.00) from the general fund to the
14 department of family services for purposes of initial
15 interface development and data entry and ongoing data entry
16 and system information technology support and maintenance
17 for the purposes of this act for the period beginning
18 July 1, 2022 and ending June 30, 2024. These funds shall
19 not be transferred or expended for any other purpose and
20 any unexpended, unobligated funds remaining from this
21 appropriation on June 30, 2024 shall revert as provided by
22 law. It is the intent of the legislature that one hundred
23 thousand dollars (\$100,000.00) of this appropriation be

1 included in the standard budget for the department of
2 family services for the immediately succeeding fiscal
3 biennium.

4

5 **Section 8.**

6

7 (a) Except as provided in subsection (b) of this
8 section, this act is effective July 1, 2024.

9

10 (b) Sections 6, 7 and 8 of this act are effective
11 immediately upon completion of all acts necessary for a
12 bill to become law as provided by Article 4, Section 8 of
13 the Wyoming Constitution.

14

15 (END)