

ENROLLED ACT NO. 17, HOUSE OF REPRESENTATIVES

SIXTY-FIFTH LEGISLATURE OF THE STATE OF WYOMING  
2019 GENERAL SESSION

AN ACT relating to juvenile justice; amending juvenile offender expungement provisions relating to agency and court records; providing a definition; and providing for an effective date.

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

**Section 1.** W.S. 7-13-1401(a)(intro) and by creating a new subsection (k), 14-6-241(a), (b) and by creating new subsections (d) through (j) and 14-6-440 are amended to read:

**7-13-1401. Petition for expungement; records of arrest, dismissal of charges, disposition; eligibility; no filing fee.**

(a) A person, or the state with regard to a petition for the expungement of records pertaining to a juvenile, may petition the court in which a proceeding occurred, or would have occurred, for an order expunging records of arrest, charges or dispositions which may have been made in the case, subject to the following limitations:

(k) The state may file a petition for the expungement of a juvenile arrest record, charges or dispositions without service on the juvenile. For the purposes of this subsection, "expungement" means as defined in W.S. 14-6-241(f).

**14-6-241. Expungement of records in juvenile, circuit and municipal courts.**

(a) Any person adjudicated delinquent as a result of having committed a delinquent act other than a violent felony as defined by W.S. 6-1-104(a)(xii), under the provisions of this act may petition the court for the expungement of his record in the juvenile court upon reaching the age of

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majority. Any petition filed under this section shall be verified by the petitioner, served upon and reviewed by the prosecuting attorney, and no order granting expungement shall be issued prior to the expiration of twenty (20) days after service was made. The prosecuting attorney shall file with the court, an objection, if any, to the petition within twenty (20) days after service. If an objection is filed, the court shall set the matter for hearing. If an objection is filed and after investigation the court finds that the petitioner has not been convicted of a felony since adjudication, that no proceeding involving a felony is pending or being instituted against the petitioner and the rehabilitation of the petitioner has been attained to the satisfaction of the court or the prosecuting attorney, it shall order expunged all records in any format including electronic records in the custody of the court or any agency or official, pertaining to the petitioner's case. If no objection is filed, the court may summarily enter an order if the court finds that the petitioner is otherwise eligible for relief under this subsection. Copies of the order shall be sent to each agency or official named in the order. The prosecuting attorney, to the extent practicable and if the state filed the petition for expungement as authorized by W.S. 7-13-1401, shall inform the juvenile of the order of expungement and of the practical effects of the expungement. Upon entry of an order the proceedings in the petitioner's case are deemed never to have occurred and the petitioner may reply accordingly upon any inquiry in the matter.

(b) The record of a minor convicted of a violation of a municipal ~~ordinances~~ordinance may be expunged in the same manner as provided in subsection (a) of this section by petition to the municipal court.

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(d) The record of a minor admitted to a diversion program or granted a deferral pursuant to Wyoming statute may be expunged in the same manner and subject to the same limitations as provided in subsection (a) of this section by petition to the court ordering the diversion program or deferral.

(e) A record of arrest, charges or disposition of a minor resulting in dismissal, declined prosecution or otherwise not resulting in a conviction or an adjudication of delinquency or an adjudication of being a child in need of supervision may be expunged in the same manner and subject to the same limitations as provided in subsection (a) of this section by petition to the court.

(f) For purposes of this section, "expungement" means to permanently destroy or delete all records, including physical and electronic records, documents and images of documents. If a minor's name appears on a court list, index or other compilation containing other information not subject to expungement, "expungement" means to redact by obliterating the minor's name from the record.

(g) After an order of expungement issued under this section, no record of the minor's identification may be retained by any law enforcement agency, the juvenile court, or by any municipal court, circuit court or any state agency or department except as follows:

(i) An agency may retain records to comply with federal reporting requirements. Records kept under this paragraph shall not be otherwise disclosed or released except for the federal reporting purposes and shall be expunged within ten (10) years of the completion of the initial court case;

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(ii) Expungement of electronic records in a backup database may be completed upon restoration of the backup database, provided that the backup database is not accessible until restored. Any law enforcement agency, court or state agency subject to this paragraph shall implement policies and procedures to ensure expungement of records following restoration of a backup database.

(h) The state or municipality may petition the court for the expungement of a record in the juvenile court, circuit court or municipal court pursuant to subsections (a) through (c) of this section, upon the person who was adjudicated delinquent or convicted reaching the age of majority.

(j) No filing fee shall be required for a petition for the expungement of a juvenile record under this section.

**14-6-440. Expungement of records in juvenile court.**

Any person adjudicated in need of supervision under the provisions of this act may petition the court for the expungement of his record in the juvenile court upon reaching the age of majority. If after investigation the court finds that the petitioner has not been convicted of a felony since adjudication, that no proceeding involving a felony is pending or being instituted against the petitioner and the rehabilitation of the petitioner has been attained to the satisfaction of the court or the prosecuting attorney, it shall order expunged all records in any format including electronic records in the custody of the court or any agency or official, pertaining to the petitioner's case. Copies of the order shall be sent to each agency or official named in the order. Upon entry of an order the proceedings in the petitioner's case are deemed never to have occurred and the

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petitioner may reply accordingly upon any inquiry in the matter. Expungement pursuant to this section shall be accomplished as provided in W.S. 14-6-241.

**Section 2.** This act is effective July 1, 2019.

(END)

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Speaker of the House

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President of the Senate

\_\_\_\_\_  
Governor

TIME APPROVED: \_\_\_\_\_

DATE APPROVED: \_\_\_\_\_

I hereby certify that this act originated in the House.

\_\_\_\_\_  
Chief Clerk