

SENATE FILE NO. SF0129

Juvenile justice amendments.

Sponsored by: Senator(s) Sessions, Decaria and Schiffer
and Representative(s) Connolly, Craft,
Gingery and Throne

A BILL

for

1 AN ACT relating to juveniles; amending the definition of
2 status offender as specified; amending the offense of minor
3 in possession of alcohol; amending penalties; amending
4 authority of courts as specified; authorizing the district
5 attorney to determine jurisdiction in specified cases;
6 requiring criteria and procedures for determining
7 jurisdiction; requiring compliance with procedures
8 contained in the Juvenile Justice Act as specified;
9 conforming amendments; and providing for an effective date.

10

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

12

13 **Section 1.** W.S. 5-6-112(b)(iii), 7-1-107(b)(intro)
14 and (iii), 12-6-101(a), (c) and by creating new subsections
15 (f) and (g), 14-6-201(a)(xxiii), 14-6-203(c) and

(f) (intro), 14-6-402(a)(xx) and 14-6-237 by creating new subsections (j) and (k) are amended to read:

5-6-112. Detention of juvenile offenders.

(b) As used in W.S. 5-6-112 and 5-6-113:

(iii) "Status offense" means an offense which, if committed by an adult, would not constitute an act punishable as a criminal offense by the laws of this state or a violation of a municipal ordinance ~~., but does not include a~~ Subject to W.S. 12-6-101(f), "status offense" may include a violation of W.S. 12-6-101(b) or (c) or any similar municipal ordinance by a person under eighteen (18) years of age.

7-1-107. Detention of juvenile offenders.

(b) As used in ~~W.S. 7-1-107~~ this section and W.S. 7-1-108:

(iii) "Status offense" means an offense which, if committed by an adult, would not constitute an act punishable as a criminal offense by the laws of this state

1 or a violation of a municipal ordinance ~~., but does not~~
2 ~~include a~~ Subject to W.S. 12-6-101(f), "status offense" may
3 include a violation of W.S. 12-6-101(b) or (c) or any
4 similar municipal ordinance by a person under eighteen (18)
5 years of age.

6
7 12-6-101. Sale or possession prohibited; when
8 possession unlawful; public drunkenness; falsification of
9 identification; penalty; prima facie identification as
10 defense.

11
12 (a) Except as provided in subsection (f), any person
13 who sells, furnishes, gives or causes to be sold, furnished
14 or given away any alcoholic liquor or malt beverage to any
15 person under the age of twenty-one (21) years, who is not
16 his legal ward, medical patient or member of his own
17 immediate family, is guilty of a misdemeanor. This
18 subsection does not apply to sales by the commission or a
19 wholesaler to a licensee under this title. 12-6-101. Sale
20 or possession prohibited; when possession unlawful; public
21 drunkenness; falsification of identification; penalty;
22 prima facie identification as defense.

1 (c) Except as provided in subsection (f), any person
2 under the age of twenty-one (21) years who attempts in any
3 manner to purchase alcoholic or malt beverages or who
4 falsifies any identification or uses any false
5 identification in order to obtain alcoholic or malt
6 beverages is guilty of a misdemeanor.

7
8 (f) For any person under eighteen (18) years of age
9 who has not been convicted of a total of more than three
10 (3) violations under this section in the courts of this
11 state, the court, including a municipal or circuit court,
12 shall treat the person as a status offender and shall
13 conduct proceedings under this paragraph in compliance with
14 the procedures specified in W.S. 14-6-235(a) and (b),
15 14-6-239 and 14-6-243, and may impose a fine not to exceed
16 seven hundred fifty dollars (\$750.00). The court may
17 suspend all or part of the fine imposed under this section
18 if the person complies with any of the following conditions
19 the court may impose, including:

20
21 (i) Requiring the minor to participate in a teen
22 court program pursuant to W.S. 7-13-1205;

23

1 (ii) Requiring the minor, within the limits of
2 applicable laws and regulations governing child labor, to
3 perform a designated number of hours of community service,
4 to participate in a work program or to perform labor or
5 services under the supervision of a responsible adult
6 designated by the court. Any order shall enable the minor
7 to meet the obligations imposed pursuant to this subsection
8 or for the purpose of discipline and rehabilitation when
9 deemed necessary or desirable by the court;

10
11 (iii) Ordering the minor to be examined or
12 treated by a physician, surgeon, psychiatrist or
13 psychologist or to obtain other specialized treatment,
14 care, counseling or training, and placing the minor in a
15 hospital or medical facility, youth camp, school or other
16 suitable facility for treatment;

17
18 (iv) Imposing any demands, requirements,
19 limitations, restrictions or restraints on the minor, and
20 doing all things with regard to the minor that his parents
21 might reasonably and lawfully do under similar
22 circumstances;

23

1 (v) Ordering the minor, his parents, or the
2 guardian, to undergo evaluation and indicated treatment or
3 another program designed to address problems which
4 contributed to the adjudication. A parent or guardian who
5 willfully violates or neglects or refuses to comply with
6 any order of the court may be found in contempt and
7 punished as provided by W.S. 14-6-242;

8
9 (vi) After notice to appear, ordering the minor's
10 custodial and noncustodial parent or guardian to
11 participate in the minor's treatment or plan of supervision
12 or probation, or otherwise ordering the performance of any
13 acts which are reasonably necessary to aid the minor in
14 completion of court ordered obligations;

15
16 (vii) Subject to an affirmative defense as
17 provided in W.S. 14-6-247(b), imposing any one (1) or more
18 of the following requirements upon the minor's parents or
19 guardian if the court, after hearing, finds that the
20 minor's act was proximately caused by the failure or
21 neglect of the parent or guardian to subject the minor to
22 reasonable parental control and authority;

23

1 (A) Requiring the minor's parents or
2 guardian to perform community service with the minor;

3
4 (B) Requiring the minor's parents or
5 guardian to attend parenting classes or other appropriate
6 education or treatment program at their own expense.

7
8 (viii) Placing the minor on probation for not
9 less than three (3) months nor more than six (6) months;

10
11 (ix) Requiring the minor's parents or guardians
12 to identify restrictions the parents or guardians shall
13 impose on the minor's activities and requirements the
14 parents or guardians shall set for the minor's behavior;

15
16 (x) Referring the minor to a community based
17 youth intervention program designated by the court.

18
19 (g) The court may reinstate all or part of a fine
20 imposed under subsection (f) of this section if the person
21 whose fine was suspended fails to comply with any order of
22 the court.

1 14-6-201. Definitions; short title; statement of
2 purpose and interpretation.

3
4 (a) As used in this act:

5
6 (xxiii) "Status offense" means an offense which,
7 if committed by an adult, would not constitute an act
8 punishable as a criminal offense by the laws of this state
9 or a violation of a municipal ordinance ~~., but does not~~
10 ~~include a~~ Subject to W.S. 12-6-101(f), "status offense" may
11 include a violation of W.S. 12-6-101(b) or (c) or any
12 similar municipal ordinance by a person under eighteen (18)
13 years of age;

14
15 14-6-203. Jurisdiction; confidentiality of records.

16
17 (c) Except as provided in subsection (d) of this
18 section, the juvenile court has concurrent jurisdiction in
19 all cases, other than status offenses, in which a minor is
20 alleged to have committed a criminal offense or to have
21 violated a municipal ordinance. The district attorney
22 shall serve as the single point of entry for all minors
23 alleged to have committed a crime or delinquent act and
24 shall have the authority to determine jurisdiction and the

1 responsibility to establish objective criteria, screening
2 and assessment procedures for determining appropriate
3 jurisdiction that is consistent with the Juvenile Justice
4 and Delinquency Prevent Act and evidence based practices.

5
6 (f) The district attorney shall serve as the single
7 point of entry for all minors alleged to have committed a
8 crime or delinquent act and shall have the authority to
9 determine jurisdiction and the responsibility to establish
10 objective criteria, screening and assessment procedures for
11 determining appropriate jurisdiction that is consistent
12 with the Juvenile Justice and Delinquency Prevent Act and
13 evidence based practices. The following cases, excluding
14 status offenses, may be originally commenced either in the
15 juvenile court or in the district court or inferior court
16 having jurisdiction:

17
18 **14-6-402. Definitions.**

19
20 (a) As used in this act:

21
22 (xx) "Status offense" means an offense which, if
23 committed by an adult, would not constitute an act
24 punishable as a criminal offense by the laws of this state

1 or a violation of a municipal ordinance ~~., but does not~~
2 ~~include a~~ Subject to W.S 12-6-101(f), "status offense" may
3 include a violation of W.S. 12-6-101(b) or (c) or any
4 similar municipal ordinance by a person under eighteen (18)
5 years of age;

6
7 **14-6-237. Transfer hearing; transfer of proceedings**
8 **commenced in district court or in municipal or circuit**
9 **court.**

10
11 (j) No minor under the jurisdiction of a circuit or
12 municipal court may be sentenced to a period of
13 incarceration except after the district attorney has
14 reviewed the case and determined that the potential
15 incarceration is consistent with the single point of entry
16 criteria established by his office.

17
18 (k) No minor under the jurisdiction of a circuit or
19 municipal court may be subject to arrest or detention
20 unless the circumstances meet the requirements of W.S.
21 14-6-205 and the district attorney has been advised of the
22 warrant or order and determined that the action is
23 consistent with the single point of entry criteria
24 established in accordance with W.S. 14-6-203(c). If the

1 district attorney determines that arrest or incarceration
2 is not consistent with those criteria, the district
3 attorney shall seek dismissal of the action in circuit or
4 municipal court pursuant to subsection (h) and file the
5 action in the juvenile court.

6

7 **Section 2.** This act is effective July 1, 2009.

8

9

(END)