

## HOUSE BILL NO. HB0012

Juvenile detention facilities-admissions criteria.

Sponsored by: Joint Judiciary Interim Committee

## A BILL

for

1 AN ACT relating to juvenile detention; requiring a risk  
2 assessment for alleged delinquent minors as specified;  
3 requiring sheriffs to approve juvenile detention risk  
4 assessment instruments; providing definitions; requiring a  
5 report; and providing for an effective date.

6

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

8

9       **Section 1.** W.S. 5-6-112(b) by creating new paragraphs  
10 (iv) through (vi), 5-6-113 by creating new subsections (c)  
11 through (e), 7-1-107(b) by creating new paragraphs (iv)  
12 through (vi), 7-1-108 by creating new subsections (c)  
13 through (f) and 14-6-206(a)(intro) are amended to read:

14

15       **5-6-112. Detention of juvenile offenders.**

16

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

1

2           (iv) "Hardware secure juvenile detention  
3 facility" means a facility used for the detention of minors  
4 that is characterized by locks on the doors and other  
5 restrictive hardware designed to restrict the movement of  
6 the minors and protect public safety;

7

8           (v) "Shelter care" means as defined in W.S.  
9 14-6-201(a)(xxii);

10

11           (vi) "Staff secure juvenile detention facility"  
12 means a facility used for the detention of minors that is  
13 characterized by a trained staff to supervise the movement  
14 and activities of detained minors at the facility, without  
15 the additional use of hardware secure equipment.

16

17           **5-6-113. Incarceration of juvenile offenders.**

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19           (c) Except for an alleged delinquent minor who is  
20 released to the custody of the minor's parent, guardian or  
21 custodian, with verbal counsel, warning or a written  
22 promise to appear in court, the person taking the minor  
23 into custody shall ensure that a juvenile detention risk  
24 assessment shall be promptly performed, using the

1 instrument approved by the county sheriff. If the risk  
2 assessment finds that the minor is a serious risk to  
3 himself or to the safety of others, the minor may be:

4  
5 (i) Placed in a hardware secure juvenile  
6 detention facility;

7  
8 (ii) Transferred to a medical facility if the  
9 minor is believed to be suffering from a serious physical  
10 or mental illness that requires prompt diagnosis or  
11 treatment;

12  
13 (iii) If the minor is not held pursuant to  
14 paragraph (i) of this subsection, placed in shelter care or  
15 a staff secure juvenile detention facility, or released to  
16 a parent, guardian or other custodian who can provide  
17 supervision and care for the minor pending the minor's  
18 appearance in court. If no space is available in shelter  
19 care or a staff secure juvenile detention facility, the  
20 minor may be held in a hardware secure juvenile detention  
21 facility.

22  
23 (d) A minor under the age of eleven (11) years shall  
24 not be held in a hardware secure juvenile detention

1 facility. If the minor under the age of eleven (11) years  
2 poses a substantial risk of harm to himself or others, a  
3 peace officer may detain and transport the minor for an  
4 emergency mental health evaluation.

5  
6 (e) If a minor is taken into custody and is not  
7 released to the minor's parent, guardian or custodian, the  
8 person taking the minor into custody shall give notice  
9 thereof to the minor's parent, guardian or custodian as  
10 soon as possible, and in no case later than twelve (12)  
11 hours after taking the minor into custody.

12  
13 **7-1-107. Detention of juvenile offenders.**

14  
15 (b) As used in W.S. 7-1-107 and 7-1-108:

16  
17 (iv) "Hardware secure juvenile detention  
18 facility" means a facility used for the detention of minors  
19 that is characterized by locks on the doors and other  
20 restrictive hardware designed to restrict the movement of  
21 the minors and protect public safety;

22  
23 (v) "Shelter care" means as defined in W.S.  
24 14-6-201(a)(xxii);

1

2           (vi) "Staff secure juvenile detention facility"  
3 means a facility used for the detention of minors that is  
4 characterized by a trained staff to supervise the movement  
5 and activities of detained minors at the facility, without  
6 the additional use of hardware secure equipment.

7

8           **7-1-108. Incarceration of juvenile offenders.**

9

10           (c) Except for an alleged delinquent minor who is  
11 released to the custody of the minor's parent, guardian or  
12 custodian, with verbal counsel, warning or a written  
13 promise to appear in court, the person taking the minor  
14 into custody shall ensure a juvenile detention risk  
15 assessment shall be promptly performed, using the  
16 instrument approved by the county sheriff. If the risk  
17 assessment finds that the minor is a serious risk to  
18 himself or to the safety of others, the minor may be:

19

20           (i) Placed in a hardware or staff secure  
21 juvenile detention facility;

22

23           (ii) Transferred to a medical facility if the  
24 minor is believed to be suffering from a serious physical

1 or mental illness that requires prompt diagnosis or  
2 treatment;

3  
4 (iii) If the minor is not held pursuant to  
5 paragraph (i) of this subsection, placed in shelter care or  
6 a staff secure juvenile detention facility, or released to  
7 a parent, guardian or other custodian who can provide  
8 supervision and care for the minor pending the minor's  
9 appearance in court. If no space is available in shelter  
10 care or a staff secure juvenile detention facility, the  
11 minor may be held in a hardware secure juvenile detention  
12 facility.

13  
14 (d) A minor under the age of eleven (11) years shall  
15 not be held in a hardware secure juvenile detention  
16 facility. If the minor under the age of eleven (11) years  
17 poses a substantial risk of harm to himself or others, a  
18 peace officer may detain and transport the minor for an  
19 emergency mental health evaluation.

20  
21 (e) If a minor is taken into custody and is not  
22 released to the minor's parent, guardian or custodian, the  
23 person taking the minor into custody shall give notice  
24 thereof to the minor's parent, guardian or custodian as

1 soon as possible, and in no case later than twelve (12)  
2 hours after taking the minor into custody.

3  
4 (f) The department of family services shall collect  
5 and analyze data regarding the application of the juvenile  
6 detention risk assessment instruments specified under W.S.  
7 5-6-113(c) and subsection (c) of this section and shall  
8 report to the joint judiciary interim committee annually  
9 beginning January 1, 2011 and every January 1 thereafter.

10  
11 **14-6-206. Child in custody; no detention without**  
12 **court order; exceptions; notice to parent or guardian;**  
13 **release.**

14  
15 (a) In accordance with procedures specified in W.S.  
16 7-1-108(c) and (d), a child taken into custody shall not be  
17 held in detention or placed in shelter care without a court  
18 order unless detention or shelter care is required to:

19  
20 **Section 2.** This act is effective July 1, 2010.

21  
22 (END)