

HOUSE BILL NO. HB0123

Juvenile records-expungement.

Sponsored by: Representative(s) Throne, Esquibel, K. and
Halverson and Senator(s) Burns and Craft

A BILL

for

1 AN ACT relating to juveniles; providing for expungement of
2 juvenile records as specified; providing prosecutorial
3 discretion to petition to postpone expungement; providing
4 conforming amendments; and providing for an effective date.

5

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

7

8 **Section 1.** W.S. 14-6-241 and 14-6-503(d) are amended
9 to read:

10

11 **14-6-241. Expungement of records in juvenile and**
12 **municipal courts.**

13

14 (a) Except as provided herein, the juvenile court
15 shall order the expungement of records of any person

1 adjudicated delinquent as a result of having committed a
2 delinquent act other than a violent felony as defined by
3 W.S. 6-1-104(a)(xii), under the provisions of this act ~~may~~
4 ~~petition the court for the expungement of his record in the~~
5 ~~juvenile court~~ upon the person reaching the age of
6 majority. ~~If after investigation the court finds that the~~
7 ~~petitioner has not been convicted of a felony since~~
8 ~~adjudication, that no proceeding involving a felony is~~
9 ~~pending or being instituted against the petitioner and the~~
10 ~~rehabilitation of the petitioner has been attained to the~~
11 ~~satisfaction of the court or the prosecuting attorney, it~~
12 ~~shall order expunged all records in the custody of the~~
13 ~~court or any agency or official, pertaining to the~~
14 ~~petitioner's case.~~ The district attorney may petition the
15 court to postpone the expungement of juvenile court records
16 under this section prior to the person reaching the age of
17 majority. The person whose expungement of records is
18 challenged shall be given notice and opportunity to contest
19 the district attorney's petition. If the court determines
20 that there is good cause to delay the expungement of
21 records under this section, the court shall delay the
22 expungement until a date certain, not to exceed five (5)
23 years from the date the juvenile reached the age of

1 majority. The district attorney may petition the court for
2 multiple delays in expungement of records under this
3 section for good cause. Copies of the order of expungement
4 shall be sent to each agency or official named in the
5 order. Upon entry of an order the proceedings in the
6 petitioner's case are deemed never to have occurred and the
7 petitioner may reply accordingly upon any inquiry in the
8 matter.

9
10 (b) The record of a violation of municipal ordinances
11 ~~may~~shall be expunged in the same manner as provided in
12 subsection (a) of this section by ~~petition to~~ the municipal
13 court and expungement may be postponed in the same manner
14 as provided in subsection (a) of this section.

15
16 (c) The record of a minor convicted of a misdemeanor
17 in circuit court ~~may~~shall be expunged in the same manner
18 as provided in subsection (a) of this section by ~~petition~~
19 ~~to~~ the circuit court and expungement may be postponed in
20 the same manner as provided in subsection (a) of this
21 section.

1 **14-6-503. Rights of victims to be informed during the**
2 **delinquency proceeding.**

3
4 (d) The prosecuting attorney shall notify in writing,
5 or in person, victims who have participated in the
6 delinquency proceedings of ~~an application for the~~
7 expungement of the juvenile's records under W.S. 14-6-241
8 not less than six (6) months prior to the juvenile reaching
9 the age of majority. The victim ~~shall be afforded the~~
10 ~~opportunity to make a statement at the hearing on the~~
11 ~~application~~ may request that the prosecuting attorney
12 petition the court to postpone the expungement pursuant to
13 W.S. 14-6-241(a). The prosecuting attorney shall exercise
14 discretion when determining whether to petition for
15 postponement of expungement of records pursuant to a
16 request of a victim under this subsection.

17
18 **Section 2.** This act shall apply to the juvenile court
19 proceedings records of all persons reaching the age of
20 majority on or after the effective date of this act.

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