

HOUSE BILL NO. HB0044

Expungement of juvenile court records.

Sponsored by: Joint Judiciary Interim Committee

A BILL

for

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

4

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

6

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

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11 **7-13-1401. Petition for expungement; records of arrest,**
 12 **dismissal of charges, disposition; eligibility; no filing**
 13 **fee.**

14

15 (a) A person, or the state with regard to a petition
 16 for the expungement of records pertaining to a juvenile, may

1 petition the court in which a proceeding occurred, or would
2 have occurred, for an order expunging records of arrest,
3 charges or dispositions which may have been made in the case,
4 subject to the following limitations:

5

6 (k) The state may file a petition for the expungement
7 of a juvenile arrest record, charges or dispositions without
8 service on the juvenile.

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10 **14-6-241. Expungement of records in juvenile, circuit**
11 **and municipal courts.**

12

13 (a) Any person adjudicated delinquent as a result of
14 having committed a delinquent act other than a violent felony
15 as defined by W.S. 6-1-104(a)(xii), under the provisions of
16 this act may petition the court for the expungement of his
17 record in the juvenile court upon reaching the age of
18 majority. Any petition filed under this section shall be
19 verified by the petitioner, served upon and reviewed by the
20 prosecuting attorney, and no order granting expungement shall
21 be issued prior to the expiration of twenty (20) days after
22 service was made. The prosecuting attorney shall file with
23 the court, an objection, if any, to the petition within twenty

1 (20) days after service. If an objection is filed, the court
2 shall set the matter for hearing. If an objection is filed
3 and after investigation the court finds that the petitioner
4 has not been convicted of a felony since adjudication, that
5 no proceeding involving a felony is pending or being
6 instituted against the petitioner and the rehabilitation of
7 the petitioner has been attained to the satisfaction of the
8 court or the prosecuting attorney, it shall order expunged
9 all records in any format including electronic records in the
10 custody of the court or any agency or official, pertaining to
11 the petitioner's case. If no objection is filed, the court
12 may summarily enter an order if the court finds that the
13 petitioner is otherwise eligible for relief under this
14 subsection. Copies of the order shall be sent to each agency
15 or official named in the order. Upon entry of an order the
16 proceedings in the petitioner's case are deemed never to have
17 occurred and the petitioner may reply accordingly upon any
18 inquiry in the matter.

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

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

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

16

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

1

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

7

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

14

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

22

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

6
7 (j) No filing fee shall be required for a petition for
8 the expungement of a juvenile record under this section.

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10 **14-6-440. Expungement of records in juvenile court.**

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12 Any person adjudicated in need of supervision under the
13 provisions of this act may petition the court for the
14 expungement of his record in the juvenile court upon reaching
15 the age of majority. If after investigation the court finds
16 that the petitioner has not been convicted of a felony since
17 adjudication, that no proceeding involving a felony is
18 pending or being instituted against the petitioner and the
19 rehabilitation of the petitioner has been attained to the
20 satisfaction of the court or the prosecuting attorney, it
21 shall order expunged all records in any format including
22 electronic records in the custody of the court or any agency
23 or official, pertaining to the petitioner's case. Copies of

1 the order shall be sent to each agency or official named in
2 the order. Upon entry of an order the proceedings in the
3 petitioner's case are deemed never to have occurred and the
4 petitioner may reply accordingly upon any inquiry in the
5 matter. Expungement pursuant to this section shall be
6 accomplished as provided in W.S. 14-6-241.

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

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(END)