

HOUSE BILL NO. HB0212

Criminal record expungement-revisions.

Sponsored by: Representative(s) Provenza, Burt, Clifford
and Olsen

A BILL

for

1 AN ACT relating to criminal procedure; reducing the waiting
2 period for expungement of felony and misdemeanor
3 convictions; amending felony and misdemeanor expungement
4 fees and procedures; specifying applicability; and
5 providing for an effective date.

6

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

8

9 **Section 1.** W.S. 7-13-1501(a)(i), (b) and (k) and
10 7-13-1502(a)(i)(intro), (iv)(S), (b), (e) and (f) are
11 amended to read:

12

13 **7-13-1501. Petition for expungement of records of**
14 **conviction of certain misdemeanors; filing fee; notice;**
15 **objections; hearing; definitions; exceptions.**

1

2 (a) A person who has pled guilty or nolo contendere
3 to or been convicted of a misdemeanor may petition the
4 convicting court for an expungement of the records of
5 conviction, subject to the following limitations:

6

7 (i) At least ~~five (5)~~ two (2) years have passed
8 for nonstatus offenses and at least one (1) year has passed
9 for status offenses as defined by W.S. 7-1-107(b)(iii)
10 since the expiration of the terms of sentence imposed by
11 the court, including any periods of probation or the
12 completion of any program ordered by the court;

13

14 (b) A petition filed under this section shall be
15 verified by the petitioner and served upon the prosecuting
16 attorney and the division of criminal investigation. The
17 filing fee for each petition filed under this section shall
18 be ~~one hundred dollars (\$100.00)~~ fifty dollars (\$50.00) and
19 shall be deposited in accordance with W.S. 5-9-144.

20

21 (k) Nothing in this section shall be construed to
22 allow a person who has previously received ~~an expungement~~
23 two (2) expungements of records of conviction under this

1 section to seek a ~~second~~third or subsequent expungement of
2 records of conviction under this section.

3

4 **7-13-1502. Petition for expungement of records of**
5 **conviction of certain felonies; filing fee; notice;**
6 **objections; hearing; definitions; restoration of rights.**

7

8 (a) A person convicted of a felony or felonies
9 subject to expungement under this section arising out of
10 the same occurrence or related course of events, may
11 petition the convicting court for an expungement of the
12 records of conviction, subject to the following
13 limitations:

14

15 (i) At least ~~ten (10)~~three (3) years have
16 passed since:

17

18 (iv) Felonies subject to expungement under this
19 section shall not include:

20

21 (S) Any offense punishable under W.S.
22 6-8-101; ~~and 6-8-102;~~ or

23

1 (b) A petition filed under this section shall be
2 verified by the petitioner and served upon the prosecuting
3 attorney and the division of criminal investigation. The
4 filing fee for each petition filed under this section shall
5 be ~~three hundred dollars (\$300.00)~~ one hundred dollars
6 (\$100.00) and shall be deposited in accordance with W.S.
7 5-3-205.

8
9 (e) The prosecuting attorney shall review the
10 petition and shall file with the court an objection or
11 recommendation, if any, to the petition within ~~ninety (90)~~
12 forty-five (45) days after service of the notice by the
13 petitioner upon the prosecuting attorney. If the
14 prosecuting attorney or an identifiable victim submits a
15 written objection to the court concerning the petition
16 within ~~ninety (90)~~ forty-five (45) days after service of
17 the notice by the petitioner upon the prosecuting attorney,
18 or if the petitioner objects to the criminal history report
19 of the division of criminal investigation if requested by
20 the court, the court shall set a date for a hearing and
21 notify the prosecuting attorney, the identifiable victims
22 who have submitted written objections to the petition, the
23 division of criminal investigation and the petitioner of

1 the date set for the hearing. Any person who has relevant
2 information about the petitioner may testify at the
3 hearing.

4
5 (f) If no objection is filed to the petition within
6 ~~ninety (90)~~ forty-five (45) days after service of the
7 notice by the petitioner upon the prosecuting attorney, the
8 court may summarily enter an order if the court finds that
9 the petitioner is otherwise eligible for relief under this
10 section. No order granting expungement shall be issued
11 prior to the expiration of ~~ninety (90)~~ forty-five (45) days
12 after service was made to the prosecuting attorney.

13

14 **Section 2.** W.S. 7-13-1401(g), 7-13-1501(h) and
15 7-13-1502(h) are repealed.

16

17 **Section 3.** A person convicted of a felony or
18 misdemeanor subject to expungement under W.S. 7-13-1501 or
19 7-13-1502 before the effective date of this act shall be
20 entitled to expungement under the timeframe provided by
21 this act.

22

1 **Section 4.** This act is effective July 1, 2021.

2

3

(END)