

**DRAFT ONLY
NOT APPROVED FOR
INTRODUCTION**

SENATE FILE NO. _____

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 the department of family services to adopt a
4 uniform juvenile detention risk assessment instrument;
5 providing definitions; requiring a report; and providing
6 for effective dates.

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

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

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5-6-112. Detention of juvenile offenders.

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

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(iv) "Hardware secure juvenile detention facility" means a facility certified by the department of family services for the detention of minors that is characterized by locks on the doors and other restrictive hardware designed to restrict the movement of the minors and protect public safety;

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(v) "Staff secure juvenile detention facility" means a facility certified by the department of family services for the detention of minors that is characterized by a trained staff to supervise the movement and activities of detained minors at the facility, without the additional use of hardware secure equipment.

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5-6-113. Incarceration of juvenile offenders.

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(c) Except for an alleged delinquent minor who is released to the custody of the minor's parent, guardian or

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1 custodian, with verbal counsel, warning or a written
2 promise to appear in court, the person taking the minor
3 into custody shall ensure that a juvenile detention risk
4 assessment shall be promptly performed, using the
5 instrument adopted by the department of family services in
6 accordance with W.S. 7-1-108. The minor shall be detained
7 to determine if a parent, guardian or other custodian can
8 reasonably provide supervision and care of the minor
9 pending the minor's appearance in court, or if the minor is
10 a serious risk to himself or to the safety of others, or if
11 there is a likelihood that the minor may abscond or be
12 removed from the jurisdiction of the court. If the risk
13 assessment finds that the minor is a serious risk to
14 himself or to the safety of others, or if there is a
15 likelihood that the minor may abscond or be removed from
16 the jurisdiction of the court, the minor shall be:

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18 (i) Placed in detention in accordance with
19 criteria established for detention of the minor in a
20 hardware secure juvenile detention facility;

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

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

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4 (iii) If the child does not meet criteria
5 specified in paragraph (i) of this subsection, placed in
6 shelter care or a staff secure juvenile detention facility
7 in accordance with criteria established for such facility,
8 or released to a parent, guardian or other custodian who
9 can provide supervision and care for the minor pending the
10 minor's appearance in court.

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

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19 (e) If a minor is taken into custody and is not
20 released to the minor's parent, guardian or custodian, the
21 person taking the minor into custody shall give written
22 notice thereof as soon as possible, and in no case later
23 than twenty-four (24) hours after taking the minor into

1 custody, to the minor's parent, guardian or custodian and
 2 to the court, together with a statement of the reason for
 3 taking the minor into custody.

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5 **7-1-107. Detention of juvenile offenders.**

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

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9 (iv) "Hardware secure juvenile detention
 10 facility" means a facility certified by the department of
 11 family services for the detention of minors that is
 12 characterized by locks on the doors and other restrictive
 13 hardware designed to restrict the movement of the minors
 14 and protect public safety;

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16 (v) "Staff secure juvenile detention facility" means
 17 a facility certified by the department of family services
 18 for the detention of minors that is characterized by a
 19 trained staff to supervise the movement and activities of
 20 detained minors at the facility, without the additional use
 21 of hardware secure equipment.

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23 **7-1-108. Incarceration of juvenile offenders.**

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(c) Except for an alleged delinquent minor who is released to the custody of the minor's parent, guardian or custodian, with verbal counsel, warning or a written promise to appear in court, the person taking the minor into custody shall ensure a juvenile detention risk assessment shall be promptly performed, using the instrument adopted by the department of family services pursuant to subsection (f) of this section. The minor shall be detained to determine if a parent, guardian or other custodian can reasonably provide supervision and care of the minor pending the minor's appearance in court, or if the minor is a serious risk to himself or to the safety of others, or if there is a likelihood that the minor may abscond or be removed from the jurisdiction of the court. If the risk assessment finds that the minor is a serious risk to himself or to the safety of others, or if there is a likelihood that the minor may abscond or be removed from the jurisdiction of the court, the minor shall be:

(i) Placed in detention in accordance with criteria established for detention of the minor in a hardware or staff secure juvenile detention facility;

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

(iii) If the child does not meet criteria specified in paragraph (i) of this subsection, placed in shelter care or a staff secure juvenile detention facility in accordance with criteria established for such facility, or released to a parent, guardian or other custodian who can provide supervision and care for the minor pending the minor's appearance in court.

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

(e) If a minor is taken into custody and is not released to the minor's parent, guardian or custodian, the

1 person taking the minor into custody shall give written
2 notice thereof as soon as possible, and in no case later
3 than twenty-four (24) hours after taking the minor into
4 custody, to the minor's parent, guardian or custodian and
5 to the court, together with a statement of the reason for
6 taking the minor into custody.

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8 (f) The department of family services, in
9 consultation with representatives of law enforcement
10 agencies and operators of juvenile detention facilities,
11 the governor's office and the state advisory council on
12 juvenile justice, shall adopt a uniform juvenile detention
13 risk assessment instrument. The department shall collect
14 and analyze data regarding the application of the juvenile
15 detention risk assessment instrument and shall report to
16 the joint judiciary interim committee annually beginning
17 January 1, 2011 and every January 1 thereafter.

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20 **14-6-206. Child in custody; no detention without**
21 **court order; exceptions; notice to parent or guardian;**
22 **release.**

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1 (a) In accordance with procedures specified in W.S.
2 7-1-108(c) and (d), a child taken into custody shall not be
3 held in detention or placed in shelter care without a court
4 order unless detention or shelter care is required to:

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6 **Section 2.**

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8 (a) Except as provided in subsection (b) of this
9 section, this act is effective July 1, 2010.

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11 (b) W.S. 7-1-108(f), created by this act, is
12 effective immediately upon completion of all acts necessary
13 for a bill to become law as provided by Article 4, Section
14 8 of the Wyoming Constitution.

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(END)