

SENATE FILE NO. SF0147

Status offenders.

Sponsored by: Senator(s) Sessions, Fecht and Von Flatern
and Representative(s) Landon, Martin and
White

A BILL

for

1 AN ACT relating to juveniles; amending the definition of
2 status offender as specified; amending the offense of minor
3 in possession of alcohol; amending penalties; amending
4 authority of courts as specified; requiring compliance with
5 procedures contained in the Juvenile Justice Act as
6 specified; conforming amendments; providing an
7 appropriation; and providing for an effective date.

8

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

10

11 **Section 1.** W.S. 5-6-112(b)(iii), 5-6-201(a),
12 5-6-301(a), 7-1-107(b)(intro) and (iii),
13 12-6-101(b)(intro), (c) and by creating new subsections (f)
14 and (g), 14-6-201(a)(xxiii) and 14-6-402(a)(xx) are amended
15 to read:

16

1 **5-6-112. Detention of juvenile offenders.**

2
3 (b) As used in W.S. 5-6-112 and 5-6-113:

4
5 (iii) "Status offense" means an offense which,
6 if committed by an adult, would not constitute an act
7 punishable as a criminal offense by the laws of this state
8 or a violation of a municipal ordinance~~., but does not~~
9 ~~include a~~ "Status offense" includes any violation of W.S.
10 12-6-101(b) or (c) or any similar municipal ordinance by a
11 person under eighteen (18) years of age.

12
13 **5-6-201. Jurisdiction of municipal judge; change of**
14 **venue prohibited; exception for certain civil penalties.**

15
16 (a) Except as provided by W.S. 12-6-101(f) and
17 subsection (b) of this section, a municipal judge has
18 exclusive jurisdiction over all violations of ordinances of
19 the city. The municipal judge shall hear and determine
20 violations of ordinances and may impose fines not exceeding
21 seven hundred fifty dollars (\$750.00), or imprisonment not
22 exceeding six (6) months, or both, to which may be added
23 costs. No change of venue shall be granted in any case
24 arising under the ordinances of the city.

1

2 **5-6-301. Punishment of persons convicted before**
3 **judge; maximum penalty permitted; power to punish for**
4 **contempt.**

5

6 (a) A person convicted before a municipal judge shall
7 be fined and imprisoned as provided by ordinance. Except as
8 provided by W.S. 12-6-101(f) or 15-1-103(a)(xli) or
9 subsection (c) of this section, no fine shall exceed seven
10 hundred fifty dollars (\$750.00), and no imprisonment shall
11 exceed six (6) months.

12

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

14

15 (b) As used in ~~W.S. 7-1-107~~ this section and W.S.
16 7-1-108:

17

18 (iii) "Status offense" means an offense which,
19 if committed by an adult, would not constitute an act
20 punishable as a criminal offense by the laws of this state
21 or a violation of a municipal ordinance. ~~., but does not~~
22 ~~include a~~ "Status offense" includes any violation of W.S.
23 12-6-101(b) or (c) or any similar municipal ordinance by a
24 person under eighteen (18) years of age.

1

2 **12-6-101. Sale or possession prohibited; when**
3 **possession unlawful; public drunkenness; falsification of**
4 **identification; penalty; prima facie identification as**
5 **defense.**

6

7 (b) It shall be unlawful for any person under the age
8 of twenty-one (21) years ~~who has~~ to have any alcoholic or
9 malt beverage in his possession or ~~who is~~ to be drunk or
10 under the influence of alcoholic liquor, malt beverages or
11 a controlled substance on any street or highway or in any
12 public place. ~~is guilty of a misdemeanor.~~ This subsection
13 does not apply to possession of alcoholic or malt beverages
14 by a person under the age of twenty-one (21) years:

15

16 (c) It shall be unlawful for any person under the age
17 of twenty-one (21) years ~~who attempts~~ to attempt in any
18 manner to purchase alcoholic or malt beverages or ~~who~~
19 ~~falsifies~~ to falsify any identification or ~~uses~~ use any
20 false identification in order to obtain alcoholic or malt
21 beverages. ~~is guilty of a misdemeanor.~~

22

23 (f) Any person who violates subsection (b) or (c) of
24 this section shall upon conviction be subject to a fine of

1 not more than two thousand dollars (\$2,000.00) for each
2 violation. The court may suspend part or all of the fine
3 imposed under this subsection:

4
5 (i) For any person who is eighteen (18),
6 nineteen (19) or twenty (20) years of age, if the person is
7 ordered to undergo a substance abuse assessment under W.S.
8 31-5-233(e) and if the person pursues and completes an
9 alcohol education or treatment program as prescribed by the
10 court;

11
12 (ii) For any person under eighteen (18) years of
13 age, if the minor complies with all conditions imposed by
14 the court. The court, including a municipal or circuit
15 court, shall conduct proceedings under this paragraph in
16 compliance with the procedures specified in W.S.
17 14-6-235(a) and (b), 14-6-239 and 14-6-243, and may:

18
19 (A) Require the minor to participate in a
20 teen court program pursuant to W.S. 7-13-1205;

21
22 (B) Require the minor, within the limits of
23 applicable laws and regulations governing child labor, to
24 perform a designated number of hours of community service,

1 to participate in a work program or to perform labor or
2 services under the supervision of a responsible adult
3 designated by the court. Any order shall enable the minor
4 to meet the obligations imposed pursuant to this subsection
5 or for the purpose of discipline and rehabilitation when
6 deemed necessary or desirable by the court;

7
8 (C) Order the minor to be examined or
9 treated by a physician, surgeon, psychiatrist or
10 psychologist or to obtain other specialized treatment,
11 care, counseling or training, and place the minor in a
12 hospital or medical facility, youth camp, school or other
13 suitable facility for treatment;

14
15 (D) Impose any demands, requirements,
16 limitations, restrictions or restraints on the minor, and
17 do all things with regard to the minor that his parents
18 might reasonably and lawfully do under similar
19 circumstances;

20
21 (E) Order the minor, his parents, or the
22 guardian, to undergo evaluation and indicated treatment or
23 another program designed to address problems which
24 contributed to the adjudication. A parent or guardian who

1 willfully violates or neglects or refuses to comply with
2 any order of the court may be found in contempt and
3 punished as provided by W.S. 14-6-242;

4
5 (F) After notice to appear, order the
6 minor's custodial and noncustodial parent or guardian to
7 participate in the minor's treatment or plan of supervision
8 or probation, or otherwise order the performance of any
9 acts which are reasonably necessary to aid the minor in
10 completion of court ordered obligations;

11
12 (G) Subject to an affirmative defense as
13 provided in W.S. 14-6-247(b), impose any one (1) or more of
14 the following requirements upon the minor's parents or
15 guardian if the court, after hearing, finds that the
16 minor's act was proximately caused by the failure or
17 neglect of the parent or guardian to subject the minor to
18 reasonable parental control and authority;

19
20 (I) Require the minor's parents or
21 guardian to perform community service with the minor;

1 (II) Require the minor's parents or
2 guardian to attend parenting classes or other appropriate
3 education or treatment program at their own expense.

4
5 (H) Place the minor on probation for not
6 less than three (3) months nor more than six (6) months;

7
8 (J) Require the minor's parents or
9 guardians to identify restrictions the parents or guardians
10 shall impose on the minor's activities and requirements the
11 parents or guardians shall set for the minor's behavior;
12 and

13
14 (K) Refer the minor to a community-based
15 youth intervention program designated by the court.

16
17 (g) The court may reinstate all or part of a fine
18 imposed under subsection (f) of this section if the person
19 whose fine was suspended fails to comply with any order of
20 the court.

21
22 **14-6-201. Definitions; short title; statement of**
23 **purpose and interpretation.**

1 (a) As used in this act:

2

3 (xxiii) "Status offense" means an offense which,
4 if committed by an adult, would not constitute an act
5 punishable as a criminal offense by the laws of this state
6 or a violation of a municipal ordinance. ~~., but does not~~
7 ~~include a~~ "Status offense" includes any violation of W.S.
8 12-6-101(b) or (c) or any similar municipal ordinance by a
9 person under eighteen (18) years of age;

10

11 **14-6-402. Definitions.**

12

13 (a) As used in this act:

14

15 (xx) "Status offense" means an offense which, if
16 committed by an adult, would not constitute an act
17 punishable as a criminal offense by the laws of this state
18 or a violation of a municipal ordinance. ~~., but does not~~
19 ~~include a~~ "Status offense" includes any violation of W.S.
20 12-6-101(b) or (c) or any similar municipal ordinance by
21 any person under eighteen (18) years of age;

22

23 **Section 2.** There is appropriated three hundred
24 thousand dollars (\$300,000.00) from the general fund to the

1 Wyoming supreme court for the fiscal year beginning July 1,
2 2007 and ending June 30, 2008 to implement the purposes of
3 this act. The Wyoming supreme court shall distribute the
4 funds under this section upon application from counties and
5 municipalities to pay for services provided to minors under
6 this act.

7

8 **Section 3.** This act is effective July 1, 2007.

9

10 (END)