

S.F. No. 0018	Expungement of misdemeanors.
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Sponsored By: Senator(s) Case and Burns and Representative(s) Greear and Zwonitzer, Dn.

AN ACT relating to criminal procedure; providing for the expungement of records of conviction of misdemeanors as specified; repealing related provisions; and providing for an effective date.

12/22/2014 Bill Number Assigned
1/13/2015 S Received for Introduction
1/14/2015 S Introduced and Referred to S01 - Judiciary
1/21/2015 Judiciary:Recommend Amend and Do Pass 5-0-0-0-0

ROLL CALL

Ayes: Senator(s) Christensen, Esquibel, F., Hicks, Kinskey, Von Flatern

Ayes 5 **Nays** 0 **Excused** 0 **Absent** 0 **Conflicts** 0

1/21/2015 S Placed on General File

SF0018SS001/ADOPTED

Page 1-line 3 After "specified;" insert "repealing related provision;".
Page 1-line 7 Delete "(ii)" insert "(i)"
Page 2-line 2 Strike "or"; after stricken "same" strike balance of line.
Page 2-line 3 Strike through "events,".
Page 2-After line 5 Insert:
"(i) At least five (5) years have passed for non status offenses and at least one (1) year has passed for status offenses as defined by W.S. 7-1-107(b)(iii) since the expiration of the terms of sentence imposed by the court, including any periods of probation or the completion of any program ordered by the court;".
Page 2-lines 7 through 11 Delete.
Page 2-After line 11 insert:
"**Section 2.** W.S. 7-13-1501(a)(ii) is repealed."
Page 2-line 13 Delete "**Section 2**" insert "**Section 3**".
CHRISTENSEN, CHARIRMAN

1/22/2015 S COW Passed
1/23/2015 S 2nd Reading:Passed
1/26/2015 S 3rd Reading:Passed 24-5-1-0-0

ROLL CALL

Ayes: Senator(s) Anderson, J.L.(SD28), Barnard, Bebout, Burns, Case, Christensen, Coe, Cooper, Driskill, Emerich, Esquibel, Geis, Hicks, Johnson, Kinskey, Landen, Pappas, Perkins, Peterson, Ross, Rothfuss, Scott, Von Flatern, Wasserburger

Nays: Senator(s) Anderson, J.D.(SD02), Craft, Dockstader, Hastert, Meier

Excused: Senator Nicholas Pres

Ayes 24 **Nays** 5 **Excused** 1 **Absent** 0 **Conflicts** 0

1/28/2015 H Received for Introduction
2/9/2015 H Introduced and Referred to H01 - Judiciary

2/19/2015 Judiciary:Recommend Do Pass 9-0-0-0-0

ROLL CALL

Ayes: Representative(s) Baker, Esquibel, K., Halverson, Kroeker, Krone, Miller, Pelkey, Pownall, Winters

Ayes 9 **Nays** 0 **Excused** 0 **Absent** 0 **Conflicts** 0

2/19/2015 H Placed on General File

2/20/2015 H COW Passed

SF0018H2001/ADOPTED

(TO ENGROSSED COPY)

Page 1-Above line 1 In the catch title delete "of misdemeanors".
Page 1-line 1 Delete "criminal procedure" insert "expungement of records".

Page 1-line 3 After "specified;" insert "providing for expungement of juvenile records as specified; providing prosecutorial discretion to petition to postpone expungement; providing conforming amendments;".

Page 1-line 8 Delete "is" insert ", 14-6-241 and 14-6-503(d) are".

Page 2-After line 14: Insert:

"14-6-241. Expungement of records in juvenile and municipal courts.

(a) Except as provided herein, the juvenile court shall order the expungement of records of any person adjudicated delinquent as a result of having committed a delinquent act other than a violent felony as defined by W.S. 6-1-104(a) (xii), a violation of a state or municipal traffic law or ordinance or a violation of W.S. 23-3-102(d) or W.S. 23-3-107, under the provisions of this act may petition the court for the expungement of his record in the juvenile court upon the person reaching notifying the juvenile court and the district attorney that the person has reached the age of majority. If after investigation the court finds that the petitioner has not been convicted of a felony since adjudication, that no proceeding involving a felony is pending or being instituted against the petitioner and the rehabilitation of the petitioner has been attained to the satisfaction of the court or the prosecuting attorney, it shall order expunged all records in the custody of the court or any agency or official, pertaining to the petitioner's case. The prosecuting attorney may petition the court to postpone the expungement of juvenile court records under this section prior to the person reaching the age of majority. The person whose expungement of records is challenged shall be given notice and opportunity to contest the prosecuting attorney's petition. If the court determines that the person has been convicted of a felony since adjudication, proceedings involving a felony is pending or being instituted against the person or that the rehabilitation of the person has not been attained to the satisfaction of the court, the court shall deny the expungement. No less than three (3) years from the issuance of an order denying expungement, the person may petition the court for expungement of juvenile court records under this section. Copies of the order of expungement shall be sent to each agency or official named in the order. Upon entry of an order the proceedings in the petitioner's case are deemed never to have occurred and the petitioner may reply accordingly upon any inquiry in the matter.

(b) The record of a violation of municipal ordinances ~~may~~ shall be expunged in the same manner as provided in subsection (a) of this

section by ~~petition to~~ the municipal court and expungement may be postponed in the same manner as provided in subsection (a) of this section.

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

(d) Upon reaching the age of majority, a person may petition the court having appropriate jurisdiction for expungement of a conviction for a juvenile violation of a state or municipal traffic law or ordinance or a violation of W.S. 23-3-102(d) or W.S. 23-3-107. If after investigation the court finds that the petitioner has served the full term and conditions of the person's adjudication, that the person has not been convicted of a felony since adjudication, that no proceeding involving a felony is pending or being instituted against the petitioner and the rehabilitation of the petitioner has been attained to the satisfaction of the court, it shall order expunged all records in the custody of the court or any agency or official, pertaining to the petitioner's case.

(e) The court having appropriate jurisdiction shall notify the person at the time of a decision or adjudication of the person's case and shall inform the person:

(i) Whether the person may be entitled to expungement under subsection (a), (b) or (c) of this section;

(ii) Whether the person has the right to petition for expungement under subsection (d) of this section;

(iii) That the prosecuting attorney may petition the court to postpone expungement under this section and that the person shall be provided notice and opportunity to contest the prosecuting attorney's petition.

(f) As used in this section, "expungement" means the proceedings in a person's case are deemed never to have occurred and the person may reply accordingly upon any inquiry in the matter.

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

(d) At the time of a decision or adjudication, the prosecuting attorney shall notify in writing, or in person, victims who have participated in the delinquency proceedings of ~~an application for the~~ expungement of the juvenile's records under W.S. 14-6-241. The victim ~~shall be afforded the opportunity to make a statement at the hearing on the application~~ may request that the prosecuting attorney petition the court to postpone the expungement pursuant to W.S. 14-6-241(a). The prosecuting attorney shall exercise discretion when determining whether to petition for postponement of expungement of records pursuant to a request of a victim under this subsection." THRONE

2/23/2015 H 2nd Reading:Passed

2/24/2015 H 3rd Reading:Passed 59-0-1-0-0

ROLL CALL

Ayes: Representative(s) Allen, Baker, Baldwin, Barlow, Berger, Blackburn, Blake, Brown Speaker, Burkhart, Byrd, Campbell, Cannady, Clem, Connolly, Dayton, Edmonds, Edwards, Eklund, Esquibel, Freeman, Gay, Greear, Halverson, Harshman, Harvey, Hunt, Jaggi, Jennings, Kasperik, Kirkbride, Kroeker, Krone, Larsen Lloyd, Laursen Dan, Lindholm, Lockhart, Loucks, Madden, McKim, Miller, Moniz, Nicholas,

Northrup, Paxton, Pelkey, Petroff, Piiparinen, Pownall, Reeder, Schwartz, Sommers, Steinmetz, Stubson, Throne, Walters, Wilson, Winters, Zwonitzer,Dn, Zwonitzer,Dv

Excused: Representative Patton

Ayes 59 **Nays** 0 **Excused** 1 **Absent** 0 **Conflicts** 0

2/24/2015 S Received for Concurrence

2/24/2015 S Concur:Failed 0-19-11-0-0

ROLL CALL

Nays: Senator(s) Anderson, J.L.(SD28), Barnard, Bebout, Case, Christensen, Cooper, Craft, Emerich, Esquibel, Geis, Hicks, Johnson, Kinskey, Landen, Meier, Nicholas Pres, Peterson, Scott, Von Flatern

Excused: Senator(s) Anderson, J.D.(SD02), Burns, Coe, Dockstader, Driskill, Hastert, Pappas, Perkins, Ross, Rothfuss, Wasserburger

Ayes 0 **Nays** 19 **Excused** 11 **Absent** 0 **Conflicts** 0

2/25/2015 S Appointed JCC01 Members

Senator(s) Case, Burns, Craft

2/26/2015 H Appointed JCC01 Members

Representative(s) Greear, Miller, Throne

3/2/2015 S Adopted SF0018JC001: 28-1-1-0-0

SF0018JC001/SADOPTED (TO ENGROSSED COPY)

Delete the following House amendments:

SF0018H2001/AE CASE, BURNS, CRAFT, GREEAR, MILLER, THRONE

ROLL CALL

Ayes: Senator(s) Anderson, J.D.(SD02), Anderson, J.L.(SD28), Barnard, Bebout, Burns, Case, Christensen, Coe, Cooper, Driskill, Emerich, Esquibel, Geis, Hastert, Hicks, Johnson, Kinskey, Landen, Meier, Nicholas Pres, Pappas, Perkins, Peterson, Ross, Rothfuss, Scott, Von Flatern, Wasserburger

Nays: Senator Dockstader

Excused: Senator Craft

Ayes 28 **Nays** 1 **Excused** 1 **Absent** 0 **Conflicts** 0

3/3/2015 H Adopted SF0018JC001: 59-0-1-0-0

SF0018JC001/SADOPTEDHADOPTED (TO ENGROSSED COPY)

Delete the following House amendments:

SF0018H2001/AE CASE, BURNS, CRAFT, GREEAR, MILLER, THRONE

ROLL CALL

Ayes: Representative(s) Allen, Baker, Baldwin, Barlow, Berger, Blackburn, Blake, Brown Speaker, Burkhart, Byrd, Campbell, Cannady, Clem, Connolly, Dayton, Edmonds, Edwards, Eklund, Esquibel, Freeman, Gay, Greear, Halverson, Harshman, Harvey, Hunt, Jaggi, Jennings, Kasperik, Kirkbride, Kroeker, Krone, Larsen Lloyd, Laursen Dan, Lindholm, Lockhart, Loucks, Madden, McKim, Miller, Moniz, Nicholas, Northrup, Paxton, Pelkey, Petroff, Piiparinen, Pownall, Reeder, Schwartz, Sommers, Steinmetz, Stubson, Throne, Walters, Wilson, Winters, Zwonitzer,Dn, Zwonitzer,Dv

Excused: Representative Patton

Ayes 59 **Nays** 0 **Excused** 1 **Absent** 0 **Conflicts** 0

3/3/2015 Assigned Number SEA No. 0063

3/4/2015 S President Signed SEA No. 0063
3/4/2015 H Speaker Signed SEA No. 0063
3/12/2015 Governor Signed SEA No. 0063
3/12/2015 Assigned Chapter Number
Chapter No. 164 Session Laws of Wyoming 2015