

## 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; providing a definition; and providing for an  
4 effective date.

5

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

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

11

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

15

1           (a) A person, or the state with regard to a petition  
2 for the expungement of records pertaining to a juvenile, may  
3 petition the court in which a proceeding occurred, or would  
4 have occurred, for an order expunging records of arrest,  
5 charges or dispositions which may have been made in the case,  
6 subject to the following limitations:

7  
8           (k) The state may file a petition for the expungement  
9 of a juvenile arrest record, charges or dispositions without  
10 service on the juvenile. For the purposes of this subsection,  
11 "expungement" means as defined in W.S. 14-6-241(f).

12  
13           **14-6-241. Expungement of records in juvenile, circuit**  
14 **and municipal courts.**

15  
16           (a) Any person adjudicated delinquent as a result of  
17 having committed a delinquent act other than a violent felony  
18 as defined by W.S. 6-1-104(a)(xii), under the provisions of  
19 this act may petition the court for the expungement of his  
20 record in the juvenile court upon reaching the age of  
21 majority. Any petition filed under this section shall be  
22 verified by the petitioner, served upon and reviewed by the  
23 prosecuting attorney, and no order granting expungement shall

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

22

1           (b) The record of a minor convicted of a violation of  
2 a municipal ~~ordinances~~ ordinance may be expunged in the same  
3 manner as provided in subsection (a) of this section by  
4 petition to the municipal court.

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

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

20  
21           (f) For purposes of this section, expungement means to  
22 permanently destroy or delete all records, including physical  
23 and electronic records, documents and images of documents. If

1 a minor's name appears on a court list, index or other  
2 compilation containing other information not subject to  
3 expungement, expungement means to redact by obliterating the  
4 minor's name from the record.

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

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

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

1 procedures to ensure expungement of records following  
2 restoration of a backup database.

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

9  
10 (j) No filing fee shall be required for a petition for  
11 the expungement of a juvenile record under this section.

12  
13 **14-6-440. Expungement of records in juvenile court.**

14  
15 Any person adjudicated in need of supervision under the  
16 provisions of this act may petition the court for the  
17 expungement of his record in the juvenile court upon reaching  
18 the age of majority. If after investigation the court finds  
19 that the petitioner has not been convicted of a felony since  
20 adjudication, that no proceeding involving a felony is  
21 pending or being instituted against the petitioner and the  
22 rehabilitation of the petitioner has been attained to the  
23 satisfaction of the court or the prosecuting attorney, it

1 shall order expunged all records in any format including  
2 electronic records in the custody of the court or any agency  
3 or official, pertaining to the petitioner's case. Copies of  
4 the order shall be sent to each agency or official named in  
5 the order. Upon entry of an order the proceedings in the  
6 petitioner's case are deemed never to have occurred and the  
7 petitioner may reply accordingly upon any inquiry in the  
8 matter. Expungement pursuant to this section shall be  
9 accomplished as provided in W.S. 14-6-241.

10

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

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(END)