

ORIGINAL HOUSE
BILL NO. HB0009

ENROLLED ACT NO. 2, HOUSE OF REPRESENTATIVES

SIXTY-FIFTH LEGISLATURE OF THE STATE OF WYOMING
2020 BUDGET SESSION

AN ACT relating to courts; requiring courts to provide abstracts of court records to state agencies; specifying information to be included in abstracts; making conforming amendments; and providing for an effective date.

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

Section 1. W.S. 7-1-102, 7-13-1203(f), 7-19-107(b), (e)(intro) and by creating new subsections (k) and (m), 23-6-108(b) and by creating a new subsection (c), 31-5-1214(b) and by creating a new subsection (g) and 31-7-126 are amended to read:

7-1-102. Record of information for ascertaining condition of crime in state.

All town, city, county and state law enforcement agencies, district courts, courts of limited jurisdiction, district attorneys, state adult and juvenile correctional institutions and state and local probation and parole agencies shall maintain a public record of crime and criminals and the operation of the criminal justice system. The attorney general shall provide uniform forms for reporting all information necessary to obtain reliable statistics to ascertain the true condition of the crime situation in the state. The officer, agency or court shall furnish the information requested by the attorney general, except that upon implementation of a case management system in a circuit or district court that has the capability of transferring information electronically, the supreme court shall, on behalf of the circuit or district court, furnish the abstract of the court record to the attorney general as required under W.S. 7-19-107(k).

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7-13-1203. Authority to establish teen court program.

(f) Discharge and dismissal under this section shall be without adjudication of guilt and is not a conviction for any purpose. If the original offense charged was a traffic offense, the supreme court shall, on behalf of the circuit court and within thirty (30) days after the discharge and dismissal is entered, submit to the department of transportation an abstract of the court record of the court evidencing the defendant's successful completion of the teen court program compiled under W.S. 7-19-107(k). If the original offense was a traffic offense charged in municipal court, the municipal court shall, within thirty (30) days after the discharge and dismissal is entered, submit to the department of transportation an abstract of the court record compiled under W.S. 7-19-107(k). The department shall maintain abstracts received under this subsection as provided by W.S. 31-5-1214(f).

7-19-107. Central repository; information to be submitted; audits; interstate exchanges.

(b) For the purpose of maintaining complete and accurate criminal history record information at the central repository, all city, county and state law enforcement agencies, district courts, courts of limited jurisdiction, district attorneys, the department of corrections, state juvenile correctional institutions and local probation and parole agencies shall submit the criminal history record information required under this section for which they are responsible to the division for filing at the earliest time possible following the occurrence of the reportable event. Except as provided in subsection (k) of this section,

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reports shall be submitted on uniform forms approved and provided by the division.

(e) Except as provided in subsection (k) of this section, all district attorneys and clerks of the district courts and courts of limited jurisdiction shall furnish the division with information concerning final dispositions in criminal cases covered by this act. The information shall include, for each charge:

(k) Upon implementation of a case management system in a circuit or district court, the supreme court shall, on behalf of the district or circuit court, furnish electronically to the division an abstract of the court record within ten (10) days after entry of a judgment of conviction or forfeiture of bail. The abstract shall include:

(i) The name and address of the person charged;

(ii) A citation to the statute of each offense charged;

(iii) The finding or disposition of each offense charged;

(iv) The amount of fine, forfeiture or penalty imposed, if any, or any changes to the amount;

(v) Other information as determined and agreed upon by the office of the attorney general and the supreme court pursuant to rules promulgated by the attorney general and the supreme court.

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(m) Nothing in subsection (k) of this section shall preclude a state agency from requesting and obtaining public court records as provided by court rule.

23-6-108. Record of game and fish cases; report of convictions to department.

(b) Except as provided in subsection (c) of this section, within ~~thirty~~ ~~(30)~~ ten (10) days after the conviction or forfeiture of bail of a person upon a charge of violating any provision of this act, the judge or clerk of the court in which the conviction was had or bail was forfeited, shall forward to the department ~~a certified~~ ~~an~~ abstract of the ~~record of the~~ court record covering the case in which the person was convicted or forfeited bail. The abstract shall be made upon a form furnished by the department and shall include the name and address of the party charged, the number of his game or fish license, if any, the nature of the offense, the date of hearing, the plea, the judgment, or whether bail was forfeited, and the amount of fine, forfeiture or penalty imposed.

(c) Upon implementation of a case management system in a circuit court or district court, the supreme court shall, on behalf of the circuit court or district court, furnish the abstract of the court record required under this section to the department. The abstract furnished under this section shall include the information required in W.S. 7-19-107(k).

31-5-1214. Record of traffic cases; reports of convictions.

(b) Except as provided in subsection (g) of this section, within ten (10) days after the conviction or

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forfeiture of bail of a person upon a charge of violating any provisions of this act or other law regulating the operation of vehicles on highways every clerk of the court of record in which the conviction was had or bail was forfeited shall prepare and immediately forward to the department an abstract of the ~~record of the court~~ record covering the case in which the person was so convicted or forfeited bail, which abstract must be certified by the person required to prepare the same to be true and correct. Report need not be made of any conviction involving the illegal parking or standing of a vehicle.

(g) Upon implementation of a case management system in a circuit court or district court, the supreme court shall, on behalf of the circuit court or district court, furnish the abstract of the court record required under this section to the department. The abstract furnished under this section shall include the information required in W.S. 7-19-107(k).

31-7-126. Reporting of convictions and failure to appear by courts.

(a) Except as provided in subsection (b) of this section, every court having jurisdiction under any statute of this state or a municipal ordinance adopted by local authority regulating the driving of motor vehicles, shall forward to the division within ten (10) working days from the date of conviction a record of the conviction of any person in the court for a violation of any of those laws or ordinances, other than those regulating standing or parking of a motor vehicle. The court shall also forward to the division a report of any violation by any person of a promise to appear in court as given to the arresting officer upon the issuance of a traffic citation and any

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failure to appear in court at the time specified by the court. Failure of a court to forward a record of conviction or violation under this section within the time specified in this section from the date of conviction or violation shall not affect the division's authority under this act.

(b) Upon implementation of a case management system in a circuit court or district court, the supreme court shall, on behalf of the circuit court or district court, furnish the abstract of the court record required under this section to the division. The abstract furnished under this section shall include the information required in W.S. 7-19-107(k).

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Section 2. This act is effective July 1, 2020.

(END)

Speaker of the House

President of the Senate

Governor

TIME APPROVED: _____

DATE APPROVED: _____

I hereby certify that this act originated in the House.

Chief Clerk