

HOUSE BILL NO. HB0123

Juvenile records-expungement.

Sponsored by: Representative(s) Throne, Esquibel, K. and
Halverson and Senator(s) Burns and Craft

A BILL

for

1 AN ACT relating to juveniles; providing for expungement of
2 juvenile records as specified; providing prosecutorial
3 discretion to petition to postpone expungement; providing
4 conforming amendments; and providing for an effective date.

5

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

7

8 **Section 1.** W.S. 14-6-241 and 14-6-503(d) are amended
9 to read:

10

11 **14-6-241. Expungement of records in juvenile and**
12 **municipal courts.**

13

14 (a) Except as provided herein, the juvenile court
15 shall order the expungement of records of any person

1 adjudicated delinquent as a result of having committed a
2 delinquent act other than a violent felony as defined by
3 W.S. 6-1-104(a) (xii) or a violation of a state or municipal
4 traffic law or ordinance, under the provisions of this act
5 ~~may petition the court for the expungement of his record in~~
6 ~~the juvenile court~~ upon the person reaching the age of
7 majority. ~~If after investigation the court finds that the~~
8 ~~petitioner has not been convicted of a felony since~~
9 ~~adjudication, that no proceeding involving a felony is~~
10 ~~pending or being instituted against the petitioner and the~~
11 ~~rehabilitation of the petitioner has been attained to the~~
12 ~~satisfaction of the court or the prosecuting attorney, it~~
13 ~~shall order expunged all records in the custody of the~~
14 ~~court or any agency or official, pertaining to the~~
15 ~~petitioner's case.~~ The district attorney may petition the
16 court to postpone the expungement of juvenile court records
17 under this section prior to the person reaching the age of
18 majority. The person whose expungement of records is
19 challenged shall be given notice and opportunity to contest
20 the district attorney's petition. If the court determines
21 that there is good cause to delay the expungement of
22 records under this section, the court shall deny the
23 expungement. No less than three (3) years from the issuance

1 of an order denying expungement, the person may petition
2 the court for expungement of juvenile court records under
3 this section. Copies of the order of expungement shall be
4 sent to each agency or official named in the order. Upon
5 entry of an order the proceedings in the petitioner's case
6 are deemed never to have occurred and the petitioner may
7 reply accordingly upon any inquiry in the matter.

8
9 (b) The record of a violation of municipal ordinances
10 ~~may shall~~ be expunged in the same manner as provided in
11 subsection (a) of this section by ~~petition to~~ the municipal
12 court and expungement may be postponed in the same manner
13 as provided in subsection (a) of this section.

14
15 (c) The record of a minor convicted of a misdemeanor
16 in circuit court ~~may shall~~ be expunged in the same manner
17 as provided in subsection (a) of this section by ~~petition~~
18 ~~to~~ the circuit court and expungement may be postponed in
19 the same manner as provided in subsection (a) of this
20 section.

21
22 (d) Upon reaching the age of majority, a person may
23 petition the court having appropriate jurisdiction for

1 expungement of a conviction for a juvenile violation of a
2 state or municipal traffic law or ordinance.

3
4 (e) The court having appropriate jurisdiction over a
5 person's records shall notify the person at the time of a
6 decision or adjudication of the person's case and shall
7 inform the person:

8
9 (i) Whether the person's records are set to be
10 expunged under subsection (a), (b) or (c) of this section;

11
12 (ii) Whether the person has the right to
13 petition for expungement of the person's records under
14 subsection (d) of this section;

15
16 (iii) That the district attorney may petition
17 the court to postpone the expungement of records under
18 this section and that the person shall be provided notice
19 and opportunity to contest the district attorney's
20 petition.

21
22 (f) As used in this section, "expungement" means the
23 proceedings in a person's case are deemed never to have

1 occurred and the person may reply accordingly upon any
2 inquiry in the matter.

3

4 **14-6-503. Rights of victims to be informed during the**
5 **delinquency proceeding.**

6

7 (d) The prosecuting attorney shall notify in writing,
8 or in person, victims who have participated in the
9 delinquency proceedings of ~~an application for the~~
10 expungement of the juvenile's records under W.S. 14-6-241
11 not less than six (6) months prior to the juvenile reaching
12 the age of majority. The victim ~~shall be afforded the~~
13 ~~opportunity to make a statement at the hearing on the~~
14 ~~application~~ may request that the prosecuting attorney
15 petition the court to postpone the expungement pursuant to
16 W.S. 14-6-241(a). The prosecuting attorney shall exercise
17 discretion when determining whether to petition for
18 postponement of expungement of records pursuant to a
19 request of a victim under this subsection.

20

21 **Section 2.** This act shall apply to the juvenile court
22 proceedings records of all persons reaching the age of
23 majority on or after the effective date of this act.

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2 **Section 3.** This act is effective July 1, 2015.

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(END)