

CHAPTER 3

Original House Bill No. 35

AGE OF MAJORITY FOR JUVENILE COURT ACT

AN ACT to amend W.S. 14-115.2 (e), (f) and (g), 14-115.4(a)(ii), 14-115.41 and 14-115.42 relating to juvenile courts; providing that the Juvenile Court Act conform to the general Wyoming statutes as to age of majority; providing for severability; and providing for an effective date.

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

Section 1. W.S. 14-115.2(e), (f) and (g), 14-115.4(a)(ii), 14-115.41 and 14-115.42 are amended to read:

14-115.2. Definitions; rules of construction. As used in this act:

(e) "Child" means an individual who is under the age of nineteen (19) years.

(f) "Minor" means an individual who is under the age of nineteen (19) years.

(g) "Adult" means an individual who is nineteen (19) years of age or over.

14-115.4. Jurisdiction generally.

(a) The court has general jurisdiction in all matters and proceedings commenced therein or transferred to it by order of the district court:

(ii) Concerning any minor who is alleged to have committed a delinquent act before attaining the age of nineteen (19) years;

14-115.41. When child may be fingerprinted or photographed; retention or destruction of fingerprint records; consent of court required for disclosure of law enforcement records.

(a) No person under the age of nineteen (19) years taken into custody shall be fingerprinted or photographed by any law enforcement agency or officer unless a complaint or petition against him has been filed in a court of adult jurisdiction. Provided however, if latent fingerprints are found during the investigation of an offense and a law enforcement officer has reasonable grounds to believe that they are those of a child against whom a petition has been filed alleging the commission of a delinquent act, he may fingerprint the child regardless of the offense for purposes of immediate comparison with the latent fingerprints. If the comparison is negative, the fingerprint card and all copies of the fingerprints shall be destroyed. If the comparison is positive, the fingerprint card and all copies of the fingerprints shall be delivered to the court for disposition as the court may direct.

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(b) Fingerprints of a child found to have committed a delinquent act which, if committed by an adult would constitute a felony, may be retained in a local file at the discretion of the court.

(c) A child shall not be photographed for criminal identification without the consent of the court, unless the case is transferred for criminal prosecution.

(d) All law enforcement records concerning a child against whom a petition is filed under the provisions of this act shall be kept separate from records and files of adults, and shall not be open to public inspection nor their contents disclosed for newspaper publication without the written consent of the court.

14-115.42. Expungement of records in juvenile court. Any person who has been adjudicated delinquent, in need of supervision or neglected under the provisions of this act, may, upon reaching the age of nineteen (19) years, petition the court for the expungement of his record in the juvenile court. If after an investigation as the court deems necessary, the court finds that the petitioner has not since the adjudication, been convicted of a felony and that no proceeding involving a felony is pending or being instituted against the petitioner, and that 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 in the custody of any agency or official pertaining to the petitioner's case. Copies of the order shall be sent to each agency or official named in the order. Upon the entry of an order the proceedings in the petitioner's case shall be deemed never to have occurred and the petitioner may properly reply accordingly upon any inquiry in the matter. The record of a violation of municipal ordinances may be expunged in the same manner as above, by petition to the municipal court.

Section 2. If any provision of this act or its application to any person or circumstance is held invalid, the invalidity does not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to this end the provisions of this act are severable.

Section 3. This act is effective May 28, 1976.

Approved February 27, 1976.