

Draft Only
Approval Pending
**SUMMARY of
PROCEEDINGS**



JOINT JUDICIARY COMMITTEE

COMMITTEE MEETING INFORMATION

November 15-16, 2018 | 8:30 AM
Jonah Business Center, Room L54
3001 E. Pershing Blvd.
Cheyenne, Wyoming

COMMITTEE MEMBERS PRESENT

Senator Leland Christensen, Co-Chairman
Representative Dan Kirkbride, Co-Chairman
Senator Liisa Anselmi-Dalton
Senator Larry Hicks
Senator Dave Kinskey
Senator Tara Nethercott
Representative Bo Biteman
Representative Mark Jennings
Representative Jared Olsen
Representative Charles Pelkey
Representative Bill Pownall
Representative Tim Salazar
Representative Clark Stith
Representative Nathan Winters

LEGISLATIVE SERVICE OFFICE STAFF

Torey Racines, Legislative Counsel
Brian Fuller, Staff Attorney
Kayla Spencer, Staff Attorney
MaryBeth Oatsvall, Legislative Editor

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OTHERS PRESENT AT MEETING

Please refer to **Appendix 1-02** to review the Committee Sign-in Sheet for a list of other individuals who attended the meeting.

EXECUTIVE SUMMARY

The Committee met for two days in Cheyenne. The Committee heard testimony and considered draft legislation regarding guardianship terminations and orders, jury procedure amendments, expungement of juvenile court records, court security cameras, endangerment of children with controlled substances, crime victim compensation eligibility clarification, limitation on the length of probation and parole, modification of probation, and an incentives and sanctions system for probation, parole, and conditional release. The Committee voted to sponsor draft legislation concerning jury procedure amendments, expungement of juvenile court records, crime victim compensation eligibility clarification, limitation on the length of probation, modification of probation, and the incentives and sanctions system.

CALL TO ORDER (NOVEMBER 15, 2018)

Co-Chairman Christensen called the meeting to order at 8:33 a.m. The following sections summarize the Committee proceedings by topic. Please refer to [Appendix 1-01](#) to review the Committee Meeting Agenda.

APPROVAL OF MINUTES

Minutes from the September 20-21, 2018 Committee meeting were approved without change.

GUARDIANSHIP

Brian Fuller, Staff Attorney, gave an overview of 19LSO-0026 ([Appendix 2-01](#)), which provides for termination of established guardianships and authorizes court orders related to the termination of guardianships. Mr. Fuller also provided an overview of his memorandum ([Appendix 2-02](#)), which provides background of current Wyoming law and guardianship statutes in Wyoming and other states.

AGENCY COMMENT

Judge Timothy Day, Ninth Judicial District Court, and Judge Joseph Bluemel, Third Judicial District Court, stated that this bill draft provides them with another option to use when hearing matters related to the termination of guardianships.

PUBLIC COMMENT

Donna Sheen, Wyoming Children's Law Center, expressed support for the bill draft. Ms. Sheen stated that Wyoming's guardianship laws as a whole need updating to better reflect the rights of children.

Lindsey Sears, Homeschoolers of Wyoming, expressed opposition to the bill draft and stated the proposed bill doesn't adequately require a determination of the unfitness of the parent.

Douglas Pietersma, expressed opposition to the proposed bill.

Jan Loftus, ParentalRights.org, expressed opposition to the current bill draft and provided handouts citing cases and the tradition of parental rights ([Appendices 2-05](#) and [2-06](#)), which states that the relationship between parent and child is constitutionally protected.

Cassie Craven, Wyoming Liberty Group, expressed her opposition to the bill draft in its current form and stated there is no precedent to support the bill draft as drafted. Ms. Craven suggested creating standing for guardians through a different statutory scheme.

Annie McGlothin, Guardians as Protectors, expressed her support for the bill draft and provided the Committee with handouts related to guardianship and discussed suggested changes to the bill draft ([Appendices 2-03](#) and [2-04](#)).

After Committee discussion, Senator Nethercott moved the Committee to sponsor 19LSO-0026. The motion failed by roll call vote of the house. Chairman Christensen, Senator Kinsky and Representatives Biteman, Jennings, Olsen, Salazar, Stith, and Winters voted no.

JUDICIAL UPDATES

Jury procedure amendments. (19LSO-0022 v0.7)

Mr. Fuller gave an overview of 19LSO-0022 ([Appendix 3-01](#)), which would amend the provisions related to juror selection, composition, exemption, excusal, compensation and repeals a provision related to completing a jury panel.

AGENCY COMMENT

Elisa Butler, General Counsel, Wyoming Supreme Court, stated the bill draft would provide flexibility to clerks of court.

PUBLIC COMMENT

No members of the public commented.

Senator Anselmi-Dalton moved the Committee sponsor 19LSO-0022. The motion passed unanimously by roll call vote. The Committee adopted the following amendments:

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| Page 5-line 19 | After " <u>summoned.</u> " insert " <u>A person who is discharged under this section is not required to appear in court.</u> " |
| Page 10-line 17 | Strike " <u>twelve (12) if demanded</u> "; delete " <u>or if</u> " and insert " <u>or other number of persons designated for a jury under W.S. 1-11-119</u> ". |
| Page 10-line 18 | Delete " <u>the trial is for a criminal case in district court</u> ". |

Expungement of juvenile court records. (19LSO-0107 v0.9)

Torey Racines, Legislative Counsel, gave an overview of 19LSO-0107 ([Appendix 3-02](#)), which would amend juvenile offender expungement provisions relating to agency and court records.

AGENCY COMMENT

Korin Schmidt, Deputy Director, Department of Health, expressed support for the bill draft but outlined technical issues her department would face with the requirement to destroy records. She noted that federal reporting requirements mandated keeping records for a certain period to comply with required audits.

Committee Meeting Materials Index

Index Number	Agenda Item	Document Description	Document Provider
1-01		Agenda	LSO
1-02		Sign-in Sheets	LSO
2-01	Guardianship	19LSO-0026 v0.5 Guardianship terminations and orders.	LSO
2-02	Guardianship	Memo: Guardianship termination and orders.	LSO
2-03	Guardianship	Guardianship Bill Draft-Suggested Amendments	Guardians as Protectors
2-04	Guardianship	The Truth about Troxel	Guardians as Protectors
2-05	Guardianship	Tradition of Parental Rights Handout	Jan Loftus, ParentalRights.org
2-06	Guardianship	In the Interest of SRB-M, a minor Handout	Jan Loftus, ParentalRights.org
3-01	Judicial Updates	19LSO-0022 v0.7 Jury procedure amendments.	LSO
3-02	Judicial Updates	19LSO-0107 v0.9 Expungement of juvenile court records.	LSO
3-03	Judicial Updates	19LSO-0025 v0.5 Court security cameras.	LSO
3-04	Judicial Updates	Security Cameras Handout	Wyoming Supreme Court
3-05	Judicial Updates	Cost Analysis for Security Cameras	Wyoming Supreme Court
3-06	Judicial Updates	Expungement of Juvenile Court Records Letter	Richard Kaysen, Wyoming Association of Municipalities
4-01	Opioid Task Force bill referral	19LSO-0113 v0.6 Crimes and offenses-controlled substances.	LSO
5-01	Justice Reinvestment	Parole in Wyoming	Wyoming Board of Parole

JOINT JUDICIARY COMMITTEE *Summary of Proceedings*

Senator Leland Christensen, Co-Chairman