

**DRAFT ONLY  
NOT APPROVED FOR  
INTRODUCTION**

SENATE FILE NO. \_\_\_\_\_

Juvenile detention facilities-admissions criteria.

Sponsored by: Joint Judiciary Interim Committee

A BILL

for

1 AN ACT relating to juvenile detention; requiring a risk  
2 assessment for alleged delinquent minors as specified;  
3 requiring the department of family services to adopt a  
4 uniform juvenile detention risk assessment instrument;  
5 providing definitions; requiring a report; and providing  
6 for effective dates.

7

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

9

10 **Section 1.** W.S. 5-6-112(b) by creating new paragraphs  
11 (iv) and (v), 5-6-113 by creating new subsections (c)  
12 through (e), 7-1-107(b) by creating new paragraphs (iv) and

1 (v), 7-1-108 by creating new subsections (c) through (f)  
2 and 14-6-206(a) (intro) are amended to read:

3

4 **5-6-112. Detention of juvenile offenders.**

5

6 (b) As used in W.S. 5-6-112 and 5-6-113:

7

8 (iv) "Hardware secure juvenile detention  
9 facility" means a facility certified by the department of  
10 family services for the detention of minors that is  
11 characterized by locks on the doors and other restrictive  
12 hardware designed to restrict the movement of the minors  
13 and protect public safety;

14

15 (v) "Staff secure juvenile detention facility"  
16 means a facility certified by the department of family  
17 services for the detention of minors that is characterized  
18 by a trained staff to supervise the movement and activities  
19 of detained minors at the facility, without the additional  
20 use of hardware secure equipment.

21

22 **5-6-113. Incarceration of juvenile offenders.**

23

1       (c) Except for an alleged delinquent minor who is  
2 released to the custody of the minor's parent, guardian or  
3 custodian, with verbal counsel, warning or a written  
4 promise to appear in court, the person taking the minor  
5 into custody shall ensure that a juvenile detention risk  
6 assessment shall be promptly performed, using the  
7 instrument adopted by the department of family services in  
8 accordance with W.S. 7-1-108. The minor shall be detained  
9 to determine if a parent, guardian or other custodian can  
10 reasonably provide supervision and care of the minor  
11 pending the minor's appearance in court, or if the minor is  
12 a serious risk to himself or to the safety of others, or if  
13 there is a likelihood that the minor may abscond or be  
14 removed from the jurisdiction of the court. If the risk  
15 assessment finds that the minor is a serious risk to  
16 himself or to the safety of others, or if there is a  
17 likelihood that the minor may abscond or be removed from  
18 the jurisdiction of the court, the minor shall be:

19  
20       (i) Placed in detention in accordance with  
21 criteria established for detention of the minor in a  
22 hardware secure juvenile detention facility;  
23

1           (ii) Transferred to a medical facility if the  
2 minor is believed to be suffering from a serious physical  
3 or mental illness that requires prompt diagnosis or  
4 treatment;

5  
6           (iii) If the child does not meet criteria  
7 specified in paragraph (i) of this subsection, placed in  
8 shelter care or a staff secure juvenile detention facility  
9 in accordance with criteria established for such facility,  
10 or released to a parent, guardian or other custodian who  
11 can provide supervision and care for the minor pending the  
12 minor's appearance in court.

13  
14           (d) A minor under the age of eleven (11) years shall  
15 not be held in a hardware secure juvenile detention  
16 facility. If the minor under the age of eleven (11) years  
17 poses a substantial risk of harm to himself or others, a  
18 peace officer may detain and transport the minor for an  
19 emergency mental health evaluation.

20  
21           (e) If a minor is taken into custody and is not  
22 released to the minor's parent, guardian or custodian, the  
23 person taking the minor into custody shall give written

1 notice thereof as soon as possible, and in no case later  
2 than twenty-four (24) hours after taking the minor into  
3 custody, to the minor's parent, guardian or custodian and  
4 to the court, together with a statement of the reason for  
5 taking the minor into custody.

6  
7 **7-1-107. Detention of juvenile offenders.**

8  
9 (b) As used in W.S. 7-1-107 and 7-1-108:

10  
11 (iv) "Hardware secure juvenile detention  
12 facility" means a facility certified by the department of  
13 family services for the detention of minors that is  
14 characterized by locks on the doors and other restrictive  
15 hardware designed to restrict the movement of the minors  
16 and protect public safety;

17  
18 (v) "Staff secure juvenile detention facility" means  
19 a facility certified by the department of family services  
20 for the detention of minors that is characterized by a  
21 trained staff to supervise the movement and activities of  
22 detained minors at the facility, without the additional use  
23 of hardware secure equipment.

1

2           **7-1-108. Incarceration of juvenile offenders.**

3

4           (c) Except for an alleged delinquent minor who is  
5 released to the custody of the minor's parent, guardian or  
6 custodian, with verbal counsel, warning or a written  
7 promise to appear in court, the person taking the minor  
8 into custody shall ensure a juvenile detention risk  
9 assessment shall be promptly performed, using the  
10 instrument adopted by the department of family services  
11 pursuant to subsection (f) of this section. The minor  
12 shall be detained to determine if a parent, guardian or  
13 other custodian can reasonably provide supervision and care  
14 of the minor pending the minor's appearance in court, or if  
15 the minor is a serious risk to himself or to the safety of  
16 others, or if there is a likelihood that the minor may  
17 abscond or be removed from the jurisdiction of the court.  
18 If the risk assessment finds that the minor is a serious  
19 risk to himself or to the safety of others, or if there is  
20 a likelihood that the minor may abscond or be removed from  
21 the jurisdiction of the court, the minor shall be:

22

1           (i) Placed in detention in accordance with  
2 criteria established for detention of the minor in a  
3 hardware or staff secure juvenile detention facility;

4  
5           (ii) Transferred to a medical facility if the  
6 minor is believed to be suffering from a serious physical  
7 or mental illness that requires prompt diagnosis or  
8 treatment;

9  
10           (iii) If the child does not meet criteria  
11 specified in paragraph (i) of this subsection, placed in  
12 shelter care or a staff secure juvenile detention facility  
13 in accordance with criteria established for such facility,  
14 or released to a parent, guardian or other custodian who  
15 can provide supervision and care for the minor pending the  
16 minor's appearance in court.

17  
18           (d) A minor under the age of eleven (11) years shall  
19 not be held in a hardware secure juvenile detention  
20 facility. If the minor under the age of eleven (11) years  
21 poses a substantial risk of harm to himself or others, a  
22 peace officer may detain and transport the minor for an  
23 emergency mental health evaluation.

1

2 (e) If a minor is taken into custody and is not  
3 released to the minor's parent, guardian or custodian, the  
4 person taking the minor into custody shall give written  
5 notice thereof as soon as possible, and in no case later  
6 than twenty-four (24) hours after taking the minor into  
7 custody, to the minor's parent, guardian or custodian and  
8 to the court, together with a statement of the reason for  
9 taking the minor into custody.

10

11 (f) The department of family services, in  
12 consultation with representatives of law enforcement  
13 agencies and operators of juvenile detention facilities,  
14 the governor's office and the state advisory council on  
15 juvenile justice, shall adopt a uniform juvenile detention  
16 risk assessment instrument. The department shall collect  
17 and analyze data regarding the application of the juvenile  
18 detention risk assessment instrument and shall report to  
19 the joint judiciary interim committee annually beginning  
20 January 1, 2011 and every January 1 thereafter.

21

22



