170086

ARTICLE 3. PROBATION AND SUSPENSION OF SENTENCE

Am. Jur. 2d, ALR and C.J.S. references. — Propriety, in criminal case, of federal district court order restricting defendant's right to re-enter or stay in United States, 94 ALR Fed 619.

§ 7-13-301. Placing person found guilty, but not convicted, on probation.

(a) If a person who has not previously been convicted of any felony is charged with or is found guilty of or pleads guilty to any misdemeanor except any second or subsequent violation of W.S. 31-5-233 or any similar provision of law, or any felony except murder, sexual assault in the first or second degree or arson in the first or second degree, the court may, with the consent of the defendant and the state and without entering a judgment of guilt or conviction, defer further proceedings and place the person on probation for a term not to exceed five (5) years upon terms and conditions set by the court. The terms of probation shall include that he:

(i) Report to the court not less than twice in each year at times and places fixed in the order;

(ii) Conduct himself in a law-abiding manner;

(iii) Not leave the state without the consent of the court;

(iv) Conform his conduct to any other terms of probation the court finds proper; and

(v) Pay restitution to each victim in accordance with W.S. 7-9-101 and 7-9-103 through 7-9-112.

(b) If the court finds the person has fulfilled the terms of probation and that his rehabilitation has been attained to the satisfaction of the court, the court may at the end of five (5) years, or at any time after the expiration of one (1) year from the date of the original probation, discharge the person and dismiss the proceedings against him.

(c) If the defendant violates a term or condition of probation at any time before final discharge, the court may:

(i) Enter an adjudication of guilt and conviction and proceed to impose sentence upon the defendant if he previously pled guilty to or was found guilty of the original charge for which probation was granted under this section; or

(ii) Order that the trial of the original charge proceed if the defendant has not previously pled or been found guilty.

(d) Discharge and dismissal under this section shall be without adjudication of guilt and is not a conviction for any purpose.

(e) There shall be only one (1) discharge and dismissal under this section or under any similar section of the probationary statutes of any other jurisdiction. (Laws 1909, ch. 87, § 1; C.S. 1910, § 537; C.S. 1920, § 610; Laws 1931, ch. 73, § 9; R.S. 1931, § 33-1501; C.S. 1945, § 10-1803; W.S. 1957, § 7-315; Laws 1977, ch. 70, § 2; W.S. 1977, § 7-13-203; Laws 1987, ch. 157, § 3; 1991, ch. 77, § 1.)

CHAPTER 19
Criminal History Records

§ 7-19-101. Short title.

This act shall be known and may be cited as the "Wyoming Criminal History Record Act". (Laws 1987, ch. 163, § 1.)

§ 7-19-102. Scope and applicability of provisions.

(a) This act governs all systems of records for the collection, maintenance, use and dissemination of individually identifiable criminal history record information by any criminal justice agency.

(b) This act applies to criminal history record information compiled for all felonies, high misdemeanors and other misdemeanors determined by the division pursuant to W.S. 9-1-623(a) but does not apply to violations of municipal ordinances.

(c) Notwithstanding any provision of this act, specific provisions relating to confidentiality of records contained in Title 14, Wyoming Statutes, shall govern in those circumstances to which the more specific statute applies. (Laws 1987, ch. 163, § 1.)

§ 7-19-103. Definitions.

(a) As used in this act:

(i) "Conviction data" includes records indicating criminal justice transactions related to an offense that have resulted in a conviction, guilty plea or a plea of nolo contendere of an individual;

(ii) "Criminal history record information" means information, records and data compiled by criminal justice agencies on individuals for the purpose of identifying criminal offenders consisting of identifiable descriptions of the offenders and notations or a summary of arrests, detentions, indictments, information, pre-trial proceedings, nature and disposition of criminal charges, sentencing, rehabilitation, incarceration, correctional supervision and release. Criminal history record information is limited to information recorded as the result of the initiation of criminal proceedings. It does not include intelligence data, analytical prosecutorial files, investigative reports and files or statistical records and reports in which individual identities are not ascertainable;

(iii) "Criminal justice agency" means any agency or institution of state or local government other than the office of the public defender which performs as part of its principal function, activities relating to:

(A) The apprehension, investigation, prosecution, adjudication, incarceration, supervision or rehabilitation of criminal offenders;

(B) The collection, maintenance, storage, dissemination or use of criminal history record information;

(iv) "Division" means the Wyoming division of criminal investigation within the office of the attorney general;

(v) "High misdemeanor" means a misdemeanor for which the penalty authorized by law exceeds the jurisdiction of municipal and justice of the peace courts;

(vi) "Interstate system" means all agreements, arrangements and systems for the interstate transmission and exchange of criminal history record information. The term does not include record keeping systems in the state maintained or controlled by any state or local agency, or group of agencies, even if the agencies receive or have received information through, or otherwise participate or have participated in, systems for the interstate exchange of criminal history record information;

(vii) "Nonconviction data" means arrest information in cases in which:

(A) There has been an acquittal, dismissal or annulment of verdict or plea;

(B) An interval of one (1) year has elapsed from the date of arrest and no active prosecution of the charge is pending;

(C) A law enforcement agency has elected not to refer a matter to a prosecutor;

(D) A prosecutor has elected not to commence criminal proceedings; or

(E) The proceedings have been indefinitely postponed.

(viii) "State" means the state of Wyoming;

(ix) "System of record" means any group of records under the control of a criminal justice agency from which information is retrieved using the name of the individual or some identifying number, symbol or other identifier particularly assigned to the individual. The term does not include records that are maintained only in chronological order or by numbers which are not particular to individuals;

(x) "This act" means W.S. 7-19-101 through 7-19-109. (Laws 1987, ch. 163, § 1.)

§ 7-19-104. Procedures to insure currentness of information; disposition and arrest data.

(a) The collection, storage, dissemination and use of criminal history record information under this act shall take place under procedures reasonably designed to ensure that all information is kept current.

(b) Criminal history record information collected, stored, disseminated or used under this act shall contain, to the maximum extent feasible, disposition as well as arrest data where arrest data is included. (Laws 1987, ch. 163, § 1.)

§ 7-19-105. Rules and regulations.

(a) The division shall promulgate reasonable rules and regulations to carry out the provisions of this act. The rules shall include:

(i) Standards and procedures to ensure the security and privacy of all criminal history record information and that the information is used only for criminal justice and other lawful purposes; and

(ii) Standards and procedures in conformance with this act relating to access to and dissemination of criminal history record information, research, system security, record completeness and accuracy, training, intrastate and interstate exchanges, user agreements, audits and procedures for review and challenge of records. (Laws 1987, ch. 163, § 1.)

CHAPTER 19
Criminal History Records

Article 1. In General

Sec.
7-19-106. Access to, and dissemination of, information.
7-19-107. Central repository; information to be submitted; audits; interstate exchanges.
7-19-108. Fees.

Article 2. State or National Criminal History Record Information

7-19-201. State or national criminal history record information.

ARTICLE 1. IN GENERAL

§ 7-19-106. Access to, and dissemination of, information.

(a) Criminal history record information shall be disseminated by criminal justice agencies in this state, whether directly or through any intermediary, only to:

(i) Other criminal justice agencies;

(ii) Any person designated for the purpose provided by W.S. 14-6-227;

(iii) The department of family services;

(iv) Other governmental agencies as authorized by the laws of the United States or any state or by executive order;

(v) An individual who has met the requirements established by the division to ensure the record will be used solely as a statistical research or reporting record and that the record is to be transferred in a form that is not individually identifiable;

(vi) Any record subject as provided by W.S. 7-19-109;

(vii) The department of health.

(b) Notwithstanding subsection (a) of this section, the division may disseminate criminal history record information to central repositories of other states and to the Federal Bureau of Investigation in accordance with rules and regulations promulgated by the division governing participation in an interstate system for the exchange of criminal history record information, and upon assurance that the information will be used only for purposes that are lawful under the laws of the other states involved or the laws applicable to the Federal Bureau of Investigation.

(c) All applications or requests to the division for criminal history record information submitted by the record subject or any other person except a criminal justice agency or the department of family services, shall be accompanied by the record subject's fingerprints in addition to any other information required by the division.

(d) No criminal justice agency or individual employed by the agency shall confirm the existence or nonexistence of criminal history record information to any person that would not be eligible to receive the information.

(e) Nothing in this act prohibits the dissemination of conviction data for purposes related to the issuance of visas and the granting of citizenship.

(f) Each person requesting criminal history record information from the division or a criminal justice agency shall upon request be advised in writing whether the person is found to be eligible or ineligible for access.

(g) No information shall be disseminated by the division or by any criminal justice agency to any person or agency prior to determination of eligibility.

(h) Each criminal justice agency holding or receiving criminal history record information shall maintain dissemination logs and other records relative to the release of the information in accordance with rules promulgated by the division.

(j) No criminal history record information released to an authorized recipient shall be released, used or disseminated by that recipient to any other person for any purpose not included in the original request except that the record subject may make further dissemination in his discretion.

(k) Notwithstanding subsection (a) of this section, the division may disseminate criminal history record information concerning a record subject, or may confirm that no criminal history record information exists relating to a named individual:

(i) In conjunction with state or national criminal history record information check under W.S. 7-19-201; or

(ii) If application is made for a voluntary record information check, provided:

(A) The applicant submits proof satisfactory to the division that the individual whose record is being checked consents to the release of the information to the applicant;

(B) The application is made through a criminal justice agency in this state authorized to access criminal history record information maintained by the division which application shall then be forwarded to the division by the criminal justice agency; and

(C) The applicant pays the fees required by W.S. 7-19-108. (Laws 1987, ch. 163, § 1; 1991, ch. 113, § 2; ch. 161, § 3; 1993, ch. 153, § 1.)

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

(a) The division of criminal investigation within the office of the attorney general is designated as the central repository for criminal history record information.

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

(c) All criminal justice agencies making arrests for offenses covered by this act shall furnish the division with information concerning the charges and description of all persons arrested and shall furnish their fingerprints. Each agency shall also notify the division of any decision not to refer an arrest for prosecution. An agency making arrests covered by this subsection may enter into arrangements with other agencies for the purpose of furnishing required information to the division on its behalf.

(d) All district attorneys shall notify the division of all final disposition information in cases covered by this act including charges not filed in criminal cases for which the division has a record of an arrest.

(e) 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:

(i) All judgments of not guilty, discharges and dismissals in the trial courts;

(ii) All court orders filed in the case which reverse or remand a reported conviction or vacate, modify or annul a sentence or conviction;

(iii) All judgments terminating or revoking a sentence to probation, supervision or conditional discharge and any order relating to resentencing after the termination or revocation.

(f) After the court pronounces sentence in any case covered by this act, including an order of probation, parole or suspended sentence, the sheriff shall fingerprint any convicted defendant who has not previously been fingerprinted for the same case or whose fingerprints for the same case were

rejected as unreadable. The sheriff shall submit the fingerprints to the division.

(g) The director of the department of corrections, the superintendents of the Wyoming boys' school and Wyoming girls' school and the sheriff of each county shall furnish the division with all information concerning the receipt, escape, execution, death, release, pardon, parole, commutation of sentence, granting of executive clemency or discharge of any individual who has been sentenced to the agency's custody for any offense covered by this act.

(h) The division shall regularly audit its own records and practices to ensure the completeness and accuracy of criminal history record information collected, maintained, used or disseminated by it, and to evaluate its procedures and facilities relating to the privacy and security of information. The division shall periodically audit the records and practices of each criminal justice agency in this state authorized to access criminal history record information maintained by the division.

(j) The division may enter into agreements with criminal records central repositories and criminal justice agencies of other states or the federal government to establish uniform procedures and practices, including codes, formats and fee schedules to facilitate the interstate exchange of criminal record information. (Laws 1987, ch. 163, § 1; 1992, ch. 25, § 3.)

§ 7-19-108. Fees.

(a) The division may charge the record subject or any other person or noncriminal justice agency qualified to receive criminal history record information, a reasonable application fee of not more than fifteen dollars ($15.00) for processing of fingerprints and other information submitted for a criminal history records check, except:

(i) No fee shall be charged to criminal justice agencies or the department of family services;

(ii) The application fee charged shall be not more than ten dollars ($10.00) if:

(A) The applicant is an organization engaged in providing volunteer services to youth or victims of family violence. Examples of those organizations include big brothers and big sisters and volunteer workers in safe houses for victims of family violence; and

(B) The applicant requests the background investigation be performed solely to determine the suitability of a prospective volunteer to provide volunteer services.

(iii) If national criminal history record information is requested by the submitting party pursuant to W.S. 7-19-201, the application shall include any additional fee required by the federal bureau of investigation in accordance with federal P.L. 92-544.

(b) Criminal justice agencies which fingerprint applicants at the request of noncriminal justice agencies for criminal history record information may charge a reasonable fee of not more than five dollars ($5.00) for fingerprinting. Fees collected under this subsection shall be credited to the state general fund or to the general fund of the appropriate county or municipality. (Laws 1987, ch. 163, § 1; 1991, ch. 113, § 2; ch. 161, § 3.)

§ 7-19-109. Inspection; deletion or modification of information.

(a) An individual has the right to inspect all criminal history record information located within this state which refers to him. The record subject may apply to the district court for an order to purge, modify or supplement inaccurate or incomplete information. Notification of each deletion, amendment or supplementary notation shall be promptly disseminated to any person or agency which received a copy of the record in question during the previous twelve (12) month period as well as the person whose record has been altered.

(b) Criminal justice agencies may prescribe reasonable hours and places for inspection of criminal history record information and may impose additional restrictions, including fingerprinting, reasonably necessary to both assure the records' security and to verify the identities of those who seek to inspect the records.

(c) When an application for inspection of criminal history record information is received by a criminal justice agency the agency shall determine whether a record pertaining to the applicant is maintained. If a record is maintained, the agency shall inform the applicant of the existence of the record and inform him of the procedure for examining the record. Upon verification of his identity, the applicant or his authorized representative shall be allowed to examine the record pertaining to him and to receive a true copy. (Laws 1987, ch. 163, § 1.)

§ 9-1-611. Division of criminal investigation; created; definitions; director; appointment; qualifications.

(a) The Wyoming division of criminal investigation is created within the office of the attorney general.

(b) As used in this act:

(i) "Agent" means an agent of the division;

(ii) "Director" means the director of the division;

(iii) "Division" means the Wyoming division of criminal investigation;

(iv) "This act" means W.S. 9-1-611 through 9-1-627.

(c) With the approval of the governor, the attorney general shall appoint a director who is the chief administrative officer and chief agent of the division.

(d) The director shall be a professional law enforcement officer, experienced in modern methods for the detection of crime and the apprehension of criminals. He shall possess the qualifications of an agent under W.S. 9-1-613 and shall have a thorough working knowledge of criminal law and the law of criminal procedure, including the law of arrest, search and seizure and interrogation of criminal suspects. The director shall possess other qualifications required by the attorney general. (Laws 1973, ch. 246, § 1; W.S. 1957, §§ 9-136.1 to 9-136.3; W.S. 1977, §§ 9-2-530 to 9-2-532; Laws 1982, ch. 62, § 3; 1986, ch. 32, § 1.)

Discharge from division not protected by fifth amendment. — Discharge from the division is not a hazard against which the fifth amendment incrimination clause provides protection. Johnston v. Herschler, 669 F.2d 617 (10th Cir. 1982).

Quoted in Oyler v. State, 618 P.2d 1042 (Wyo. 1980).

§ 9-1-612. Duties of director; deputy directors; appointment; duties; capitol security; security personnel requirements and powers.

(a) The director shall supervise and direct all activities of the division. Subject to the written approval of the attorney general, the director shall prescribe rules and regulations not inconsistent with law to implement this act. The director is responsible to the attorney general for the operation of the division.

(b) With the approval of the attorney general the director may appoint one (1) or more deputy directors who shall perform duties as assigned by the director.

(c) The director shall provide security services for state personnel and property in Laramie county, Wyoming, including security related to the performance of specified duties which may require travel outside Laramie county and in carrying out this subsection, shall employ personnel to be certified pursuant to W.S. 9-1-701 through 9-1-707. Capitol security personnel designated and provided under this subsection have the powers enumerated under W.S. 7-2-103(a) while acting within the scope of their duties as security:

(i) For state personnel or state public functions;

(ii) For other persons on or about state property; and

(iii) For property owned by or in the custody of the state. (Laws 1973, ch. 246, § 1; W.S. 1957, §§ 9-136.4 to 9-136.6; W.S. 1977, §§ 9-2-533 to 9-2-535; Laws 1982, ch. 62, § 3; 1986, ch. 32, § 1; 1989, ch. 178, § 2; 1991, ch. 92, § 1.)

§ 9-1-623. Same; division; identification systems; information recorded; persons included; systematic maintenance and indexing.

(a) The division shall establish and maintain complete systems for the identification of criminals which comply with modern and accepted methods in the field of criminal identification. The division shall obtain, file and preserve for record plates, photographs, outline pictures, fingerprints, measurements, descriptions, modus operandi statements and other information relating to persons who have been:

(i) Convicted of or arrested for any felony;

(ii) Convicted of or arrested for a high misdemeanor or other misdemeanor determined by the division;

(iii) Convicted of violating any of the military, naval or criminal laws of the United States; or

(iv) Convicted of a crime in any other state, country, district or province which, if committed within this state, would be a felony.

(b) All information kept by the division shall be maintained, recorded and indexed in a systematic manner for the purpose of providing a convenient and expeditious method of consultation and comparison. (Laws 1973, ch. 246, § 1; W.S. 1957, § 9-136.23; W.S. 1977, § 9-2-564; Laws 1982, ch. 62, § 3.)

§ 9-1-624. Same; uniform procedures and forms for collecting and disseminating identification data; agencies to cooperate.

(a) The division shall:

(i) Establish uniform procedures and forms for collecting and disseminating criminal identification data;

(ii) Assist law enforcement agencies in establishing and implementing uniform procedures;

(iii) Cooperate with the law enforcement academy to provide to law enforcement agencies and their personnel training, assistance and instruction in the gathering and dissemination of criminal identification data;

(iv) Provide a system for communicating criminal identification data among law enforcement agencies in and outside the state.

(b) All law enforcement agencies within the state shall cooperate with the division in establishing and maintaining an efficient and coordinated system of identification. (Laws 1973, ch. 246, § 1; W.S. 1957, § 9-136.24; W.S. 1977, § 9-2-565; Laws 1982, ch. 62, § 3.)

§ 9-1-625. Division of criminal investigation; adult arrestees to be processed accordingly; data on persons in state custodial institutions; minors.

(a) When an adult is arrested for a felony, high misdemeanor or other misdemeanor determined by the division, the law enforcement agency responsible for the arrest shall process the person in accordance with the uniform procedures prescribed by the division. The law enforcement agency shall send to the division any information required under the Wyoming Criminal History Record Act, W.S. 7-19-101 through 7-19-109, and any additional information requested by the division. An agency making arrests covered by this section may enter into arrangements with other agencies for the purpose of furnishing required information to the division on its behalf.

(b) The administrators of state penal institutions and the superintendents of the Wyoming boys' school and the Wyoming girls' school shall furnish to the division, in the manner and according to the methods prescribed by the division, photographs, fingerprints, modus operandi statements and other required identification of all persons confined in the respective institutions together with any information required under the Wyoming Criminal History Record Act, W.S. 7-19-101 through 7-19-109.

(c) No minor shall be photographed or fingerprinted except in accordance with the Juvenile Court Act. (Laws 1973, ch. 246, § 1; W.S. 1957, § 9-136.25; W.S. 1977, § 9-2-566; Laws 1982, ch. 62, § 3; 1987, ch. 163, § 2; 1992, ch. 25, § 3.)

§ 9-1-626. Same; cooperation with similar agencies in other jurisdictions.

The division shall cooperate with similar agencies of other states or the federal government for the purpose of developing and carrying on a complete interstate, national and international system of criminal identification. (Laws 1973, ch. 246, § 1; W.S. 1957, § 9-136.26; W.S. 1977, § 9-2-567; Laws 1982, ch. 62, § 3.)

§ 9-1-627. Authority to compile, disseminate and exchange information; immunity; access to information limited; security precautions.

(a) Any law enforcement officer, the attorney general and his deputies and assistants, and any prosecuting attorney may:

(i) Take fingerprints, photographs and other information relating to criminal identification;

(ii) Compile reports or other documents in writing containing criminal intelligence information, including statements taken from police informants and reports based on the investigation and surveillance of suspected criminal activity;

(iii) Disseminate and exchange criminal identification data and criminal intelligence information among themselves and among law enforcement agencies of other states or of the federal government.

(b) A person authorized under this section to disseminate or exchange information is not civilly or criminally liable for contributing or for disseminating to authorized persons criminal identification data or criminal intelligence information.

(c) Access to criminal identification and intelligence information is available to law enforcement agencies, the state board of parole and department of corrections as provided by W.S. 7-13-401 through 7-13-411, any agency designated for the purpose provided by W.S. 14-6-227 and the department of family services. Each agency which has that information shall take reasonable security precautions to prevent unauthorized persons from gaining access to it in accordance with rules and procedures established by the division. The rules and procedures may be varied between agencies, depending upon the division's determination of the agency's use of the criminal identification and intelligence information and the adequacy of the agency's security of the information provided by the division under this section.

(d) Access to criminal history record information is available to the Wyoming pari-mutuel commission as provided by W.S. 11-25-104(j). The commission shall take reasonable security precautions to prevent unauthorized persons from gaining access to criminal history record information in accordance with rules and regulations established by the Wyoming division of criminal investigation. For the purpose of this subsection "criminal history record information" means information, records and data compiled by criminal justice agencies on individuals for the purpose of identifying criminal offenders consisting of identifiable descriptions of the offenders and notations or a summary of arrests, detentions, indictments, information, pre-trial proceedings, nature and disposition of criminal charges, sentencing, rehabilitation, incarceration, correctional supervision and release. Criminal history record information is limited to information recorded as the result of the initiation of criminal proceedings. It does not include intelligence data, analytical prosecutorial files, investigative reports and files of statistical records and reports in which individual identities are not ascertainable. (Laws 1973, ch. 246, § 1; W.S. 1957, § 9-136.27; W.S. 1977, § 9-2-568; Laws 1982, ch. 62, § 3; 1986, Sp. Sess., ch. 1, § 1; 1987, ch. 28, § 1; ch. 157, § 2; ch. 163, § 2; 1991, ch. 161, § 3; 1992, ch. 25, § 3.)

§§ 9-1-628 through 9-1-631.

Repealed by Laws 1986, ch. 32, § 2.

§ 9-1-632. Wyoming law enforcement academy; created; location.

(a) The Wyoming law enforcement academy is created under the office of the attorney general.

(b) The academy shall be located in Douglas, Wyoming. (Laws 1981, ch. 88, § 1; W.S. 1977, § 9-2-598; Laws 1982, ch. 62, § 3.)

Title 33
Board of Pharmacy

33-24-122. Revocation or suspension of license and registration; grounds. (a) Any pharmacist may have his license and registration revoked or suspended by the board of pharmacy and the board may refuse to issue or renew any license for any of the following causes:

(i) Conviction of a felony or high misdemeanor involving moral turpitude, in which case the record of conviction or a copy thereof certified by the clerk or judge of the court in which the conviction is had shall be conclusive evidence;

(ii) For renting or loaning to any person his or her license or diploma to be used as a license or diploma for such person;

(iii) For unprofessional conduct, or for gross ignorance or inefficiency in his profession, or habitual intemperance, or habitual personal use of morphine, cocaine or other habit-forming drugs, or gross immorality. Unprofessional conduct shall consist of the substitution of a drug or brand of drug in filling a prescription which is different from that called for by the prescription without authority of the issuer of the prescription; or the obtaining of any fee by fraud or misrepresentation; or willfully betraying patient confidences; or employing directly or indirectly any student or any suspended or unlicensed pharmacist to practice pharmacy other than is specially provided for by law; or making use of any advertising statements of a character tending to deceive or mislead the public; or advertising professional superiority or the performance of professional services in a manner superior to other licensed pharmacists; or filling a prescription which is more than two (2) years old except when the prescriber has specially provided that the prescription shall be valid for a longer period; or filling a prescription without reasonable inquiry and confirmation of its validity if there is occasion to doubt

the current existence of a doctor-patient relationship between the prescriber and the customer seeking to obtain drugs thereby; or filling a prescription with drugs or medicines which may have lost effectiveness by unreasonable lapse of time or expiration of useful life as indicated by the manufacturer or supplier thereof or by other competent authority, at the time the substance is acquired; or filling a prescription with drugs which have not been refrigerated as recommended by the manufacturer or supplier thereof or by other competent authority;

(iv) For knowingly submitting false or misleading information to the board in his application for examination;

(v) For knowingly submitting false or misleading information to the board or its representative regarding the professional practice of the internship or professional practice of pharmacy by any other person;

(vi) Willful violation of any provision of this act [33-24-101 to 33-24-145] or any willful violation of any of the provisions of the Wyoming Controlled Substances Act of 1971 [35-7-1001 to 35-7-1055] or any amendments thereto;

(vii) Willful violation of any rules or regulations promulgated by the board in accordance with this act or the Wyoming Controlled Substances Act of 1971; or

(viii) If the person's registration or license to practice has been refused, or lapsed for cause, or expired for cause, or revoked for cause, in this or any other jurisdiction.

Commission of Real Estate

33-28-111. Suspension or revocation of license. (a) The commission may upon its own motion, and shall, upon verified complaint in writing of any person setting forth a cause of action under this section, ascertain the facts and if warranted hold a hearing for the suspension or revocation of a license. The commission shall have power to refuse a license for cause or to suspend or revoke a license where it has been obtained by false representation or where the licensee in performing or attempting to perform any of the acts mentioned herein, is found guilty of:

(i) Making any substantial misrepresentation; or

(ii) Making any false promises of a character likely to influence, persuade, or induce; or

(iii) Pursuing a continued and flagrant course of misrepresentation, or making false promises through agents or salesmen or any medium of advertising, or otherwise; or

(iv) Any misleading or untruthful advertising, including use of the term "realtor", by a person not authorized to do so or using any other trade name or insignia of membership in any real estate organization of which the licensee is not a member; or

(v) Failing within a reasonable time to account for or remit any monies coming into his possession which belong to others, commingling funds of others with his own or failing to keep such funds of others in an escrow or trustee account; or

(vi) Being convicted in a court of competent jurisdiction of this or any other state of forgery, embezzlement, obtaining money under false pretenses, extortion, conspiracy to defraud or any similar offense or offenses, or pleading guilty or nolo contendere to any such offense or offenses; or

(vii) Violating any reasonable rule or regulation promulgated by the commission in the interests of the public and in conformance with the provisions of this act [33-28-101 to 33-28-117]; or

(viii) Failing to furnish a copy of any written instrument to all parties executing the same at the time thereof; or

(ix) Any conduct in a real estate transaction which demonstrates bad faith, dishonesty, untrustworthiness or incompetency;

(x) Failing, if broker, to place as soon after receipt as is practicably possible any deposit money or other money received by him in the course of a real estate transaction in a custodial trust or escrow account maintained by him in a banking institution or title company authorized to do business in this state, wherein the funds shall be kept until the transaction is consummated or otherwise terminated, at which time a full accounting thereof shall be made by the broker. Records relative to the deposit, maintenance and withdrawal of such funds

shall contain such information as may be prescribed by the rules and regulations of the commission relative thereto;

(xi) Failing, if a salesman, to place as soon after receipt as is practicably possible in the custody of the broker with whom he is licensed any deposit money or other money entrusted to him by any person dealing with him as the representative of the broker with whom he is licensed;

(xii) Failing to furnish the seller with a completely filled out and executed copy of any contract of employment at the time of the execution thereof and failing to state a definite expiration date in such contract;

(xiii) Failing to disclose to an owner his intention or true position where he directly or indirectly purchases for himself or acquires or intends to acquire any interest in or options to purchase property which he or his associates have been employed to sell;

(xiv) Failing to make known for which party he is acting or receiving compensation from more than one (1) party, except with the full knowledge of all parties;

(xv) Dividing a commission or any other valuable consideration with any person who is not authorized to engage in the real estate business.

STATE OF WYOMING

EXECUTIVE DEPARTMENT

EXECUTIVE ORDER

1977-1

BY VIRTUE OF THE AUTHORITY vested in me under W.S. 9-32.1, I Ed Herschler, Governor of the State of Wyoming, hereby order:

Section 1: Effective this date the Criminal Identification Division of the Attorney General's Office is hereby directed to cooperate with and furnish all information concerning requests from the Wyoming Insurance Commissioner relative to information on the criminal backgrounds of insurance agent license applicants, to run fingerprint checks, and to furnish such other confidential information on such applicants as the

Insurance Commissioner my deem necessary in order to properly act upon such insurance agent license applications.

Section 2: The Commissioner of Insurance shall take whatever proper safeguards are necessary to insure the safekeeping of such confidential information he receives from the Criminal Identification Division and will insure that it will not be used for any purpose other than in conjunction with actions taken by him with respect to insurance agent licenses.

GIVEN under my hand and the Executive Seal of the State of Wyoming this 31st day of January, 1977.

/s/ Ed Herschler

GOVERNOR OF WYOMING

Title 16

ARTICLE 2. PUBLIC RECORDS

§ 16-4-201. Definitions.

Am. Jur. 2d, ALR and C.J.S. references. — What constitutes a public record or document within statute making falsification, forgery, mutilation, removal or other misuse thereof an offense, 75 ALR4th 1067.

§ 16-4-202. Right of inspection; rules and regulations; unavailability.

Am. Jur. 2d, ALR and C.J.S. references. — State Freedom of Information Act requests: right to receive information in particular medium or format, 86 ALR4th 786.

§ 16-4-203. Right of inspection; grounds for denial; access of news media; order permitting or restricting disclosure.

(a) The custodian of any public records shall allow any person the right of inspection of the records or any portion thereof except on one (1) or more of the following grounds or as provided in subsection (b) or (d) of this section:

(i) The inspection would be contrary to any state statute;

(ii) The inspection would be contrary to any federal statute or regulation issued thereunder having the force and effect of law; or

(iii) The inspection is prohibited by rules promulgated by the supreme court or by the order of any court of record.

(b) The custodian may deny the right of inspection of the following records, unless otherwise provided by law, on the ground that disclosure to the applicant would be contrary to the public interest:

(i) Records of investigations conducted by, or of intelligence information or security procedures of, any sheriff, county attorney, city attorney, the attorney general, the state auditor, police department or any investigatory files compiled for any other law enforcement or prosecution purposes;

(ii) Test questions, scoring keys and other examination data pertaining to administration of a licensing examination and examination for employment or academic examination. Written promotional examinations and the scores or results thereof shall be available for inspection, but not copying or reproduction, by the person in interest after the examination has been conducted and graded;

(iii) The specific details of bona fide research projects being conducted by a state institution;

(iv) Except as otherwise provided by Wyoming statutes or for the owner of the property, the contents of real estate appraisals made for the state or a political subdivision thereof, relative to the acquisition of property or any interest in property for public use, until such time as title of the property or property interest has passed to the state or political subdivision. The contents of the appraisal shall be available to the owner of the property or property interest at any time;

(v) Interagency or intraagency memoranda or letters which would not be available by law to a private party in litigation with the agency.

(c) If the right of inspection of any record falling within any of the classifications listed in this section is allowed to any officer or employee of any newspaper, radio station, television station or other person or agency in the business of public dissemination of news or current events, it may be allowed to all news media.

(d) The custodian shall deny the right of inspection of the following records, unless otherwise provided by law:

(i) Medical, psychological and sociological data on individual persons, exclusive of coroners' autopsy reports;

(ii) Adoption records or welfare records on individual persons;

(iii) Personnel files except those files shall be available to the duly elected and appointed officials who supervise the work of the person in interest. Applications, performance ratings and scholastic achievement data shall be available only to the person in interest and to the duly elected and appointed officials who supervise his work. Employment contracts, working agreements or other documents setting forth the terms and conditions of employment of public officials and employees are not

considered part of a personnel file and shall be available for public inspection;

(iv) Letters of reference;

(v) Trade secrets, privileged information and confidential commercial, financial, geological or geophysical data furnished by or obtained from any person;

(vi) Library, archives and museum material contributed by private persons, to the extent of any limitations placed thereon as conditions of the contributions;

(vii) Hospital records relating to medical administration, medical staff, personnel, medical care and other medical information, whether on individual persons or groups, or whether of a general or specific classification;

(viii) School district records containing information relating to the biography, family, physiology, religion, academic achievement and physical or mental ability of any student except to the person in interest or to the officials duly elected and appointed to supervise him;

(ix) Library circulation and registration records except as required for administration of the library or except as requested by a custodial parent or guardian to inspect the records of his minor child; and

(x) Information obtained through a 911 emergency telephone system except to law enforcement personnel or public agencies for the purpose of conducting official business, to the person in interest, or pursuant to a court order.

(e) If the custodian denies access to any public record, the applicant may request a written statement of the grounds for the denial. The statement shall cite the law or regulation under which access is denied and shall be furnished to the applicant.

(f) Any person denied the right to inspect any record covered by this act may apply to the district court of the district wherein the record is found for any order directing the custodian of the record to show cause why he should not permit the inspection of the record.

(g) If, in the opinion of the official custodian of any public record, disclosure of the contents of the record would do substantial injury to the public interest, notwithstanding the fact that the record might otherwise be available to public inspection, he may apply to the district court of the district in which the record is located for an order permitting him to restrict disclosure. After hearing, the court may issue an order upon a finding that disclosure would cause substantial injury to the public interest. The person seeking permission to examine the record shall have notice of the hearing served upon him in the manner provided for service of process by the Wyoming Rules of Civil Procedure and has the right to appear and be heard. (Laws 1969, ch. 145, § 3; W.S. 1957, § 9-692.3; W.S. 1977, § 9-9-103; Laws 1981, Sp. Sess., ch. 22, § 1; 1982, ch. 62, § 3; 1987, ch. 62, § 1; 1989, ch. 10, § 1; 1990, ch. 73, § 2; 1991, ch. 123, § 1.)

§ 16-4-204. Same; copies, printouts or photographs; fees.

(a) In all cases in which a person has the right to inspect and copy any public records he may request that he be furnished copies, printouts or photographs for a reasonable fee to be set by the official custodian. Where fees for certified copies or other copies, printouts or photographs of the record are specifically prescribed by law, the specific fees shall apply.

(b) If the custodian does not have the facilities for making copies, printouts or photographs of records which the applicant has the right to inspect, then the applicant shall be granted access to the records for the purpose of making copies, printouts or photographs. The copies, printouts or photographs shall be made while the records are in the possession, custody and control of the custodian thereof and are subject to the supervision of the custodian. When practical the copy work shall be made in the place where the records are kept, but if it is impractical to do so, the custodian may allow arrangements to be made for this purpose. If other facilities are necessary the cost of providing them shall be paid by the person desiring a copy, printout or photograph of the records. The official custodian may establish a reasonable schedule of time for making copies, printouts or photographs and may charge a reasonable fee for the services rendered by him or his deputy in supervising the copying, printing out or photographing as he may charge for furnishing copies under this section. (Laws 1969, ch. 145, § 4; W.S. 1957, § 9-692.4; W.S. 1977, § 9-9-104; Laws 1982, ch. 62, § 3.)

§ 16-4-205. Penalty.

Any person who willfully and knowingly violates the provisions of this act [§§ 16-4-201 through 16-4-205] is guilty of a misdemeanor and, upon conviction thereof, shall be punished by a fine not to exceed one hundred dollars ($100.00). (Laws 1969, ch. 145, § 5; W.S. 1957, § 9-692.5; W.S. 1977, § 9-9-105; Laws 1982, ch. 62, § 3.)

§ 35-7-1037. Probation and discharge of first offenders.

Whenever any person who has not previously been convicted of any offense under this act or under any statute of the United States or of any state relating to narcotic drugs, marihuana, or stimulant, depressant, or hallucinogenic drugs, pleads guilty to or is found guilty of possession of a controlled substance under W.S. 35-7-1031(c), the court, without entering a judgment of guilt and with the consent of the accused, may defer further proceedings and place him on probation upon terms and conditions. Upon violation of a term or condition, the court may enter an adjudication of guilt and proceed as otherwise provided. Upon fulfillment of the terms and conditions, the court shall discharge the person and dismiss the proceedings against him. Discharge and dismissal under this section shall be without adjudication of guilt and is not a conviction for purposes of this section or for purposes of disqualifications or disabilities imposed by law upon conviction of a crime, including the additional penalties imposed for second or subsequent convictions under W.S. 35-7-1038. There may be only one (1) discharge and dismissal under this section with respect to any person. This section shall not be construed to provide an exclusive procedure. Any other procedure provided by law relating to suspension of trial or probation, may be followed, in the discretion of the trial court. (Laws 1971, ch. 246, § 37; W.S. 1957, § 35-347.37.)