

ORIGINAL HOUSE  
BILL NO. HB0042

ENROLLED ACT NO. 42, HOUSE OF REPRESENTATIVES

SIXTY-FOURTH LEGISLATURE OF THE STATE OF WYOMING  
2018 BUDGET SESSION

AN ACT relating to criminal procedure and sentencing; amending probation and parole intensive supervision program provisions relating to rewards and sanctions; providing for an appropriation; requiring a report; and providing for an effective date.

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

**Section 1.** W.S. 7-13-408(e), 7-13-1107(a), (b)(iii) by creating new subparagraphs (C) through (E) are amended to read:

**7-13-408. Probation, parole and conditional release administrative jail or adult community correction program sanction and revocation hearing procedures.**

(e) The department may establish by rule and regulation a system of imposing the administrative sanctions specified in W.S. 7-13-1107(b) as an alternative to revocation of the parole of any parolee who has violated a condition of his parole or as an alternative to revocation of the probation of any probationer who has violated a condition of his probation. Parolees and probationers committed to the county jail or a residential community correctional program pursuant to this subsection shall be housed in accordance with W.S. 7-13-1107(c) or 7-18-115(b).

**7-13-1107. Administrative rewards and sanctions for program violations.**

(a) The department is authorized to establish by rule and regulation a system of administrative rewards for positive behavior and sanctions as an alternative to probation or parole revocation for probationers and

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parolees who violate the rules and restrictions of an intensive supervision program established under this article or the conditions of probation or parole.

(b) Authorized sanctions may include:

(iii) Restrictions on personal liberty including:

(C) Immediate confinement in a Wyoming county jail, to be imposed as a two (2) day or three (3) day consecutive period by the probation and parole agent with approval of the field services administrator. The total of all sanctions under this subparagraph shall not exceed eighteen (18) days during the term of supervision. The imposition of sanctions shall not require a hearing held in accordance with W.S. 7-13-408 if:

(I) The probationer or parolee is a participant in the intensive supervision program pursuant to W.S. 7-13-1105 or 7-13-1106;

(II) The probationer is a qualified offender sanctioned pursuant to W.S. 7-13-1303(d);

(III) The parolee is subject to sanctions under W.S. 7-13-408(e); or

(IV) The probationer or parolee consents to the administrative sanction provided for in subparagraph (C) of this paragraph without a hearing.

(D) Detention in a consenting Wyoming county jail coupled with substance abuse treatment contracted with and paid by the department of corrections

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for a period not to exceed ninety (90) days. Detention under this subparagraph shall only be imposed for repeated substance abuse violations during the probation sentence or period of parole with the consent of the probationer or parolee or by order of court or state board of parole. Detention under this subparagraph shall be credited to the sentence. A custodial sanction under this subparagraph shall only be available one (1) time to any one (1) person;

(E) Cumulative custodial sanctions imposed under subparagraphs (A) and (B) of this paragraph shall not exceed ninety (90) days per probation sentence or period of parole supervision prior to revocation and shall be credited to the sentence. Custodial sanctions imposed under subparagraphs (A), (B) and (D) of this paragraph shall require a hearing held in accordance with W.S. 7-13-408, unless the probationer or parolee consented to the sanction under subparagraph (D) of this paragraph.

**Section 2.** There is appropriated five hundred ninety-one thousand four hundred ninety-eight dollars (\$591,498.00) from the general fund to the department of corrections. This appropriation shall be for the period beginning with the effective date of this act and ending June 30, 2020. This appropriation shall only be expended for the purpose of implementing the sanctions authorized in this act. Notwithstanding any other provision of law, this appropriation shall not be transferred or expended for any other purpose and any unexpended, unobligated funds remaining from this appropriation shall revert as provided by law on July 1, 2020. This appropriation shall not be included in the department of corrections' 2021-2022 standard biennial budget request.

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**Section 3.** The department of corrections shall, not later than December 1, 2018, issue a report to the joint appropriations committee and the joint judiciary interim committee relating to the implementation of this act.

**Section 4.** This act is effective immediately upon completion of all acts necessary for a bill to become law as provided by Article 4, Section 8 of the Wyoming Constitution.

(END)

\_\_\_\_\_  
Speaker of the House

\_\_\_\_\_  
President of the Senate

\_\_\_\_\_  
Governor

TIME APPROVED: \_\_\_\_\_

DATE APPROVED: \_\_\_\_\_

I hereby certify that this act originated in the House.

\_\_\_\_\_  
Chief Clerk