

ORIGINAL HOUSE  
BILL NO. HB0081

ENROLLED ACT NO. 39, HOUSE OF REPRESENTATIVES

SIXTY-THIRD LEGISLATURE OF THE STATE OF WYOMING  
2016 BUDGET SESSION

AN ACT relating to court supervised treatment; providing for the assessment of a surcharge for specified offenses to be paid to the court supervised treatment account; authorizing a court to waive the surcharge for good cause; and providing for an effective date.

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

**Section 1.** W.S. 7-13-1616 is created to read:

**7-13-1616. Surcharge to be assessed in certain criminal cases; paid to account.**

(a) In addition to any fine or other penalty prescribed by law, a defendant who pleads guilty or nolo contendere to, or is convicted of, any offense under W.S. 31-5-233 or 35-7-1001 through 35-7-1057 may be assessed a surcharge of not more than fifty dollars (\$50.00).

(b) The surcharge may be imposed upon any defendant for whom prosecution, trial or sentence is deferred under W.S. 7-13-301 and 7-13-302 or 35-7-1037 or who participates in any other diversion agreement for an offense specified in subsection (a) of this section.

(c) The court may waive the surcharge if the person is unable to pay the surcharge or for any other good cause shown. The court shall consider all other financial obligations imposed on the defendant and set the surcharge so as not to create an undue financial burden on the defendant.

(d) The surcharge shall be paid within ten (10) days of imposition. Failure to comply with the provisions for payment of the surcharge is punishable as contempt of court. Contempt or other proceedings, including proceedings

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under W.S. 6-10-105, if applicable, to collect the surcharge may be initiated by the district attorney or by the court on its own motion.

(e) The proceeds from the surcharge imposed by this section shall be remitted promptly by the clerk of the court to the department for deposit in the account.

**Section 2.** W.S. 7-13-421(h)(ii), 7-13-1602(a)(xviii), 7-16-205(a)(v) and 7-18-114(a)(iv) are amended to read:

**7-13-421. Restitution as condition of parole.**

(h) The board may require payment of the following obligations as conditions of parole if it finds the parolee is reasonably capable of making the payments, taking into account the factors enumerated in W.S. 7-9-106(a)(iii):

(ii) Court ordered fines, reimbursement for the services of the public defender or court appointed counsel, ~~and~~ the surcharge imposed under W.S. 1-40-119 and the surcharge imposed under W.S. 7-13-1616;

**7-13-1602. Definitions.**

(a) As used in this act:

(xviii) "This act" means W.S. 7-13-1601 through ~~7-13-1615~~ 7-13-1616.

**7-16-205. Disposition of earnings; confidentiality of amount.**

(a) Payment for services performed by any prisoner under W.S. 7-16-202 shall be deposited in the trust and agency account at the institution and shall be disbursed

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for the purposes provided in this subsection and in the order specified:

(v) Court ordered restitution, fines, sanctions and reimbursement for the services of public defender or court appointed counsel, the surcharge imposed under W.S. 1-40-119, ~~and~~ victims compensation obligations under W.S. 1-40-112(g) and the surcharge imposed under W.S. 7-13-1616;

**7-18-114. Record and disbursement of wages; exemption from process; confidentiality of amount.**

(a) Wages earned by an inmate, parolee or offender while in an adult community corrections program shall be retained and accounted for by the program operator and shall be disbursed for the purposes provided in this subsection and in the order specified:

(iv) Court ordered restitution, fines, sanctions and reimbursement for the services of public defender or court appointed counsel, the surcharge imposed under W.S. 1-40-119, ~~and~~ victims compensation obligations under W.S. 1-40-112(g) and the surcharge imposed under W.S. 7-13-1616;

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**Section 3.** This act is effective July 1, 2016.

(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