

HOUSE BILL NO. HB0124

Probation and parole-earned compliance credits.

Sponsored by: Representative(s) Olsen, Brown, Lindholm, Pelkey and Stith and Senator(s) Case, Hicks, Pappas and Rothfuss

A BILL

for

1 AN ACT relating to criminal procedure and sentencing;
2 establishing a system of earned compliance credits for
3 probationers and parolees; specifying procedures; requiring
4 rulemaking; specifying applicability; and providing for
5 effective dates.

6

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

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9 **Section 1.** W.S. 7-13-1801 and 7-13-1802 are created to
10 read:

11

12

ARTICLE 18

13

EARNED COMPLIANCE CREDITS

14

15 **7-13-1801. Definitions.**

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2 (a) As used in this article:

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4 (i) "Abscond" means the probationer or parolee
5 deliberately making his whereabouts unknown to his probation
6 and parole agent, the board, the department or the court or
7 failing to report for the purpose of avoiding supervision,
8 where reasonable efforts by the probation and parole agent to
9 locate the probationer or parolee have been unsuccessful;

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11 (ii) "Board" means the state board of parole;

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13 (iii) "Compliance" means the probationer or
14 parolee has satisfactorily completed and complied with all
15 terms and conditions of probation or parole during a calendar
16 month. A probationer or parolee is not in compliance when he
17 is the subject of an initial violation report or revocation
18 proceedings during a calendar month;

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20 (iv) "Department" means the department of
21 corrections;

22

1 (v) "Parolee" means as defined in W.S.
2 7-13-401(a)(viii);

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4 (vi) "Probation and parole agent" means as defined
5 in W.S. 7-13-401(a)(xiv);

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7 (vii) "Probationer" means as defined in W.S.
8 7-13-401(a)(xi).

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10 **7-13-1802. Earned compliance credits.**

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12 (a) The department and the board shall award earned
13 compliance credits to any probationer and parolee who is in
14 compliance with the conditions of supervision imposed by a
15 court or the board.

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17 (b) Each earned compliance credit shall reduce the term
18 of probation or parole by thirty (30) days for each full
19 calendar month that the probationer or parolee is in
20 compliance with all imposed conditions of supervision.

21

22 (c) A probationer or parolee shall not receive earned
23 compliance credits during any calendar month if:

1

2 (i) A violation report or revocation proceedings
3 have been filed against the probationer or parolee. If a
4 court, the department or the board determines that no
5 violation has occurred, then the probationer or parolee shall
6 receive credit for that month and shall begin earning credit
7 on the first day of the next calendar month after the report
8 was submitted or after revocation proceedings were commenced;
9 or

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11 (ii) A probationer or parolee has absconded from
12 supervision. A probationer or parolee shall no longer be
13 deemed as having absconded when he makes himself available
14 for active supervision.

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16 (d) The department and board shall rescind all earned
17 compliance credits of a probationer or parolee whose
18 probation or parole is revoked.

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20 (e) The board or court shall order final discharge of
21 a probationer or parolee whose time served in custody during
22 probation or parole, time served on probation or parole and
23 earned compliance credits combined equals the total term of

1 probation or parole. Not less than sixty (60) days before the
2 anticipated date of final discharge, the board or department
3 shall notify the court of the impending discharge.

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5 (f) The granting, refusal to grant or rescission of any
6 earned compliance credits awarded under this section shall
7 not be subject to appeal or any motion for postconviction
8 relief.

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10 (g) The department and the board shall:

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12 (i) Adopt rules and regulations necessary to
13 establish a system of earned compliance credits in accordance
14 with this article including a system of administrative
15 remedies and appeal for challenges to the award of earned
16 compliance credits under this article;

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18 (ii) Not less than two (2) times each year,
19 calculate the number of months the probationer or parolee has
20 remaining on his term of probation or parole, accounting for
21 any earned compliance credits, and notify the probationer or
22 parolee of the length of the remaining term of probation or
23 parole.

1

2 **Section 2.** The provisions of this act shall apply to
3 any person sentenced before, on or after the effective date
4 of this act and shall be applied to time spent in custody or
5 on probation or parole on or after the effective date of this
6 act.

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8 **Section 3.** The department of corrections and state
9 board of parole shall promulgate all rules necessary to
10 implement the provisions of this act.

11

12 **Section 4.**

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14 (a) Except as provided in subsection (b) of this section,
15 this act is effective July 1, 2019.

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17 (b) Section 3 of this act is effective immediately upon
18 completion of all acts necessary for a bill to become law as
19 provided by Article 4, Section 8 of the Wyoming Constitution.

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(END)