

ENROLLED ACT NO. 97, HOUSE OF REPRESENTATIVES

SIXTY-FIFTH LEGISLATURE OF THE STATE OF WYOMING  
2019 GENERAL SESSION

AN ACT relating to criminal procedure and sentencing; specifying when a presentence investigation report must be completed for convicted felony defendants; making conforming amendments; specifying applicability; and providing for an effective date.

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

**Section 1.** W.S. 7-13-303(b) and by creating a new subsection (c), 7-13-1105(b), 7-13-1302 and 7-18-108(d) are amended to read:

**7-13-303. Investigation preceding probation or suspension of sentence.**

(b) ~~No defendant charged with a felony, and, Unless~~ the court directs otherwise, no defendant charged with a felony or misdemeanor, shall be placed on probation or released under suspension of sentence until the report of the investigation under this section is presented to and considered by the court. If the defendant is sentenced to the custody of the department of corrections to serve a term of incarceration in a state penal institution, a copy of the report of the investigation if completed shall be sent to the department of corrections at the time of sentencing. ~~In all felony cases~~ The clerk of court shall forward copies of the report, if completed, to the department of corrections, together with copies of all orders entered by the court.

(c) The court may, in its discretion, dispense with the investigation and preparation of a report required by this section or may limit the scope of the investigation and report to circumstances and conditions the court deems relevant to its sentencing determination.

ENROLLED ACT NO. 97, HOUSE OF REPRESENTATIVES

SIXTY-FIFTH LEGISLATURE OF THE STATE OF WYOMING  
2019 GENERAL SESSION

**7-13-1105. Placement of probationer in program by sentencing court.**

(b) When a presentence report is required by the court, the department shall be responsible for including in the presentence report to the sentencing judge any recommendations for the utilization of a program created under this article.

**7-13-1302. Substance abuse assessment required.**

All persons convicted of a third misdemeanor under W.S. 31-5-233(e) or a felony shall receive, ~~as a part of a presentence report,~~ a substance abuse assessment. The substance abuse assessment shall be part of a presentence report if prepared. The cost of the substance abuse assessment shall be assessed to and paid by the offender. A person who has undergone a substance abuse assessment pursuant to W.S. 31-5-233(e) may receive a second assessment under this section if the court finds that enough time has passed to make the first assessment inaccurate.

**7-18-108. Placement of offender in program by court; placement by department as administrative sanction.**

(d) The probation and parole agent for the judicial district shall include in the presentence report or otherwise recommend to the sentencing judge recommendations for the utilization of any governmental or, when available, nongovernmental adult community correctional facility or program which has been approved for use by the corrections board.

ORIGINAL HOUSE  
BILL NO. HB0143

ENGROSSED

ENROLLED ACT NO. 97, HOUSE OF REPRESENTATIVES

SIXTY-FIFTH LEGISLATURE OF THE STATE OF WYOMING  
2019 GENERAL SESSION

**Section 2.** The provisions of this act shall apply to all persons convicted of a crime on or after the effective date of this act.

**Section 3.** This act is effective July 1, 2019.

(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