

## HOUSE BILL NO. HB0157

Private probation program.

Sponsored by: Representative(s) Olsen, Brown, Clem, Duncan,  
Kinner, Kirkbride, Lindholm and Western and  
Senator(s) Biteman, Boner, Driskill, Gierau,  
Hicks and Pappas

A BILL

for

1 AN ACT relating to sentencing and imprisonment; establishing  
2 a pilot program for private probation services; specifying  
3 eligibility, procedures and duties of the private probation  
4 program; providing a sunset date; providing an appropriation;  
5 and providing for effective dates.

6

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

8

9 **Section 1.**

10

11 (a) There is established a pilot program for private  
12 probation services beginning July 1, 2020 and ending June 30,  
13 2022. The program created under this section shall be

1 implemented in one (1) judicial district within the state of  
2 Wyoming.

3

4 (b) A private entity providing probation services under  
5 this section shall:

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7 (i) Have provided probation supervision services  
8 for a state department of corrections or under the supervision  
9 of a court for at least one (1) year before providing services  
10 under this section;

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12 (ii) Comply with all requirements and procedures  
13 of probation in title 7, chapter 13 of the Wyoming statutes  
14 except for the requirements and procedures of W.S. 7-13-406,  
15 7-13-418 and 7-13-419;

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17 (iii) Perform all of the duties required of  
18 probation and parole agents under W.S. 7-13-407;

19

20 (iv) Provide direct supervision of probationers  
21 through personal visits, reports and other appropriate means,  
22 notwithstanding W.S. 7-13-405(f);

23

1           (v) Report to the sentencing court and the  
2 department of corrections in writing on the conduct of each  
3 person supervised under this section as often as required by  
4 the court or the department;

5

6           (vi) Provide for all necessary monitoring, drug  
7 and alcohol screening and substance abuse and mental health  
8 treatment for each probationer;

9

10           (vii) Report all suspected violations of  
11 conditions of probation to the court and to the department of  
12 corrections;

13

14           (viii) Report to the joint judiciary interim  
15 committee and the joint appropriations committee not later  
16 than October 1 of each year on the program. The report shall  
17 include:

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19           (A) The implementation, operation and impact  
20 of the program established in this section;

21

22           (B) The number of probationers under  
23 supervision by the private entity;

1

2 (C) The amount of fees, if any, charged to  
3 and collected from probationers under supervision by the  
4 private entity;

5

6 (D) The number of community service hours  
7 performed by probationers under supervision;

8

9 (E) A listing of all services and programs  
10 for which a probationer was required to pay to attend;

11

12 (F) The number of violations of conditions of  
13 probation by probationers supervised by the private entity;

14

15 (G) The number of probationers supervised by  
16 the private entity for whom probation has been revoked and  
17 the reason for the revocation of probation;

18

19 (H) Any other information deemed relevant in  
20 describing the operation and effectiveness of the program;

21

1                   (J) Any other information that the joint  
2 judiciary interim committee and the joint appropriations  
3 committee requests.

4

5           (c) The department of administration and information,  
6 in consultation with the judicial conference of district  
7 judges established under W.S. 5-3-102(b) and the department  
8 of corrections, shall select a private probation services  
9 provider and contract for the provision of probation services  
10 in accordance with the provisions of W.S. 9-2-1016.

11

12           (d) The department of corrections and the judicial  
13 conference of district judges shall select a judicial  
14 district to participate in the pilot program created under  
15 this section.

16

17           (e) Any private probation service provider selected  
18 under this section shall only provide probation services for  
19 offenders who have committed a misdemeanor or nonviolent  
20 felony. For purposes of this section, "nonviolent felony"  
21 means any felony that is not a violent felony under W.S.  
22 6-1-104(a)(xii).

23

1           (f) The sentencing court in the judicial district  
2 selected to participate in the pilot program may refer a  
3 person sentenced to probation to begin or complete the term  
4 of probation in the private probation program created under  
5 this section. A person sentenced to probation may request to  
6 begin or complete his term of probation in the program created  
7 under this section.

8

9           (g) A private probation service provider selected under  
10 this section may charge reasonable fees to a probationer for  
11 the services provided under this section if established and  
12 approved in the contract entered into under subsection (c) of  
13 this section.

14

15           (h) Any private entity providing probation services  
16 under this section shall have no authority to sanction any  
17 probationer for violations of the conditions of probation.

18

19           (j) Any person whose probation is subject to  
20 supervision by a private entity under this section on the  
21 date of repeal of this section shall have their probation  
22 supervision transferred to the department of corrections.

23

1           (k) To the extent federal funds are available to fund  
2 the program created by this section, the department of  
3 administration and information may expend any monies  
4 appropriated by the legislature in any minimum amount  
5 necessary to qualify to receive the federal funds. Unless  
6 other requirements are mandated to qualify for the federal  
7 funds, after all federal funds are exhausted the department  
8 is authorized to use any remaining state funds consistent  
9 with all limitations imposed on funds in its appropriation.

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11           (m) This section is repealed effective July 1, 2022.

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13           **Section 2.** On or before November 1, 2021, the joint  
14 judiciary interim committee shall study the effectiveness of  
15 the private probation program created by this act and shall  
16 study the feasibility of expanding the program statewide or  
17 to other judicial districts. The joint judiciary interim  
18 committee may sponsor any legislation it deems necessary to  
19 continue, expand, modify or terminate the program.

20

21           **Section 3.** There is appropriated five hundred thousand  
22 dollars (\$500,000.00) from the general fund to the department  
23 of administration and information for the purpose of entering

1 into a contract with a private probation services provider as  
2 required by section 1 of this act. This appropriation shall  
3 be for the period beginning on July 1, 2020 and ending June  
4 30, 2022. This appropriation shall not be transferred or  
5 expended for any other purpose and any unexpended,  
6 unobligated funds remaining from this appropriation shall  
7 revert as provided by law on June 30, 2022.

8

9 **Section 4.**

10

11 (a) The department of corrections shall adopt rules and  
12 regulations to implement the provisions of this act,  
13 including rules to establish and oversee the program for  
14 private probation services created by Section 1 of this act.

15

16 (b) The department of administration and information,  
17 the department of corrections and the judicial conference of  
18 district judges may take any action necessary to implement  
19 the provisions of this act.

20

21 **Section 5.**

22



1           (a) Except as provided in subsection (b) of this section,  
2 this act is effective July 1, 2020.

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4           (b) Sections 4 and 5 of this act are effective  
5 immediately upon completion of all acts necessary for a bill  
6 to become law as provided by Article 4, Section 8 of the  
7 Wyoming Constitution.

8

9

(END)