

HOUSE BILL NO. HB0106

First offenders-deferred sentences.

Sponsored by: Representative(s) Johnson, L., Luthi and
Nicholas and Senator(s) Devin and Massie

A BILL

for

1 AN ACT relating to criminal procedure; amending the
2 requirements for placing first offenders on probation
3 without entering a judgment of guilty as specified;
4 eliminating the requirement that the prosecuting attorney
5 consent to deferred sentencing procedures for a first
6 offender; and providing for an effective date.

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

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10 **Section 1.** W.S. 7-13-301(a)(intro) is amended to
11 read:

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13 **7-13-301. Placing person found guilty, but not**
14 **convicted, on probation.**

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1 (a) If a person who has not previously been convicted
2 of any felony is charged with or is found guilty of or
3 pleads guilty or no contest to any misdemeanor except any
4 second or subsequent violation of W.S. 31-5-233 or any
5 similar provision of law, or any second or subsequent
6 violation of W.S. 6-2-501(a) or (b) by a household member
7 as defined by W.S. 35-21-102 against any other household
8 member or any similar provision of law, or any felony
9 except murder, sexual assault in the first or second
10 degree, aggravated assault and battery or arson in the
11 first or second degree, the court may, with the consent of
12 the defendant and the advice of the state, and without
13 entering a judgment of guilt or conviction, defer further
14 proceedings and place the person on probation for a term
15 not to exceed five (5) years upon terms and conditions set
16 by the court. The terms of probation shall include that he:

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18 **Section 2.** This act is effective July 1, 2002.

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(END)