

SENATE FILE NO. SF0017

Adult Community Corrections Act revisions.

Sponsored by: Joint Judiciary Interim Committee

A BILL

for

1 AN ACT relating to the Adult Community Corrections Act;
2 clarifying that the provisions of the act apply to adult
3 community corrections programs; amending contract
4 provisions as specified; amending an eligibility
5 requirement for an inmate to transfer to a community
6 corrections program; and providing for an effective date.

7

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

9

10 **Section 1.** W.S. 7-18-102(a)(i)(intro) and (iv),
11 7-18-103, 7-18-104, 7-18-106(a)(i), (iii), (b)(i) and (ii),
12 7-18-107(a)(intro) and (b), 7-18-108(a), (b)(intro), (i)
13 and (c) through (f), 7-18-109(a), (b)(intro), (iii), (iv)
14 and (c) through (e), 7-18-110(a)(i) through (iii),
15 7-18-111(a)(i) through (iii), 7-18-112(a)(i) and (ii),
16 7-18-113, 7-18-114(a)(intro), (b) and (e), 7-18-115(a),

1 (b) (intro), (ii), (c), (d), (f) and (g) are amended to
2 read:

3

4 **7-18-102. Definitions.**

5

6 (a) As used in this act:

7

8 (i) "Adult community correctional facility or
9 program" means a community based or community-oriented
10 facility or program which is operated either by a unit of
11 local government or by a nongovernmental agency which:

12

13 (iv) "Nongovernmental agency" means any person
14 or organization other than a unit of local government and
15 includes private profit and not for profit organizations;

16

17 **7-18-103. Establishment and operation of facilities
18 and programs by local governments; screening procedures;
19 acceptance or rejection of offenders, parolees or inmates.**

20

21 (a) Any unit of local government may establish,
22 maintain and operate adult community correctional
23 facilities and programs deemed necessary to serve its own
24 needs and may enter into contracts or agreements with a

1 corrections board for the placement of offenders, parolees
2 and inmates in its adult community correctional facility or
3 program.

4
5 (b) The unit of local government shall establish
6 procedures for screening offenders, parolees and inmates
7 who are to be placed in its adult community correctional
8 facility or program. The screening shall take into account
9 the risk the offender, parolee or inmate may present to
10 himself and others as well as the aptitude, attitude and
11 social and occupational skills of the offender, parolee or
12 inmate.

13
14 (c) The unit of local government has the authority to
15 accept, reject or reject after acceptance the placement of
16 any offender, parolee or inmate in its adult community
17 correctional facility or program pursuant to any contract
18 or agreement with a corrections board. If an offender,
19 parolee or inmate is rejected by the unit of local
20 government after initial acceptance, the offender, parolee
21 or inmate shall remain in the custody of the unit of local
22 government for a reasonable period of time pending receipt
23 of appropriate orders for transfer of the offender, parolee
24 or inmate.

1

2 **7-18-104. Establishment and operation of facilities**
3 **or programs by nongovernmental agencies; required**
4 **governmental approval; acceptance or rejection of**
5 **offenders, parolees or inmates.**

6

7 (a) If approved as provided in subsection (b) of this
8 section, a nongovernmental agency may establish, maintain
9 and operate ~~a~~an adult community correctional facility and
10 program and may contract with a corrections board to
11 provide services to offenders, parolees and inmates.

12

13 (b) The establishment of any nongovernmental adult
14 community correctional facility or program shall be subject
15 to approval of the board of county commissioners of the
16 county and the governing body of the city or town in which
17 the proposed facility or the situs of the program is to be
18 located. Approval or denial of the establishment of the
19 facility or program shall be made only after consultation
20 with the corrections board and the department.

21

22 (c) The nongovernmental agency operating ~~a~~an adult
23 community correctional facility or program has the
24 authority to accept, reject or reject after acceptance the

1 placement of any offender, parolee or inmate in its
2 facility or program pursuant to any contract or agreement
3 with a corrections board. If an offender, parolee or inmate
4 is rejected by the nongovernmental agency after initial
5 acceptance, the offender, parolee or inmate shall remain in
6 the custody of the nongovernmental agency for a reasonable
7 period of time pending receipt of appropriate orders for
8 transfer of the offender, parolee or inmate.

9

10 **7-18-106. Powers and duties of boards.**

11

12 (a) Subject to this act, a corrections board may:

13

14 (i) Contract with the department to accept
15 offenders, parolees and inmates for placement in ~~a~~an adult
16 community correctional facility or program operating under
17 a contract for services with the corrections board within
18 the county or counties served by the corrections board;~~and~~
19 ~~with which the corrections board has a contract for~~
20 ~~services;~~

21

22 (iii) Accept, reject or reject after acceptance
23 the placement pursuant to a contract with the department,
24 of any offender, parolee or inmate in ~~a~~an adult community

1 correctional facility or program. If an offender, parolee
2 or inmate is rejected by the corrections board after
3 initial acceptance, the offender, parolee or inmate shall
4 be placed in the custody of a sheriff of a county served by
5 the corrections board for a reasonable period of time
6 pending receipt of appropriate orders for the transfer of
7 the offender, parolee or inmate.

8

9 (b) A corrections board shall:

10

11 (i) Screen all offenders, parolees and inmates
12 proposed to be placed in ~~a~~an adult community correctional
13 facility or program taking into account the potential risk
14 resulting from the placement of the offender, parolee or
15 inmate as well as the aptitude, attitude and social and
16 occupational skills of the offender, parolee or inmate;

17

18 (ii) Review, inspect and evaluate all adult
19 community correctional facilities and programs operating
20 within the county or counties served by the corrections
21 board; and

22

23 **7-18-107. Required guidelines in contracts; review by**
24 **local government.**

1

2 (a) Every contract for services entered into pursuant
3 to this act between a corrections board and a local unit of
4 government or a nongovernmental agency shall provide
5 guidelines for the operation of the adult community
6 correctional facility or program and minimum standards for
7 the services provided, including:

8

9 (b) Prior to entering into agreement or contract with
10 any nongovernmental adult community corrections agency, the
11 corrections board shall submit the agreement or contract
12 and any proposed guidelines for the use of any program or
13 facility to the department and the governing body of any
14 affected unit of local government for its review and
15 recommendations.

16

17 **7-18-108. Placement of offender in program by court;**
18 **placement by department as administrative sanction.**

19

20 (a) Subject to subsection (b) of this section,
21 following an eligible adult offender's conviction or his
22 plea of guilty, the sentencing court may, as a condition of
23 probation, order that the offender participate in a

1 residential or nonresidential adult community correctional
2 program during all or any part of his term of probation.

3

4 (b) Placement of an offender in ~~a~~ an adult community
5 correctional facility or program under this section shall
6 be made only if:

7

8 (i) The adult community correctional facility or
9 program is operated by a governmental unit or a
10 nongovernmental agency which has entered into a contract ~~to~~
11 ~~provide services~~ with the corrections board serving the
12 county in which the defendant is sentenced and the
13 corrections board has contracted with the department to
14 provide adult community correctional services for
15 offenders;

16

17 (c) Prior to the placement of an offender in any
18 nongovernmental adult community correctional facility, the
19 sentencing judge shall notify or cause to be notified the
20 law enforcement agencies of affected units of local
21 government concerning the identity of the offender to be
22 placed.

23

1 (d) The probation and parole officers for the
2 judicial district shall be responsible for including in the
3 presentence report to the sentencing judge recommendations
4 for the utilization of any governmental or nongovernmental
5 adult community correctional facility or program which has
6 been approved for use by the corrections board.

7

8 (e) The probation and parole officers for the
9 judicial district shall have general supervisory authority
10 over all offenders placed in adult community correctional
11 facilities or programs under this section.

12

13 (f) Subject to subsection (b) of this section, the
14 department may, as an administrative sanction pursuant to
15 W.S. 7-13-1107, require any probationer participating in an
16 intensive supervision program who violates the rules and
17 restrictions of the program to participate in a residential
18 adult community correctional program for a period not to
19 exceed sixty (60) days as an alternative to probation
20 revocation.

21

22 **7-18-109. Transfer of inmate to facility by**
23 **department.**

24

1 (a) Subject to subsection (b) of this section, and
2 upon recommendation of the warden or superintendent of the
3 institution, the department may transfer an adult inmate to
4 a residential adult community correctional facility.

5

6 (b) A transfer of an inmate to a residential adult
7 community correctional facility under this section may be
8 made only if:

9

10 (iii) The inmate is within at least ~~nine~~ ~~(9)~~
11 twenty-four (24) months of his parole eligibility date and
12 his conduct during his confinement has been such that he is
13 appropriate for placement;

14

15 (iv) The residential adult community
16 correctional facility is operated under a contract with a
17 corrections board and the corrections board has contracted
18 with the department to provide services which include
19 placement of pre-parole inmates;

20

21 (c) Prior to the placement of an inmate in any
22 nongovernmental adult community correctional facility, the
23 department shall notify or cause to be notified the law

1 enforcement agencies of affected units of local government
2 concerning the identity of the inmate to be placed.

3

4 (d) No inmate shall be transferred to a residential
5 adult community corrections facility under this section
6 unless he agrees in writing to abide by the regulations of
7 the program provider and any additional conditions imposed
8 by the department. Approval of a transfer under this
9 section is not a discharge of the inmate but shall be
10 construed as an extension of the limits of confinement of
11 the institution to which the inmate was committed. The
12 department may revoke the approval of the transfer of an
13 inmate under this section at any time for violation by the
14 inmate of any conditions of the placement. Upon revocation
15 the inmate shall be returned to the physical custody of the
16 department.

17

18 (e) The probation and parole officers for the
19 judicial district shall have general supervisory authority
20 over all inmates in adult community correctional facilities
21 or programs under this section.

22

23 **7-18-110. Authority of department of corrections to**
24 **contract for services.**

1

2 (a) Subject to legislative appropriation, the
3 department may, by negotiation without competitive bids or
4 by competitive bidding, contract with any community
5 corrections board created under this act, to provide
6 services for:

7

8 (i) Convicted felony offenders ordered by a
9 sentencing court to participate in adult community
10 correctional facilities or programs as a condition of
11 probation;

12

13 (ii) Inmates transferred to a residential adult
14 community correctional facility by the department pursuant
15 to W.S. 7-18-109; or

16

17 (iii) Parolees required to participate in a
18 residential or nonresidential adult community correctional
19 program as a condition of parole pursuant to W.S. 7-18-115.

20

21 **7-18-111. Duties of department of corrections.**

22

23 (a) The department shall:

24

1 (i) Establish minimum facility standards for
2 residential adult community correctional facilities
3 operated by any entity receiving funds under this act;

4
5 (ii) Establish minimum standards for adult
6 community correctional programs;

7
8 (iii) Review and evaluate all adult community
9 correctional facilities and programs funded under this act;

10
11 **7-18-112. Escape.**

12
13 (a) An offender, parolee or an inmate is deemed
14 guilty of escape from official detention and shall be
15 punished as provided by W.S. 6-5-206(a)(i) if, without
16 proper authorization, he:

17
18 (i) Fails to remain within the extended limits
19 of his confinement or to return within the time prescribed
20 to ~~a~~an adult community correctional facility to which he
21 was assigned or transferred; or

22
23 (ii) Being a participant in a program
24 established under the provisions of this act he leaves his

1 place of employment or fails or neglects to return to the
2 adult community correctional facility within the time
3 prescribed or when specifically ordered to do so.

4

5 **7-18-113. Confinement of violators.**

6

7 If the administrator of ~~a~~an adult community correctional
8 facility or any other appropriate supervising authority has
9 cause to believe that an offender, parolee or inmate placed
10 in ~~a~~an adult community correctional facility has violated
11 any rule or condition of that person's placement in that
12 facility or any term of post-release supervision or cannot
13 be safely housed in that facility, the administrator or
14 other authority shall certify to the department the facts
15 which are the basis for the belief and execute a transfer
16 order to the sheriff of the county in which the facility is
17 located, who shall confine the offender, parolee or inmate
18 in the county jail pending a determination by the
19 appropriate judicial or executive authorities as to whether
20 or not the offender, parolee or inmate shall remain in
21 community corrections.

22

23 **7-18-114. Record and disbursement of wages; exemption**
24 **from process; confidentiality of amount.**

1

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

7

8 (b) Wages earned by offenders, other than parolees or
9 inmates, while in a residential adult community corrections
10 program shall be retained and accounted for by the program
11 operator and shall be disbursed only for the purposes and
12 in the order specified in subsection (a) of this section
13 unless otherwise ordered by the sentencing court. Any
14 remaining funds shall be paid to the offender upon his
15 satisfactory discharge from the program. Upon revocation of
16 an offender's probation, the program operator shall forward
17 any remaining funds to the court or to the institution to
18 which the offender is sentenced as directed by the court.

19

20 (e) Information relating to the amount of wages
21 earned by an inmate, parolee or offender in ~~a~~an adult
22 community corrections program is confidential and is not
23 subject to public inspection.

24

1 **7-18-115. Assignment of parolee to program by state**
2 **board of parole; placement by department as administrative**
3 **sanction.**

4
5 (a) Subject to subsection (b) of this section, the
6 state board of parole may, as a condition of parole,
7 require a parolee to participate in a residential or
8 nonresidential adult community correctional program during
9 all or any part of his term of parole.

10

11 (b) Placement of a parolee in a ~~an~~ adult community
12 correctional facility or program under this section shall
13 be made only if:

14

15 (ii) The adult community correctional facility
16 or program is operated under a contract with a corrections
17 board and the corrections board has contracted with the
18 department to provide services which include placement of
19 parolees;

20

21 (c) Prior to the placement of a parolee in any
22 nongovernmental adult community correctional facility, the
23 department shall notify or cause to be notified the law

1 enforcement agencies of affected units of local government
2 concerning the identity of the parolee to be placed.

3

4 (d) No parolee shall be paroled to ~~a~~an adult
5 residential community corrections facility under this
6 section unless he agrees in writing to abide by the
7 regulations of the program provider and any additional
8 conditions imposed by the state board of parole and the
9 department.

10

11 (f) The probation and parole officers for the
12 judicial district shall have general supervisory authority
13 over all parolees placed in adult community correctional
14 facilities or programs under this section.

15

16 (g) Subject to subsection (b) of this section, the
17 department may, as an administrative sanction pursuant to
18 W.S. 7-13-1107, require any parolee participating in an
19 intensive supervision program who violates the rules and
20 restrictions of the program to participate in ~~a~~an adult
21 residential community correctional program for a period not
22 to exceed sixty (60) days as an alternative to parole
23 revocation.

24

1 **Section 2.** W.S. 7-18-106(a)(ii) is repealed.

2

3 **Section 3.** This act is effective July 1, 2003.

4

5

(END)