

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), 7-18-111(a)(i) through
15 (iii), 7-18-112(a)(i) and (ii), 7-18-113,
16 7-18-114(a)(intro), (b) and (e), 7-18-115(a), (b)(intro),
17 (ii), (c), (d), (f) and (g) are amended to read:

1

2 **7-18-102. Definitions.**

3

4 (a) As used in this act:

5

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

10

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

14

15 **7-18-103. Establishment and operation of facilities**
16 **and programs by local governments; screening procedures;**
17 **acceptance or rejection of offenders, parolees or inmates.**

18

19 (a) Any unit of local government may establish,
20 maintain and operate adult community correctional
21 facilities and programs deemed necessary to serve its own
22 needs and may enter into contracts or agreements with a
23 corrections board for the placement of offenders, parolees

1 and inmates in its adult community correctional facility or
2 program.

3

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

12

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

24

1 **7-18-104. Establishment and operation of facilities**
2 **or programs by nongovernmental agencies; required**
3 **governmental approval; acceptance or rejection of**
4 **offenders, parolees or inmates.**

5

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

11

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

20

21 (c) The nongovernmental agency operating ~~a~~ an adult
22 community correctional facility or program has the
23 authority to accept, reject or reject after acceptance the
24 placement of any offender, parolee or inmate in its

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

8
9 **7-18-106. Powers and duties of boards.**

10
11 (a) Subject to this act, a corrections board may:

12
13 (i) Contract for a period not to exceed ten (10)
14 years with the department to accept offenders, parolees and
15 inmates for placement in ~~a~~ an adult community correctional
16 facility or program operating under a contract for services
17 with the corrections board within the county or counties
18 served by the corrections board; ~~and with which the~~
19 ~~corrections board has a contract for services;~~

20
21 (iii) Accept, reject or reject after acceptance
22 the placement pursuant to a contract with the department,
23 of any offender, parolee or inmate in ~~a~~ an adult community
24 correctional facility or program. If an offender, parolee

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

7

8 (b) A corrections board shall:

9

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

16

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

21

22 **7-18-107. Required guidelines in contracts; review by**
23 **local government.**

24

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

7

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

15

16 **7-18-108. Placement of offender in program by court;
17 placement by department as administrative sanction.**

18

19 (a) Subject to subsection (b) of this section,
20 following an eligible adult offender's conviction or his
21 plea of guilty, the sentencing court may, as a condition of
22 probation, order that the offender participate in a
23 residential or nonresidential adult community correctional
24 program during all or any part of his term of probation.

1

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

5

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

14

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

21

22 (d) The probation and parole officers for the
23 judicial district shall be responsible for including in the
24 presentence report to the sentencing judge recommendations

1 for the utilization of any governmental or nongovernmental
2 adult community correctional facility or program which has
3 been approved for use by the corrections board.

4

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

9

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

18

19 **7-18-109. Transfer of inmate to facility by**
20 **department.**

21

22 (a) Subject to subsection (b) of this section, and
23 upon recommendation of the warden or superintendent of the

1 institution, the department may transfer an adult inmate to
2 a residential adult community correctional facility.

3

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

7

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

12

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

18

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

24

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

14

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

19

20 **7-18-110. Authority of department of corrections to**
21 **contract for services.**

22

23 (a) Subject to legislative appropriation, the
24 department may, by negotiation without competitive bids or

1 by competitive bidding, contract for a period not to exceed
2 ten (10) years with any community corrections board created
3 under this act, to provide services for:

4
5 (i) Convicted felony offenders ordered by a
6 sentencing court to participate in adult community
7 correctional facilities or programs as a condition of
8 probation;

9
10 (ii) Inmates transferred to a residential adult
11 community correctional facility by the department pursuant
12 to W.S. 7-18-109; or

13
14 (iii) Parolees required to participate in a
15 residential or nonresidential adult community correctional
16 program as a condition of parole pursuant to W.S. 7-18-115.

17

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

19

20 (a) The department shall:

21

22 (i) Establish minimum facility standards for
23 residential adult community correctional facilities
24 operated by any entity receiving funds under this act;

1

2 (ii) Establish minimum standards for adult
3 community correctional programs;

4

5 (iii) Review and evaluate all adult community
6 correctional facilities and programs funded under this act;

7

8 **7-18-112. Escape.**

9

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

14

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

19

20 (ii) Being a participant in a program
21 established under the provisions of this act he leaves his
22 place of employment or fails or neglects to return to the
23 adult community correctional facility within the time
24 prescribed or when specifically ordered to do so.

1

2

7-18-113. Confinement of violators.

3

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

19

20

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

22

23

24

(a) Wages earned by an inmate, parolee or offender
while in ~~a~~an adult community corrections program shall be

1 retained and accounted for by the program operator and
2 shall be disbursed for the purposes provided in this
3 subsection and in the order specified:

4
5 (b) Wages earned by offenders, other than parolees or
6 inmates, while in a residential adult community corrections
7 program shall be retained and accounted for by the program
8 operator and shall be disbursed only for the purposes and
9 in the order specified in subsection (a) of this section
10 unless otherwise ordered by the sentencing court. Any
11 remaining funds shall be paid to the offender upon his
12 satisfactory discharge from the program. Upon revocation of
13 an offender's probation, the program operator shall forward
14 any remaining funds to the court or to the institution to
15 which the offender is sentenced as directed by the court.

16
17 (e) Information relating to the amount of wages
18 earned by an inmate, parolee or offender in ~~a~~an adult
19 community corrections program is confidential and is not
20 subject to public inspection.

21
22 **7-18-115. Assignment of parolee to program by state**
23 **board of parole; placement by department as administrative**
24 **sanction.**

1

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

7

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

11

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

17

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

23

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

7

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

12

13 (g) 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 parolee participating in an
16 intensive supervision program who violates the rules and
17 restrictions of the program to participate in ~~a~~an adult
18 residential community correctional program for a period not
19 to exceed sixty (60) days as an alternative to parole
20 revocation.

21

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

23

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

2

3

(END)