

SENATE FILE NO. SF0102

First offenders-deferred sentences.

Sponsored by: Senator(s) Goodenough

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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16 (a) If a person who has not previously been convicted
17 of any felony is charged with or is found guilty of or

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

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16 **Section 2.** This act is effective July 1, 2003.

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(END)