

HOUSE BILL NO. HB0171

Methamphetamine possession-penalties.

Sponsored by: Representative(s) Lubnau and Senator(s)
Scott

A BILL

for

1 AN ACT relating to controlled substances; modifying
2 penalties for possession of certain controlled substances;
3 providing for mandatory sentencing; providing for mandatory
4 substance abuse screening; providing for supervised
5 probation; providing for random drug testing; providing
6 conforming amendments; providing appropriations; requiring
7 reports; and providing for an effective date.

8

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

10

11 **Section 1.** W.S. 7-13-1302 and 35-7-1031(c)(i)(intro)
12 and (ii) are amended to read:

13

14 **7-13-1302. Substance abuse assessment required.**

15

16 All persons convicted of a third misdemeanor under W.S.

1 31-5-233(e), a misdemeanor possession of methamphetamine or
2 a felony shall receive, as a part of a presentence report,
3 a substance abuse assessment. The cost of the substance
4 abuse assessment shall be assessed to and paid by the
5 offender. A person who has undergone a substance abuse
6 assessment pursuant to W.S. 31-5-233(e) may receive a
7 second assessment under this section if the court finds
8 that enough time has passed to make the first assessment
9 inaccurate.

10

11 **35-7-1031. Unlawful manufacture or delivery;**
12 **counterfeit substance; unlawful possession.**

13

14 (c) It is unlawful for any person knowingly or
15 intentionally to possess a controlled substance unless the
16 substance was obtained directly from, or pursuant to a
17 valid prescription or order of a practitioner while acting
18 in the course of his professional practice, or except as
19 otherwise authorized by this act. Any person who violates
20 this subsection:

21

22 (i) And has in his possession a controlled
23 substance in the amount set forth in this paragraph is
24 guilty of a misdemeanor punishable by imprisonment for not

1 more than twelve (12) months, a fine of not more than one
2 thousand dollars (\$1,000.00), or both. Any person who has
3 in his possession methamphetamine in an amount set forth in
4 this paragraph is guilty of a misdemeanor punishable by
5 imprisonment for not less than seven (7) days nor more than
6 twelve (12) months, a fine of not more than one thousand
7 dollars (\$1,000.00), or both, shall not be eligible for
8 probation or suspension of sentence or release on any other
9 basis until he has served at least seven (7) days in jail,
10 shall receive a substance abuse assessment pursuant to W.S.
11 7-13-1302 and shall be subject to terms of probation that
12 include supervision by the court and random drug testing
13 during the term of probation. Notwithstanding any other
14 provision in this paragraph, if the person is a minor the
15 court may request the matter be transferred to juvenile
16 court or may suspend the mandatory minimum jail sentence on
17 the condition that the person is in school and complying
18 with any other conditions of probation the court may
19 impose. Nothing in this paragraph prohibits a court from
20 placing qualified offenders on probation and deferring
21 further proceedings pursuant to W.S. 7-13-301 or 35-7-1037.
22 Any person convicted for a third or subsequent offense
23 under this paragraph, including convictions for violations
24 of similar laws in other jurisdictions, shall be imprisoned

1 for a term not more than five (5) years, fined not more
2 than five thousand dollars (\$5,000.00), or both. For
3 purposes of this paragraph, the amounts of a controlled
4 substance are as follows:

5
6 (ii) And has in his possession methamphetamine
7 or a controlled substance classified in Schedule I or II
8 which is a narcotic drug in an amount greater than those
9 set forth in paragraph (c)(i) of this section, is guilty of
10 a felony punishable by imprisonment for not less than seven
11 (7) days nor more than seven (7) years, a fine of not more
12 than fifteen thousand dollars (\$15,000.00), or both, shall
13 not be eligible for probation or suspension of sentence or
14 release on any other basis until he has served at least
15 seven (7) days in jail, shall receive a substance abuse
16 assessment pursuant to W.S. 7-13-1302 and shall be subject
17 to terms of probation that include supervision by the court
18 and random drug testing during the term of probation.
19 Nothing in this paragraph prohibits a court from placing
20 qualified offenders on probation and deferring further
21 proceedings pursuant to W.S. 7-13-301 or 35-7-1037;

22
23 **Section 2.**
24

1 (a) There is appropriated one million dollars
2 (\$1,000,000.00) from the general fund to the department of
3 corrections for the biennium beginning July 1, 2006, to be
4 expended only to supervise persons, by providing services
5 directly or contracting for services to be delivered,
6 placed on probation pursuant to W.S. 35-7-1031(c) as a
7 result of a conviction for methamphetamine possession,
8 which conviction was entered on or after July 1, 2006.

9

10 (b) The department of corrections shall report to the
11 joint judiciary interim committee no later than November 1,
12 2006, regarding the expenditure of funds appropriated under
13 this section, the number of persons supervised and any
14 other information that may be helpful to the committee as
15 it considers the impact of this act.

16

17 **Section 3.**

18

19 (a) There is appropriated one hundred thousand
20 dollars (\$100,000.00) from the general fund to the
21 department of health for the biennium beginning July 1,
22 2006, to be expended only for substance abuse assessments,
23 by providing services directly or contracting for services
24 to be delivered, required under W.S. 7-13-1302 and

1 35-7-1031(c) for persons convicted of misdemeanor
2 possession of methamphetamine on or after July 1, 2006.
3 The department may conduct the assessments directly or
4 through contracts with mental health professionals who are
5 qualified to conduct the assessments.

6

7 (b) The department of health shall report to the
8 joint judiciary interim committee no later than November 1,
9 2006, regarding the expenditure of funds appropriated under
10 this section, the number of persons receiving substance
11 abuse assessments and any other information that may be
12 helpful to the committee as it considers the impact of this
13 act.

14

15 **Section 4.**

16

17 (a) There is appropriated five hundred thousand
18 dollars (\$500,000.00) from the general fund to the
19 department of family services for the biennium beginning
20 July 1, 2006, to be expended only to supervise juveniles
21 placed on probation pursuant to W.S. 35-7-1031(c) as a
22 result of a conviction for methamphetamine possession,
23 which conviction was entered on or after July 1, 2006.

24

1 (b) The department of family services shall
2 report to the joint judiciary interim committee no later
3 than November 1, 2006, regarding the expenditure of funds
4 appropriated under this section, the number of juveniles
5 supervised and any other information that may be helpful to
6 the committee as it considers the impact of this act.

7

8 **Section 5.** This act is effective July 1, 2006.

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(END)