

**DRAFT ONLY
NOT APPROVED FOR
INTRODUCTION**

HOUSE BILL NO. _____

Drug Court Accountability and Treatment Act.

Sponsored by: Representative(s) Gingery

A BILL

for

1 AN ACT relating to drug courts; providing definitions;
2 creating a new drug court program; repealing existing drug
3 court program; repealing teen court program; providing
4 purposes of the act; requiring rulemaking; specifying
5 requirements and procedures for creation and operation of a
6 drug court; specifying conditions for participation of a
7 drug offender in a drug court program; providing for
8 confidentiality and release of records; establishing a
9 state drug court advisory commission and local advisory
10 committees; requiring reports; specifying applicability of
11 the act; providing for transition of programs; and
12 providing for effective dates.

13

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

1

2 **Section 1.** W.S. 7-13-1601 through 7-13-1611 are
3 created to read:

4

5

6

ARTICLE 16
DRUG OFFENDER ACCOUNTABILITY AND TREATMENT ACT

7

8

7-13-1601. Short title.

9

10 This act shall be known and may be cited as the "Drug
11 Offender Accountability and Treatment Act".

12

13

7-13-1602. Definitions.

14

15 (a) As used in this act:

16

17 (i) "Continuum of care" means a seamless and
18 coordinated course of substance abuse education and
19 treatment designed to meet the needs of drug offenders as
20 they move through the criminal justice system and beyond,
21 maximizing self-sufficiency;

22

23 (ii) "Department" means the department of
24 health;

1

2 (iii) "Drug" includes alcohol or any controlled
3 substance as defined in W.S. 35-7-1002(a)(iv);

4

5 (iv) "Drug court" means a judicial intervention
6 process that incorporates the ten (10) key components and
7 may include:

8

9 (A) Post-adjudication whereby a drug
10 offender is ordered to participate in drug court after
11 entering a plea of guilty or nolo contendere or having been
12 found guilty;

13

14 (B) Reentry whereby a drug offender is
15 ordered to participate in drug court upon release from a
16 sentence or incarceration; or

17

18 (C) A combination program which may include
19 post-adjudication and reentry.

20

21 (v) "Drug court coordinator" means an individual
22 who is responsible for coordinating the establishment,
23 staffing, operation, evaluation and the integrity of the
24 drug court;

1

2 (vi) "Drug offender" means a person charged with
3 a drug-related offense or an offense in which substance
4 abuse is determined from the evidence to have been a
5 significant factor in the commission of the offense;

6

7 (vii) "Dual diagnosis" means a substance abuse
8 and co-occurring mental health disorder;

9

10 (viii) "Recidivism" means any subsequent arrest
11 for a felony offense resulting in the filing of a charge;

12

13 (ix) "Relapse" means a return to substance
14 use after a period of abstinence;

15

16 (x) "Senior district court judge" means the
17 district court judge within a judicial district who has the
18 most years of service in the position as a district court
19 judge within that judicial district;

20

21 (xi) "Split sentencing" means a sentence which
22 includes a period of incarceration followed by a period of
23 supervision;

24

1 (xii) "Staffing" means the meeting before a drug
2 offender's appearance in drug court in which the drug court
3 team discusses a coordinated response to the drug
4 offender's behaviors;

5

6 (xiii) "Substance abuse" means the illegal
7 possession or use of a drug;

8

9 (xiv) "Substance abuse assessment" means as
10 defined in W.S. 7-13-1301(a)(v);

11

12 (xv) "Substance abuse treatment" means a program
13 designed to provide prevention, education and therapy
14 directed toward ending substance abuse and preventing a
15 return to substance abuse;

16

17 (xvi) "Ten (10) key components" includes:

18

19 (A) Drug courts integrating drug treatment
20 services with justice system case processing;

21

22 (B) Use of a non-adversarial approach with
23 prosecution and defense counsel promoting public safety
24 while protecting a drug offender's due process rights;

1

2 (C) Early identification of eligible drug
3 offenders who shall be placed promptly in a drug court
4 program;

5

6 (D) Drug courts providing access to a
7 continuum of drug and other related treatment and
8 rehabilitation services;

9

10 (E) Frequent drug testing to monitor
11 abstinence;

12

13 (F) A coordinated strategy governing drug
14 court responses to drug offenders' behaviors;

15

16 (G) Essential and ongoing judicial
17 interaction with each drug offender;

18

19 (H) Monitoring and evaluation which
20 measures the achievement of drug court goals and gauges
21 effectiveness;

22

1 (J) Continuing interdisciplinary education
2 promoting effective drug court planning, implementation and
3 operations; and

4
5 (K) Forging partnerships among drug courts,
6 public agencies and community based organizations to
7 generate local support and enhance drug court
8 effectiveness.

9
10 (xvii) "This act" means W.S. 7-13-1601
11 through 7-13-1611.

12
13 **7-13-1603. Purposes and goals.**

14
15 (a) The legislature recognizes that a critical need
16 exists in this state for criminal justice system programs
17 that break the cycle of drug abuse and addiction and the
18 crimes committed as a result of drug abuse and addiction.
19 Local drug court programs shall be facilitated for the
20 purpose of providing sentencing options for the judicial
21 system to dispose of cases stemming from drug use by
22 combining judicial supervision, supervised probation, drug
23 testing, treatment, after-care and monitoring of drug
24 offenders.

1

2 (b) The outcome measures of the drug court programs
3 funded under this act shall be:

4

5 (i) To reduce recidivism of drug offenders in
6 the drug court program;

7

8 (ii) To ensure retention and graduation of drug
9 offenders in the drug court program;

10

11 (iii) To ensure sobriety of drug offenders in
12 the drug court program;

13

14 (iv) To monitor the units of services provided
15 to each drug offender in the drug court program.

16

17 (c) Drug court judges and attorneys shall adhere to
18 the standards set forth in the Wyoming Code of Judicial
19 Conduct, the Wyoming Rules of Professional Conduct for
20 Attorneys at Law and the American Bar Association Standards
21 of Criminal Justice. Drug court judges and attorneys shall
22 remain continually cognizant of the due process rights
23 guaranteed to all citizens and the state's substantial

1 interest in maintaining effective and efficient judicial
2 and penal systems.

3

4 **7-13-1604. Establishment of drug court account; rules**
5 **and regulations.**

6

7 (a) There is created a drug court account. All
8 interest earned on funds within this account shall be
9 deposited in the account.

10

11 (b) With advice and recommendations from the state
12 drug court advisory commission, the department shall make
13 the determination whether an application for a new drug
14 court program meets the qualifications specified under W.S.
15 7-13-1605(b) and shall determine the funding amounts for
16 each new and existing drug court. The department may deny
17 an application for a new drug court program, even if the
18 new drug court program meets the qualifications specified
19 under W. S. 7-13-1605(b), based on funding considerations,
20 specifically if the funding of the new drug court program
21 would substantially affect the funding levels of existing
22 drug court programs.

23

1 (c) The department shall promulgate rules and
2 regulations specifying the qualifications of a drug court
3 program, eligibility for participation by a drug offender,
4 operational standards and protocols of each drug court
5 program, training requirements of the drug court team and
6 staff, collection and maintenance of data, certification
7 requirements for treatment personnel participating in the
8 drug court program and funding formulas for distribution
9 from the drug court account. The department shall certify
10 that the drug court is in compliance with the rules and
11 regulations established by the department and shall revoke
12 the certification of any drug court that does not comply.

13

14 (d) All contractual agreements with treatment
15 providers for each drug court program shall be between the
16 department and the treatment provider.

17

18 (e) In addition to those funds appropriated to the
19 account under subsection (a) of this section the department
20 may accept, and shall deposit to the account, any gifts,
21 contributions, donations, grants or federal funds
22 specifically given to the department for the benefit of
23 drug courts or treatment providers in Wyoming.

24

1 (f) Any expenses incurred by the department in
2 implementing this act shall be paid from the drug court
3 account and shall not exceed ten percent (10%) of the
4 amounts disbursed to the drug court system from the account
5 on a biennium basis.

6
7 (g) Nothing in this act shall prohibit counties from
8 obtaining or providing supplemental funds. All
9 supplemental funds received by a county for the operation
10 of a drug court or the provision of services through a drug
11 court program shall be reported to the department.

12
13 **7-13-1605. Establishment of drug court system.**

14
15 (a) Each judicial district may establish drug courts
16 as determined by, directed by and structured accordingly by
17 the senior district court judge within the judicial
18 district. The senior district court judge shall determine
19 the relationship between the circuit and district courts
20 within the judicial district with respect to the drug
21 court, and the use of circuit court judges and circuit
22 court magistrates.

1 (b) Any drug court which meets all of the following
2 qualifications and rules and regulations promulgated by the
3 department pursuant to W.S. 7-13-1604(c) is eligible for
4 funding from the department:

5
6 (i) The board of county commissioners from the
7 county in which the drug court shall be located shall
8 submit an application to the department stating that:

9
10 (A) The county shall be the contracting
11 agent for all contracts required for the drug court, except
12 contracts between treatment providers and the department;

13
14 (B) All employees within the drug court
15 program shall be employees of the county, except treatment
16 provider and department of corrections employees who shall
17 not be employees of the drug court program for any
18 purposes;

19
20 (C) All funds and grants shall be managed
21 by the county, except funding to treatment providers which
22 shall be managed by the department; and

23

1 (D) All billing for the drug court shall be
2 the responsibility of the county, except billing by
3 treatment providers which shall be sent by the provider to
4 the department.

5
6 (ii) The senior district court judge submits a
7 statement to the department agreeing to establish the drug
8 court within the judicial district in that particular
9 county and stating the structure to be used by the court,
10 including but not limited to, the relationship between the
11 district court and circuit court pursuant to W.S. 5-3-112
12 and the use of circuit court judge and circuit court
13 magistrates;

14
15 (iii) The applicant under paragraph (i) of this
16 subsection demonstrates the ability of the drug court to
17 utilize and implement the ten (10) key components;

18
19 (iv) The applicant under paragraph (i) of this
20 subsection designates whether the drug court program shall
21 be an adult drug court, a family dependency treatment
22 court, juvenile drug court or a re-entry drug court; and

23

1 (v) The applicant under paragraph (i) of this
2 subsection provides a statement from the director of the
3 department of corrections that the department of
4 corrections shall provide a monitoring officer for the drug
5 court.

6

7 **7-13-1606. Court structure.**

8

9 (a) Participation by a drug offender in drug court,
10 with the consent of the prosecution and the drug court,
11 shall be permitted in accordance with a written agreement
12 between the drug offender and the drug court. An eligible
13 drug offender may participate in a post-adjudication,
14 reentry or combination program.

15

16 (b) The judge may grant reasonable incentives under
17 the written agreement if he finds that the drug offender:

18

19 (i) Is performing satisfactorily in drug court;

20

21 (ii) Is benefiting from education, treatment and
22 rehabilitation;

23

24 (iii) Has not engaged in criminal conduct; and

1

2 (iv) Has not violated any term or condition of
3 the agreement.

4

5 (c) The judge may impose reasonable sanctions under
6 the written agreement, including, but not limited to,
7 incarceration or expulsion from the drug court program if
8 he finds that the drug offender:

9

10 (i) Is not performing satisfactorily in drug
11 court;

12

13 (ii) Is not benefiting from education, treatment
14 or rehabilitations;

15

16 (iii) Has engaged in conduct rendering him
17 unsuitable for the program;

18

19 (iv) Has otherwise violated any term or
20 condition of the agreement; or

21

22 (v) Is for any reason unable to participate.

23

1 (d) Upon successful completion of a drug court
2 program, a drug offender's case shall be disposed of by the
3 judge in the manner prescribed by the agreement and by
4 applicable policies and procedures adopted by the drug
5 court, which may include, but are not limited to, dismissal
6 of charges, probation, deferred sentencing, suspended
7 sentencing, split sentencing or a reduced period of
8 incarceration. To expel a drug offender from the drug
9 court program, a motion to expel a drug offender from drug
10 court shall be filed by the district attorney. A hearing
11 shall be held on the motion to expel before a judge that
12 has not participated in staffing of the drug offender's
13 case in the drug court program unless the drug offender
14 consents to that judge hearing the motion.

15

16 (e) A drug court shall include the ten (10) key
17 components and the drug court team shall act to ensure
18 compliance with the components.

19

20 (f) Drug offender cases processed pursuant to this
21 act shall be calendared on dedicated dockets, set aside
22 from other criminal cases.

23

1 (g) Each county seeking to establish a drug court, or
2 continue the operation of an existing drug court, shall
3 establish a local drug court team. The drug court team
4 shall consist of the following members who are assigned to
5 the drug court:

6
7 (i) The judge, who may be a district court
8 judge, a circuit court judge or a circuit court magistrate;

9
10 (ii) One (1) prosecuting attorney, selected by
11 the district attorney;

12
13 (iii) One (1) member who is a licensed attorney
14 and who practices criminal defense, selected by the judge
15 of the drug court;

16
17 (iv) One (1) monitoring officer, selected and
18 assigned to the drug court team by the department of
19 corrections;

20
21 (v) A representative of the treatment providers,
22 agreed upon by the attorney members of the drug court team
23 and the judge;

1 (vi) The drug court coordinator; and

2

3 (vii) One (1) law enforcement officer, selected
4 by the county sheriff, but who need not be a deputy
5 sheriff.

6

7 (h) The drug court team shall, when practicable,
8 conduct a staffing prior to each drug court session to
9 discuss and provide updated information regarding drug
10 offenders appearing before the drug court. After
11 determining the progress or lack thereof for each drug
12 offender, the drug court team shall agree on the
13 appropriate incentive or sanction to be applied. If the
14 drug court team cannot unanimously agree on the appropriate
15 action, the drug court shall make the decision based on
16 information presented in the staffing.

17

18 (j) Nothing in this act shall confer a right or an
19 expectation of a right to participate in a drug court
20 program, nor does it obligate the drug court to accept
21 every drug offender. Neither the establishment of a drug
22 court nor anything herein shall be construed as limiting
23 the discretion of the district attorney to act on any
24 criminal case which he deems advisable to prosecute.

1

2 (k) Each drug offender shall contribute to the cost
3 of his substance abuse treatment in accordance with W.S. 7-
4 13-1607(f).

5

6 (m) A drug court coordinator shall be responsible for
7 the general administration of drug court.

8

9 **7-13-1607. Conditions for admission to a drug court**
10 **program.**

11

12 (a) Each drug court shall establish conditions for
13 referral to the drug court, which shall include a substance
14 abuse assessment. Any drug offender applying to enter the
15 drug court program shall agree in writing to the release of
16 medical and other records relevant to the treatment of the
17 participant pursuant to subsection (b) of this section.

18

19 (b) Drug court staff shall be provided with access to
20 all records of any state or local government agency
21 relevant to the treatment of any program participant. No
22 contents of records and reports shall be disclosed to any
23 person outside of the drug court. The records and reports

1 shall be maintained by the court in a confidential file not
2 available to the public.

3

4 (c) The judge who presides over the drug court shall
5 inform the eligible participant prior to acceptance into
6 the drug court program that the eligible participant may be
7 subject to a term of probation that exceeds the maximum
8 term of imprisonment established for the offense as
9 provided in W.S. 5-9-134.

10

11 (d) A court may permit a drug offender to participate
12 in drug court if:

13

14 (i) An assessment reveals that an offender is a
15 substance abuser or a referring court recommends that the
16 drug offender participate in drug court;

17

18 (ii) The court has reason to believe that
19 participation in drug court will benefit the drug offender
20 by addressing his substance abuse;

21

22 (iii) The district attorney consents to the drug
23 offender's participation in the program; and

24

1 (iv) The drug offender's case is processed
2 pursuant to W.S. 7-13-1606(a).

3

4 (e) Where the court determines that participation in
5 drug court will not benefit the offender, or the offender
6 is not an appropriate candidate, the court shall make a
7 finding on the record that the offender is ineligible to
8 participate in drug court.

9

10 (f) A drug offender shall pay a reasonable portion of
11 the cost to participate in a drug court program. The costs
12 assessed shall be compensatory and not punitive in nature
13 and shall take into account the drug offender's ability to
14 pay. Upon a showing of indigency, the drug court may
15 reduce or waive costs under this subsection. Any fees
16 received by the court from an offender shall not be
17 considered court costs or fines.

18

19 **7-13-1608. Treatment and support services.**

20

21 (a) Each drug court shall establish a system to
22 ensure that drug offenders are placed into a substance
23 abuse treatment program certified by the department. Each
24 drug court team shall determine the type and duration

1 necessary of the treatment program so that a drug
2 offender's individualized needs can be addressed. The
3 determination shall be based upon objective medical
4 diagnostic criteria. Treatment recommendations accepted by
5 the court pursuant to this act shall be deemed to be
6 reasonable and necessary.

7

8 (b) An adequate continuum of care for drug offenders
9 shall be established by the local advisory committee as
10 required under W.S. 7-13-1611(g)

11

12 (c) The relationship between the treatment program
13 and the drug court shall be governed by a memorandum of
14 understanding, which shall include the timely reporting of
15 the drug offender's progress or lack thereof to the drug
16 court.

17

18 (d) It is essential to provide offenders with
19 adequate support services and aftercare.

20

21 (e) Recognizing that drug offenders are frequently
22 dually diagnosed, appropriate services shall be made
23 available, where practicable.

24

1 (f) Recognizing that the longer a drug offender stays
2 in treatment, the better the outcome, the length of stay in
3 treatment shall be determined by the drug court team based
4 on individual needs and accepted practices.

5

6 **7-13-1609. Drug Testing.**

7

8 (a) The drug court team shall ensure fair, accurate
9 and reliable drug testing procedures.

10

11 (b) The drug offender shall be ordered to submit to
12 frequent, random and observed drug testing to monitor
13 abstinence.

14

15 (c) The results of all drug tests shall be provided
16 to the drug court team as soon as practicable.

17

18 (d) Anyone in receipt of drug test results shall
19 maintain the information in compliance with the
20 requirements of federal and state confidentiality laws.

21

22 (e) The drug offender shall be responsible for costs
23 of drug testing, pursuant to W.S. 7-13-1607(f).

24

1 **7-13-1610. Program integrity and offender**
2 **accountability.**

3

4 (a) Drug courts shall collect and maintain the
5 following:

6

7 (i) The drug offender's prior criminal history;

8

9 (ii) The drug offender's prior substance abuse
10 treatment history, including information on the drug
11 offender's success or failure in those programs;

12

13 (iii) The drug offender's employment, education
14 and income histories;

15

16 (iv) The drug offender's gender, race,
17 ethnicity, marital, family status and any child custody and
18 support obligations;

19

20 (v) The number of addicted and of healthy babies
21 born to female drug offenders during and after
22 participation in drug court;

23

1 (vi) Instances of relapse and recidivism
2 occurring before, during and after successful completion of
3 drug court. Relapse and recidivism shall be measured at
4 intervals of one (1), two (2) and five (5) years after
5 successful completion of a drug court program;

6
7 (vii) Instances of relapse and recidivism
8 occurring before, during and after a drug offender's failed
9 participation in drug court;

10
11 (viii) The number of offenders screened for
12 eligibility, the number of eligible drug offenders who
13 were, and were not, admitted into a drug court program and
14 their case dispositions;

15
16 (ix) The drug of choice and the estimated daily
17 financial cost to the drug offender at the time of entry
18 into the program;

19
20 (x) Costs of operation and sources of funding of
21 the drug court program.

22
23 (b) A drug offender may be required as a condition of
24 probation or parole to provide the information described in

1 subsection (a) of this section. The collection and
2 maintenance of information under this section shall be in a
3 standardized format according to applicable guidelines as
4 set forth by the department pursuant to W.S. 7-13-1604(c).

5

6 (c) To protect drug offenders' privacy in accordance
7 with federal and state confidentiality laws, treatment
8 records shall be kept in a secure environment separated
9 from the court records to which the public has access.

10

11 (d) Drug courts shall comply with all state and
12 federal due process requirements.

13

14 (e) Drug court team members and staff shall be
15 trained in accordance with W.S. 7-13-1604(c).

16

17 (f) Drug courts shall comply with the federal rules
18 of confidentiality specified in 42 C.F.R. 290(dd-2).

19

20 **7-13-1611. State commission and local advisory**
21 **committees.**

22

23 (a) There is established a state drug court advisory
24 commission to plan, implement and develop statewide drug

1 courts. The commission shall make recommendations to the
2 chief justice, the governor, and the joint judiciary
3 interim committee concerning the legal, policy and
4 procedural issues confronting the state's drug courts.

5

6 (b) The commission shall be comprised of the
7 following:

8

9 (i) Two (2) members of the Wyoming senate,
10 appointed by the president of the senate. Not more than
11 one (1) member shall be of the same political party. The
12 president of the senate shall designate a cochairman of the
13 commission;

14

15 (ii) Two (2) members of the Wyoming house of
16 representatives, appointed by the speaker of the house.
17 Not more than one (1) member shall be of the same political
18 party. The speaker of the house shall designate a
19 cochairman of the commission;

20

21 (iii) The chief justice of the Wyoming supreme
22 court;

23

1 (iv) Three (3) judges appointed by the chief
2 justice of the Wyoming supreme court;

3

4 (v) One (1) county and prosecuting attorney,
5 appointed by the Wyoming county and prosecuting attorneys'
6 association;

7

8 (vi) The state public defender or his designee;

9

10 (vii) The director of the department of health
11 or his designee;

12

13 (viii) The director of the department of
14 corrections or his designee;

15

16 (ix) The attorney general or his designee;

17

18 (x) The director of the department of family
19 services or his designee.

20

21 (c) The commission shall make recommendations to the
22 chief justice, the governor and the joint judiciary interim
23 committee for the development a comprehensive, coordinated
24 state policy concerning the extent to which drug courts can

1 provide a meaningful solution to the devastating effect of
2 substance abuse on society.

3

4 (d) The commission shall recommend to the department
5 criteria for eligibility of drug court programs, procedural
6 rules, guidelines for operation and standards and protocols
7 for operation of drug court programs.

8

9 (e) The commission shall promote training and
10 technical assistance for criminal justice personnel and
11 education for the public about the effectiveness of drug
12 court programs.

13

14 (f) Each county within the judicial district that
15 operates a drug court shall have a local advisory
16 committee, consisting of the following members or their
17 designees:

18

19 (i) The senior district court judge, who shall
20 serve as chair;

21

22 (ii) The drug court judge, if different than the
23 senior district court judge, such as a junior district

1 court judge, a circuit court judge, or a circuit court
2 magistrate;

3

4 (iii) The district attorney;

5

6 (iv) The drug court coordinator;

7

8 (v) A member of the criminal defense bar,
9 selected by the judge of the drug court;

10

11 (vi) The clerk of the district court;

12

13 (vii) The county sheriff;

14

15 (viii) A representative of the substance abuse
16 treatment providers, selected by the attorneys serving on
17 the drug court team and the judge;

18

19 (ix) A county commissioner;

20

21 (x) Such other persons as the chair deems
22 appropriate.

23

1 (g) The local advisory committee shall ensure
2 quality, efficiency and fairness in planning, implementing
3 and operating every drug court that serves the county. The
4 critical performance measures to be collected by the local
5 advisory shall include those set forth in W.S. 7-13-
6 1610(a). The local advisory committee shall ensure the
7 provision of a full continuum of care for drug offenders
8 and monitor the cooperation and relationship between
9 multiple drug courts within a county.

10

11 (h) The local advisory committee shall annually
12 report to the state drug court advisory commission by
13 August 1 of each year regarding the previous fiscal year.
14 The report shall include:

15

16 (i) A description of the drug courts operating
17 within the county;

18

19 (ii) Names of judges participating in the drug
20 courts within the county;

21

22 (iii) A description of the level of community
23 involvement in operation of the drug courts within the
24 county;

1

2 (iv) A description of all education and training
3 provided to drug court teams, staff and participants;

4

5 (v) A description of the use of existing
6 resources;

7

8 (vi) A description of the collaborative efforts
9 to ensure the operation of the drug courts within the
10 county;

11

12 (vii) An evaluation of the critical data
13 elements required by W.S. 7-13-1610(a).

14

15 (j) The state drug court advisory commission shall
16 provide a statewide report annually to the supreme court,
17 governor and joint judiciary interim committee regarding
18 the need for and implementation of this act. The report
19 shall include a synopsis of such information or data
20 necessary to determine the impact, utility and cost and
21 cost effectiveness of implementation of the act and ongoing
22 operation of drug courts in the state.

23

1 **Section 2.** W.S. 5-9-134, 7-13-304 by creating a new
2 subsection (d), 7-13-402(c), by creating a new subsection
3 (j), 7-19-106(a)(ix), 14-3-429(d) by creating a new
4 paragraph (iv) and 14-6-247(a) by creating a new paragraph
5 (xiv) are amended to read:

6
7 **5-9-134. Probation; correction and reduction of**
8 **sentence.**

9
10 The circuit court may place a criminal defendant on
11 probation pursuant to W.S. 7-13-301 through 7-13-307.
12 Notwithstanding any other provision of law, the probation
13 period for a defendant whose disposition includes
14 participation in a substance abuse treatment program or a
15 drug court may exceed the maximum term of imprisonment
16 established for the offense, but shall not exceed ~~two (2)~~
17 three (3) years. The court shall conduct, on at least a
18 monthly basis, a review on the progress of a defendant
19 sentenced to treatment under this section. The review may
20 be conducted in a manner the court deems appropriate, but
21 shall include receiving regular progress reports from the
22 treatment provider.

1 **7-13-304. Imposition or modification of conditions;**
2 **performance of work by defendant; imposition of drug court**
3 **participation.**

4
5 (d) As a condition of probation or suspension of
6 sentence, the court may require a defendant to successfully
7 complete a drug court program pursuant to W.S. 7-13-1601
8 through 7-13-1612.

9
10 **7-13-402. General powers and duties of board;**
11 **eligibility for parole; immunity.**

12
13 (c) In granting a parole the board shall fix terms
14 and conditions it deems proper to govern the conduct of the
15 parolee while the parole is in effect. The terms and
16 conditions may:

17
18 (i) Be special in each case, ~~or they may~~
19 including ordering a parolee to participate in a drug court
20 program qualified under W.S. 7-13-1601 through 7-13-1612,
21 provided the drug court program accepts the parolee for
22 participation in its drug court program. The drug court
23 program shall be specialized as a reentry drug court;

1 (ii) Be prescribed by general rules and
2 regulations of the board;~~7~~ or

3
4 (iii) Both.

5
6 (j) A parolee who enters a qualified drug court
7 program shall be subject to the sanctioning powers of the
8 drug court but shall remain under the authority of the
9 board for all other matters related to the parolee's
10 continuing parole.

11
12 **7-19-106. Access to, and dissemination of,**
13 **information.**

14
15 (a) Criminal history record information shall be
16 disseminated by criminal justice agencies in this state,
17 whether directly or through any intermediary, only to:

18
19 (ix) Drug court staff utilizing the information
20 pursuant to the drug court act in title ~~5-7~~, chapter ~~10-13~~,
21 article 16;

22
23 **14-3-429. Decree where child adjudged neglected;**
24 **dispositions; terms and conditions; legal custody.**

1

2 (d) As a part of any order of disposition and the
3 terms and conditions thereof, the court may:

4

5 (iv) Require the child's parents or guardian and
6 the child to participate in a drug court program qualified
7 under W.S. 7-13-1601 through 7-13-1611, provided the drug
8 court accepts the child's parents or guardian and the child
9 for participation in its drug court program. The drug
10 court program shall be specialized as a family dependency
11 treatment court.

12

13 **14-6-247. Sanctions common to all levels.**

14

15 (a) For a child at any sanction level, the juvenile
16 court may:

17

18 (xiv) Require the child or the child's parents
19 or guardian and the child to participate in a drug court
20 program created under W.S. 7-13-1601 through 7-13-1611,
21 provided the drug court accepts the child's parents or
22 guardian and the child for participation in its drug court
23 program. The drug court program shall be specialized as

1 either a family dependency treatment court or a juvenile
2 drug court.

3
4 **Section 3.** W.S. 5-10-101 through 5-10-107, 7-13-1201
5 through 7-13-1205, 14-3-306, 14-6-247(a)(iv) and 2007
6 Wyoming Session Laws, Chapter 201 are repealed.

7
8 **Section 4.**

9
10 (a) Effective July 1, 2008, any funds remaining in
11 the drug court account created by W.S. 5-10-103 shall be
12 transferred to the drug court account created by W.S. 7-13-
13 1604.

14
15 (b) Any drug court program in existence and receiving
16 funding from the department of health for the operation of
17 the drug court program may continue to operate until the
18 funding authorized for the drug court program prior to the
19 effective date specified section 5, subsection (b), of this
20 act is exhausted, or until the end of the fiscal biennium
21 ending June 30, 2008, whichever occurs earlier.
22 Thereafter, the program may receive funding only upon
23 compliance with the requirements specified in W.S. 7-13-
24 1605.

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Section 5.

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(a) W.S. 7-13-1604(c) created by this act is effective immediately upon completion of all acts necessary for a bill to become law as provided by Article 4, Section 8 of the Wyoming Constitution.

(b) Except as provided in subsection (a) of this section, this act is effective July 1, 2008.

(END)