

**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 and other specialized courts;  
2 providing definitions; creating a new drug court program;  
3 repealing existing drug court program; repealing teen court  
4 program; expanding and modifying application of drug and  
5 other specialized courts; providing purposes of the act;  
6 requiring rulemaking; specifying requirements and  
7 procedures for creation and operation of a drug court;  
8 specifying conditions for participation of a drug offender  
9 in a drug court program; increasing maximum extended  
10 probation period for persons in substance abuse treatment  
11 programs or drug courts; providing for confidentiality and  
12 release of records; establishing a state drug court  
13 advisory commission and local advisory committees;  
14 requiring reports; specifying applicability of the act;

1 providing for transition of programs; and providing for  
2 effective dates.

3

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

5

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

8

9

ARTICLE 16

10

DRUG OFFENDER ACCOUNTABILITY AND TREATMENT ACT

11

12 **7-13-1601. Short title.**

13

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

16

17 **7-13-1602. Definitions.**

18

19 (a) As used in this act:

20

21 (i) "Continuum of care" means a seamless and  
22 coordinated course of substance abuse education and  
23 treatment designed to meet the needs of drug offenders as

1 they move through the criminal justice system and beyond,  
2 maximizing self-sufficiency;

3

4 (ii) "Department" means the department of  
5 health;

6

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

9

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

13

14 (A) Post-adjudication whereby a drug  
15 offender is ordered to participate in drug court after  
16 entering a plea of guilty or nolo contendere or having been  
17 found guilty;

18

19 (B) Reentry whereby a drug offender is  
20 ordered to participate in drug court upon release from a  
21 sentence or incarceration; or

22

1                   (C) A combination program which may include  
2 post-adjudication and reentry.

3

4                   (v) "Drug court coordinator" means an individual  
5 who is responsible for coordinating the establishment,  
6 staffing, operation, evaluation and the integrity of the  
7 drug court;

8

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

13

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

16

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

19

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

22

1           (x) "Senior district court judge" means the  
2 district court judge within a judicial district who has the  
3 most years of service in the position as a district court  
4 judge within that judicial district;

5

6           (xi) "Split sentencing" means a sentence which  
7 includes a period of incarceration followed by a period of  
8 supervision;

9

10           (xii) "Staffing" means the meeting before a drug  
11 offender's appearance in drug court in which the drug court  
12 team discusses a coordinated response to the drug  
13 offender's behaviors;

14

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

17

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

20

21           (xv) "Substance abuse treatment" means a program  
22 designed to provide prevention, education and therapy

1 directed toward ending substance abuse and preventing a  
2 return to substance abuse;

3

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

5

6 (A) Drug courts integrating drug treatment  
7 services with justice system case processing;

8

9 (B) Use of a nonadversarial approach with  
10 prosecution and defense counsel promoting public safety  
11 while protecting a drug offender's due process rights;

12

13 (C) Early identification of eligible drug  
14 offenders who shall be placed promptly in a drug court  
15 program;

16

17 (D) Drug courts providing access to a  
18 continuum of drug and other related treatment and  
19 rehabilitation services;

20

21 (E) Frequent drug testing to monitor  
22 abstinence;

23

1 (F) A coordinated strategy governing drug  
2 court responses to drug offenders' behaviors;

3

4 (G) Essential and ongoing judicial  
5 interaction with each drug offender;

6

7 (H) Monitoring and evaluation which  
8 measures the achievement of drug court goals and gauges  
9 effectiveness;

10

11 (J) Continuing interdisciplinary education  
12 promoting effective drug court planning, implementation and  
13 operations; and

14

15 (K) Forging partnerships among drug courts,  
16 public agencies and community based organizations to  
17 generate local support and enhance drug court  
18 effectiveness.

19

20 (xvii) "This act" means W.S. 7-13-1601 through  
21 7-13-1611.

22

23 **7-13-1603. Purposes and goals.**

1

2           (a) The legislature recognizes that a critical need  
3 exists in this state for criminal justice system programs  
4 that break the cycle of drug abuse and addiction and the  
5 crimes committed as a result of drug abuse and addiction.  
6 Local drug court programs shall be facilitated for the  
7 purpose of providing sentencing options for the judicial  
8 system to dispose of cases stemming from drug use by  
9 combining judicial supervision, supervised probation, drug  
10 testing, treatment, after-care and monitoring of drug  
11 offenders.

12

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

15

16                   (i) To reduce recidivism of drug offenders in  
17 the drug court program;

18

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

21

22                   (iii) To ensure sobriety of drug offenders in  
23 the drug court program;



1

2 (iv) To monitor the units of services provided

3 to each drug offender in the drug court program.

4

5 (c) Drug court judges and attorneys shall adhere to  
6 the standards set forth in the Wyoming Code of Judicial  
7 Conduct, the Wyoming Rules of Professional Conduct for  
8 Attorneys at Law and the American Bar Association Standards  
9 of Criminal Justice. Drug court judges and attorneys shall  
10 remain continually cognizant of the due process rights  
11 guaranteed to all citizens and the state's substantial  
12 interest in maintaining effective and efficient judicial  
13 and penal systems.

14

15 **7-13-1604. Establishment of drug court account; rules**  
16 **and regulations.**

17

18 (a) There is created a drug court account. All  
19 interest earned on funds within this account shall be  
20 deposited in the account.

21

22 (b) With advice and recommendations from the state  
23 drug court advisory commission, the department shall make

1 the determination whether an application for a new drug  
2 court program meets the qualifications specified under W.S.  
3 7-13-1605(b) and shall determine the funding amounts for  
4 each new and existing drug court. The department may deny  
5 an application for a new drug court program, even if the  
6 new drug court program meets the qualifications specified  
7 under W.S. 7-13-1605(b), based on funding considerations,  
8 specifically if the funding of the new drug court program  
9 would substantially affect the funding levels of existing  
10 drug court programs. Funds within the account shall be  
11 expended by the department for purposes of this act upon  
12 legislative appropriation.

13

14 (c) The department shall promulgate rules and  
15 regulations specifying the qualifications of a drug court  
16 program, eligibility for participation by a drug offender,  
17 operational standards and protocols of each drug court  
18 program, training requirements of the drug court team and  
19 staff, collection and maintenance of data, certification  
20 requirements for treatment personnel participating in the  
21 drug court program and funding formulas for distribution  
22 from the drug court account. The department shall certify  
23 that the drug court is in compliance with the rules and

1 regulations established by the department and shall revoke  
2 the certification of any drug court that does not comply.

3

4 (d) All contractual agreements with treatment  
5 providers for each drug court program shall be between the  
6 department and the treatment provider.

7

8 (e) In addition to those funds deposited in the  
9 account under subsection (a) of this section the department  
10 may accept, and shall deposit to the account, any gifts,  
11 contributions, donations, grants or federal funds  
12 specifically given to the department for the benefit of  
13 drug courts or treatment providers in Wyoming.

14

15 (f) Any expenses incurred by the department in  
16 implementing this act shall be paid from the drug court  
17 account and shall not exceed ten percent (10%) of the  
18 amounts disbursed to the drug court system from the account  
19 on a biennium basis.

20

21 (g) Nothing in this act shall prohibit counties from  
22 obtaining or providing supplemental funds. All supplemental  
23 funds received by a county for the operation of a drug

1 court or the provision of services through a drug court  
2 program shall be reported to the department.

3

4 **7-13-1605. Establishment of drug court system.**

5

6 (a) Each judicial district may establish drug courts  
7 as determined by, directed by and structured accordingly by  
8 the senior district court judge within the judicial  
9 district. The senior district court judge shall determine  
10 the relationship between the circuit and district courts  
11 within the judicial district with respect to the drug  
12 court, and the use of circuit court judges and circuit  
13 court magistrates.

14

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

19

20 (i) The board of county commissioners from the  
21 county in which the drug court will be located shall submit  
22 an application to the department stating that:

23

1                   (A) The county shall be the contracting  
2 agent for all contracts required for the drug court, except  
3 contracts between treatment providers and the department;  
4

5                   (B) All employees within the drug court  
6 program shall be employees of the county, except treatment  
7 provider and department of corrections employees who shall  
8 not be employees of the drug court program for any  
9 purposes;  
10

11                   (C) All funds and grants shall be managed  
12 by the county, except funding to treatment providers which  
13 shall be managed by the department; and  
14

15                   (D) All billing for the drug court shall be  
16 the responsibility of the county, except billing by  
17 treatment providers which shall be sent by the provider to  
18 the department.  
19

20                   (ii) The senior district court judge submits a  
21 statement to the department agreeing to establish the drug  
22 court within the judicial district in that particular  
23 county and stating the structure to be used by the court,

1 including but not limited to, the relationship between the  
2 district court and circuit court pursuant to W.S. 5-3-112  
3 and the use of circuit court judges and circuit court  
4 magistrates;

5

6 (iii) The applicant demonstrates the ability of  
7 the drug court to utilize and implement the ten (10) key  
8 components;

9

10 (iv) The applicant designates whether the drug  
11 court program shall be an adult drug court, a family  
12 dependency treatment court, juvenile drug court or a  
13 reentry drug court; and

14

15 (v) The applicant provides a statement from the  
16 director of the department of corrections that the  
17 department of corrections will provide a monitoring officer  
18 for the drug court.

19

20 **7-13-1606. Court structure.**

21

22 (a) Participation by a drug offender in drug court,  
23 with the consent of the prosecution and the drug court,

1 shall be permitted in accordance with a written agreement  
2 between the drug offender and the drug court. An eligible  
3 drug offender may participate in a post-adjudication,  
4 reentry or combination program.

5

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

8

9 (i) Is performing satisfactorily in drug court;

10

11 (ii) Is benefiting from education, treatment and  
12 rehabilitation;

13

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

15

16 (iv) Has not violated any term or condition of  
17 the agreement.

18

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

23

1           (i) Is not performing satisfactorily in drug  
2 court;

3

4           (ii) Is not benefiting from education, treatment  
5 or rehabilitation programs;

6

7           (iii) Has engaged in conduct rendering him  
8 unsuitable for the program;

9

10           (iv) Has otherwise violated any term or  
11 condition of the agreement; or

12

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

14

15           (d) Upon successful completion of a drug court  
16 program, a drug offender's case shall be disposed of by the  
17 judge in the manner prescribed by the agreement and by  
18 applicable policies and procedures adopted by the drug  
19 court, which may include, but are not limited to, dismissal  
20 of charges, probation, deferred sentencing, suspended  
21 sentencing, split sentencing or a reduced period of  
22 incarceration. To expel a drug offender from the drug  
23 court program, a motion to expel a drug offender from drug



1 court shall be filed by the district attorney or upon  
2 motion of the court. A hearing shall be held on the motion  
3 to expel before a judge that has not participated in  
4 staffing of the drug offender's case in the drug court  
5 program unless the drug offender consents to that judge  
6 hearing the motion.

7

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

11

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

15

16 (g) Each county seeking to establish a drug court, or  
17 continue the operation of an existing drug court, shall  
18 establish a local drug court team. The drug court team  
19 shall consist of the following members who are assigned to  
20 the drug court:

21

22 (i) The judge, who may be a district court  
23 judge, a circuit court judge or a circuit court magistrate;

1

2 (ii) One (1) prosecuting attorney, selected by

3 the district attorney;

4

5 (iii) One (1) member who is a licensed attorney

6 and who practices criminal defense, selected by the judge

7 of the drug court;

8

9 (iv) One (1) monitoring officer, selected and

10 assigned to the drug court team by the department of

11 corrections;

12

13 (v) A representative of the treatment providers,

14 agreed upon by the attorney members of the drug court team

15 and the judge;

16

17 (vi) The drug court coordinator; and

18

19 (vii) One (1) law enforcement officer, selected

20 by the county sheriff, but who need not be a deputy

21 sheriff.

22

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

11

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

19

20           (k) Each drug offender shall contribute to the cost  
21 of his substance abuse treatment in accordance with W.S.  
22 7-13-1607(f).

23

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

3

4           **7-13-1607. Conditions for admission to a drug court**  
5 **program.**

6

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

13

14           (b) Drug court staff shall be provided with access to  
15 all records of any state or local government agency  
16 relevant to the treatment of any program participant. No  
17 contents of records and reports shall be disclosed to any  
18 person outside of the drug court. The records and reports  
19 shall be maintained by the court in a confidential file not  
20 available to the public.

21

22           (c) The judge who presides over the drug court shall  
23 inform the eligible participant prior to acceptance into

1 the drug court program that the eligible participant may be  
2 subject to a term of probation that exceeds the maximum  
3 term of imprisonment established for the offense as  
4 provided in W.S. 5-9-134.

5

6 (d) A court may permit a drug offender to participate  
7 in drug court if:

8

9 (i) An assessment reveals that an offender is a  
10 substance abuser or a referring court recommends that the  
11 drug offender participate in drug court;

12

13 (ii) The court has reason to believe that  
14 participation in drug court will benefit the drug offender  
15 by addressing his substance abuse;

16

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

19

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

22

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

6

7           (f) A drug offender shall pay a reasonable portion of  
8 the cost to participate in a drug court program. The costs  
9 assessed shall be compensatory and not punitive in nature  
10 and shall take into account the drug offender's ability to  
11 pay. Upon a showing of indigency, the drug court may  
12 reduce or waive costs under this subsection. Any fees  
13 received by the court from an offender shall not be  
14 considered court costs or fines. The fees collected under  
15 this subsection shall be deposited in the drug court  
16 account created by W.S. 7-13-1604.

17

18           **7-13-1608. Treatment and support services.**

19

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

1

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

6

7 **7-13-1609. Drug testing.**

8

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

11

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

15

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

18

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

22



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

3

4           **7-13-1610. Program integrity and offender**  
5 **accountability.**

6

7           (a) Drug courts shall collect and maintain the  
8 following:

9

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

11

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

15

16                   (iii) The drug offender's employment, education  
17 and income histories;

18

19                   (iv) The drug offender's gender, race,  
20 ethnicity, marital, family status and any child custody and  
21 support obligations;

22

1           (v) The number of addicted and of healthy babies  
2 born to female drug offenders during and after  
3 participation in drug court;

4

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

10

11           (vii) Instances of relapse and recidivism  
12 occurring before, during and after a drug offender's failed  
13 participation in drug court;

14

15           (viii) The number of offenders screened for  
16 eligibility, the number of eligible drug offenders who  
17 were, and were not, admitted into a drug court program and  
18 their case dispositions;

19

20           (ix) The drug of choice and the estimated daily  
21 financial cost to the drug offender at the time of entry  
22 into the program;

23

1           (x) Costs of operation and sources of funding of  
2 the drug court program.

3  
4           (b) A drug offender may be required as a condition of  
5 probation or parole to provide the information described in  
6 subsection (a) of this section. The collection and  
7 maintenance of information under this section shall be in a  
8 standardized format according to applicable guidelines as  
9 set forth by the department pursuant to W.S. 7-13-1604(c).

10  
11           (c) To protect drug offenders' privacy in accordance  
12 with federal and state confidentiality laws, treatment  
13 records shall be kept in a secure environment separated  
14 from the court records to which the public has access.

15  
16           (d) Drug courts shall comply with all state and  
17 federal due process requirements.

18  
19           (e) Drug court team members and staff shall be  
20 trained in accordance with W.S. 7-13-1604(c).

21  
22           (f) Drug courts shall comply with the federal rules  
23 of confidentiality specified in 42 U.S.C. 290dd-2.

1

2           **7-13-1611. State commission and local advisory**  
3 **committees.**

4

5           (a) There is established a state drug court advisory  
6 commission to plan, implement and develop statewide drug  
7 courts. The commission shall make recommendations to the  
8 chief justice, the governor and the joint judiciary interim  
9 committee concerning the legal, policy and procedural  
10 issues confronting the state's drug courts.

11

12           (b) The commission shall be comprised of the  
13 following:

14

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

20

21           (ii) Two (2) members of the Wyoming house of  
22 representatives, appointed by the speaker of the house.  
23 Not more than one (1) member shall be of the same political

1 party. The speaker of the house shall designate a  
2 cochairman of the commission;

3

4 (iii) The chief justice of the Wyoming supreme  
5 court;

6

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

9

10 (v) One (1) county and prosecuting attorney,  
11 appointed by the Wyoming county and prosecuting attorneys'  
12 association;

13

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

15

16 (vii) The director of the department of health  
17 or his designee;

18

19 (viii) The director of the department of  
20 corrections or his designee;

21

22 (ix) The attorney general or his designee;

23

1           (x) The director of the department of family  
2 services or his designee.

3

4           (c) The commission shall make recommendations to the  
5 chief justice, the governor and the joint judiciary interim  
6 committee for the development of a comprehensive,  
7 coordinated state policy concerning the extent to which  
8 drug courts can provide a meaningful solution to the  
9 devastating effect of substance abuse on society.

10

11           (d) The commission shall recommend to the department  
12 criteria for eligibility of drug court programs, procedural  
13 rules, guidelines for operation and standards and protocols  
14 for operation of drug court programs.

15

16           (e) The commission shall promote training and  
17 technical assistance for criminal justice personnel and  
18 education for the public about the effectiveness of drug  
19 court programs.

20

21           (f) Each county within the judicial district that  
22 operates a drug court shall have a local advisory

1 committee, consisting of the following members or their  
2 designees:

3

4 (i) The senior district court judge, who shall  
5 serve as chair;

6

7 (ii) The drug court judge, if different than the  
8 senior district court judge, such as a junior district  
9 court judge, a circuit court judge or a circuit court  
10 magistrate;

11

12 (iii) The district attorney;

13

14 (iv) The drug court coordinator;

15

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

18

19 (vi) The clerk of the district court;

20

21 (vii) The county sheriff;

22

1           (viii) A representative of the substance abuse  
2 treatment providers, selected by the attorneys serving on  
3 the drug court team and the judge;

4

5           (ix) A county commissioner;

6

7           (x) Such other persons as the chair deems  
8 appropriate.

9

10          (g) The local advisory committee shall ensure  
11 quality, efficiency and fairness in planning, implementing  
12 and operating every drug court that serves the county. The  
13 critical performance measures to be collected by the local  
14 advisory committee shall include those set forth in W.S.  
15 7-13-1610(a). The local advisory committee shall ensure  
16 the provision of a full continuum of care for drug  
17 offenders and monitor the cooperation and relationship  
18 between multiple drug courts within a county.

19

20          (h) The local advisory committee shall annually  
21 report to the state drug court advisory commission by  
22 August 1 of each year regarding the previous fiscal year.  
23 The report shall include:



1

2 (i) A description of the drug courts operating

3 within the county;

4

5 (ii) Names of judges participating in the drug

6 courts within the county;

7

8 (iii) A description of the level of community

9 involvement in operation of the drug courts within the

10 county;

11

12 (iv) A description of all education and training

13 provided to drug court teams, staff and participants;

14

15 (v) A description of the use of existing

16 resources;

17

18 (vi) A description of the collaborative efforts

19 to ensure the operation of the drug courts within the

20 county;

21

22 (vii) An evaluation of the critical data

23 elements required by W.S. 7-13-1610(a).

1

2 (j) The state drug court advisory commission shall provide  
3 a statewide report annually by December 31 of each year to  
4 the supreme court, governor and joint judiciary interim  
5 committee regarding the need for and implementation of this  
6 act. The report shall include a synopsis of such  
7 information or data necessary to determine the impact,  
8 utility and cost and cost effectiveness of implementation  
9 of the act and ongoing operation of drug courts in the  
10 state.

11

12

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

18

19 **5-9-134. Probation; correction and reduction of**  
20 **sentence.**

21

22 The circuit court may place a criminal defendant on  
23 probation pursuant to W.S. 7-13-301 through 7-13-307.

1 Notwithstanding any other provision of law, the probation  
2 period for a defendant whose disposition includes  
3 participation in a substance abuse treatment program or a  
4 drug court may exceed the maximum term of imprisonment  
5 established for the offense, but shall not exceed ~~two (2)~~  
6 three (3) years. The court shall conduct, on at least a  
7 monthly basis, a review on the progress of a defendant  
8 sentenced to treatment under this section. The review may  
9 be conducted in a manner the court deems appropriate, but  
10 shall include receiving regular progress reports from the  
11 treatment provider.

12

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

16

17 (d) As a condition of probation or suspension of  
18 sentence, the court may require a defendant to successfully  
19 complete a drug court program pursuant to W.S. 7-13-1601  
20 through 7-13-1611.

21

22 **7-13-402. General powers and duties of board;**  
23 **eligibility for parole; immunity.**

1

2 (c) In granting a parole the board shall fix terms  
3 and conditions it deems proper to govern the conduct of the  
4 parolee while the parole is in effect. The terms and  
5 conditions may :

6

7 (i) Be special in each case, ~~or they may~~  
8 including ordering a parolee to participate in a drug court  
9 program qualified under W.S. 7-13-1601 through 7-13-1611,  
10 provided the drug court program accepts the parolee for  
11 participation in its drug court program. The drug court  
12 program shall be specialized as a reentry drug court;

13

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

16

17 (iii) Both.

18

19 (j) A parolee who enters a qualified drug court  
20 program shall be subject to the sanctioning powers of the  
21 drug court but shall remain under the authority of the  
22 board for all other matters related to the parolee's  
23 continuing parole.

1

2           **7-19-106. Access to, and dissemination of,**  
3 **information.**

4

5           (a) Criminal history record information shall be  
6 disseminated by criminal justice agencies in this state,  
7 whether directly or through any intermediary, only to:

8

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

12

13           **14-3-429. Decree where child adjudged neglected;**  
14 **dispositions; terms and conditions; legal custody.**

15

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

18

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

1 court program shall be specialized as a family dependency  
2 treatment court.

3

4 **14-6-247. Sanctions common to all levels.**

5

6 (a) For a child at any sanction level, the juvenile  
7 court may:

8

9 (xiv) Require the child or the child's parents  
10 or guardian and the child to participate in a drug court  
11 program created under W.S. 7-13-1601 through 7-13-1611,  
12 provided the drug court accepts the child's parents or  
13 guardian and the child for participation in its drug court  
14 program. The drug court program shall be specialized as  
15 either a family dependency treatment court or a juvenile  
16 drug court.

17

18 **Section 3.** W.S. 5-10-101 through 5-10-107, 7-13-1201  
19 through 7-13-1205, 14-3-306 and 14-6-247(a)(iv) are  
20 repealed.

21

22 **Section 4.**

23

1           (a) Effective July 1, 2009, any funds remaining in  
2 the drug court account created by W.S. 5-10-103 shall be  
3 transferred to the drug court account created by W.S.  
4 7-13-1604.

5  
6           (b) Any drug court program in existence and receiving  
7 funding from the department of health for the operation of  
8 the drug court program may continue to operate until the  
9 funding authorized for the drug court program prior to the  
10 effective date specified in subsection 5(b) of this act is  
11 exhausted, or until the end of the fiscal year ending June  
12 30, 2009, whichever occurs earlier. Thereafter, the  
13 program may receive funding only upon compliance with the  
14 requirements specified in W.S. 7-13-1605.

15  
16           **Section 5.**

17  
18           (a) W.S. 7-13-1604(c) created by this act is  
19 effective immediately upon completion of all acts necessary  
20 for a bill to become law as provided by Article 4, Section  
21 8 of the Wyoming Constitution.

22

1           (b) Except as provided in subsection (a) of this  
2 section, this act is effective July 1, 2009.

3

4

(END)