

HOUSE BILL NO. HB0042

Justice reform-graduated sanctions.

Sponsored by: Joint Judiciary Interim Committee

A BILL

for

1 AN ACT relating to criminal procedure and sentencing;
2 amending probation and parole intensive supervision program
3 provisions relating to rewards and sanctions; providing for
4 an appropriation; requiring a report; and providing for an
5 effective date.

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

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9 **Section 1.** W.S. 7-13-408(e), 7-13-1107(a), (b)(iii)
10 by creating new subparagraphs (C) through (E) are amended
11 to read:

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13 **7-13-408. Probation, parole and conditional release**
14 **administrative jail or adult community correction program**
15 **sanction and revocation hearing procedures.**

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1 (e) The department may establish by rule and
2 regulation a system of imposing the administrative
3 sanctions specified in W.S. 7-13-1107(b) as an alternative
4 to revocation of the parole of any parolee who has violated
5 a condition of his parole or as an alternative to
6 revocation of the probation of any probationer who has
7 violated a condition of his probation. Parolees and
8 probationers committed to the county jail or a residential
9 community correctional program pursuant to this subsection
10 shall be housed in accordance with W.S. 7-13-1107(c) or
11 7-18-115(b).

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13 **7-13-1107. Administrative rewards and sanctions for**
14 **program violations.**

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16 (a) The department is authorized to establish by rule
17 and regulation a system of administrative rewards for
18 positive behavior and sanctions as an alternative to
19 probation or parole revocation for probationers and
20 parolees who violate the rules and restrictions of an
21 intensive supervision program established under this
22 article or the conditions of probation or parole.

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1 (b) Authorized sanctions may include:

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3 (iii) Restrictions on personal liberty
4 including:

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6 (C) Immediate confinement in a Wyoming
7 county jail, to be imposed as a two (2) day or three (3)
8 day consecutive period by the probation and parole agent
9 with approval of the field services administrator. The
10 total of all sanctions under this subparagraph shall not
11 exceed eighteen (18) days during the term of supervision.
12 The imposition of sanctions shall not require a hearing
13 held in accordance with W.S. 7-13-408 if:

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15 (I) The probationer or parolee is a
16 participant in the intensive supervision program pursuant
17 to W.S. 7-13-1105 or 7-13-1106;

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19 (II) The probationer is a qualified
20 offender sanctioned pursuant to W.S. 7-13-1303(d);

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22 (III) The parolee is subject to
23 sanctions under W.S. 7-13-408(e); or

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(IV) The probationer or parolee consents to the administrative sanction provided for in subparagraph (C) of this paragraph without a hearing.

(D) Detention in a consenting Wyoming county jail coupled with substance abuse treatment contracted with and paid by the department of corrections for a period not to exceed ninety (90) days. Detention under this subparagraph shall only be imposed for repeated substance abuse violations during the probation sentence or period of parole with the consent of the probationer or parolee or by order of court or state board of parole. Detention under this subparagraph shall be credited to the sentence. A custodial sanction under this subparagraph shall only be available one (1) time to any one (1) person;

(E) Cumulative custodial sanctions imposed under subparagraphs (A) and (B) of this paragraph shall not exceed ninety (90) days per probation sentence or period of parole supervision prior to revocation and shall be credited to the sentence. Custodial sanctions imposed under subparagraphs (A), (B) and (D) of this paragraph shall

1 require a hearing held in accordance with W.S. 7-13-408,
2 unless the probationer or parolee consented to the sanction
3 under subparagraph (D) of this paragraph.
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5 **Section 2.** There is appropriated five hundred
6 ninety-one thousand four hundred ninety-eight dollars
7 (\$591,498.00) from the general fund to the department of
8 corrections. This appropriation shall be for the period
9 beginning with the effective date of this act and ending
10 June 30, 2020. This appropriation shall only be expended
11 for the purpose of implementing the sanctions authorized in
12 this act. Notwithstanding any other provision of law, this
13 appropriation shall not be transferred or expended for any
14 other purpose and any unexpended, unobligated funds
15 remaining from this appropriation shall revert as provided
16 by law on July 1, 2020. This appropriation shall not be
17 included in the department of corrections' 2021-2022
18 standard biennial budget request.

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20 **Section 3.** The department of corrections shall, not
21 later than December 1, 2018, issue a report to the joint
22 appropriations committee and the joint judiciary interim
23 committee relating to the implementation of this act.

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2 **Section 4.** This act is effective immediately upon
3 completion of all acts necessary for a bill to become law
4 as provided by Article 4, Section 8 of the Wyoming
5 Constitution.

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(END)