

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; and providing for an effective date.

7

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

9

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

12

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

14

15 All persons convicted of a third misdemeanor under W.S.
16 31-5-233(e), a misdemeanor possession of methamphetamine or

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

9
10 **35-7-1031. Unlawful manufacture or delivery;**
11 **counterfeit substance; unlawful possession.**

12
13 (c) It is unlawful for any person knowingly or
14 intentionally to possess a controlled substance unless the
15 substance was obtained directly from, or pursuant to a
16 valid prescription or order of a practitioner while acting
17 in the course of his professional practice, or except as
18 otherwise authorized by this act. Any person who violates
19 this subsection:

20
21 (i) And has in his possession a controlled
22 substance in the amount set forth in this paragraph is
23 guilty of a misdemeanor punishable by imprisonment for not
24 more than twelve (12) months, a fine of not more than one

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

22

23 (ii) And has in his possession methamphetamine
24 or a controlled substance classified in Schedule I or II

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

15
16 **Section 2.** This act is effective July 1, 2006.

17
18 (END)