

HOUSE BILL NO. HB0068

Drug Court Accountability and Treatment Act.

Sponsored by: Representative(s) Gingery and Senator(s) Von
Flatern

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;
15 providing for transition of programs; and providing for
16 effective dates.

1

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

3

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

6

7

ARTICLE 16

8

DRUG OFFENDER ACCOUNTABILITY AND TREATMENT ACT

9

10 **7-13-1601. Short title.**

11

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

14

15 **7-13-1602. Definitions.**

16

17 (a) As used in this act:

18

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

24

1 (ii) "Department" means the department of
2 health;

3

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

6

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

10

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

15

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

19

20 (C) A combination program which may include
21 post-adjudication and reentry.

22

23 (v) "Drug court coordinator" means an individual
24 who is responsible for coordinating the establishment,

1 staffing, operation, evaluation and the integrity of the
2 drug court;

3

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

8

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

11

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

14

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

17

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

22

1 (xi) "Split sentencing" means a sentence which
2 includes a period of incarceration followed by a period of
3 supervision;

4
5 (xii) "Staffing" means the meeting before a drug
6 offender's appearance in drug court in which the drug court
7 team discusses a coordinated response to the drug
8 offender's behaviors;

9
10 (xiii) "Substance abuse" means the illegal
11 possession or use of a drug;

12
13 (xiv) "Substance abuse assessment" means as
14 defined in W.S. 7-13-1301(a)(v);

15
16 (xv) "Substance abuse treatment" means a program
17 designed to provide prevention, education and therapy
18 directed toward ending substance abuse and preventing a
19 return to substance abuse;

20
21 (xvi) "Ten (10) key components" includes:

22
23 (A) Drug courts integrating drug treatment
24 services with justice system case processing;

1

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

5

6 (C) Early identification of eligible drug
7 offenders who shall be placed promptly in a drug court
8 program;

9

10 (D) Drug courts providing access to a
11 continuum of drug and other related treatment and
12 rehabilitation services;

13

14 (E) Frequent drug testing to monitor
15 abstinence;

16

17 (F) A coordinated strategy governing drug
18 court responses to drug offenders' behaviors;

19

20 (G) Essential and ongoing judicial
21 interaction with each drug offender;

22

1 (H) Monitoring and evaluation which
2 measures the achievement of drug court goals and gauges
3 effectiveness;

4
5 (J) Continuing interdisciplinary education
6 promoting effective drug court planning, implementation and
7 operations; and

8
9 (K) Forging partnerships among drug courts,
10 public agencies and community based organizations to
11 generate local support and enhance drug court
12 effectiveness.

13
14 (xvii) "This act" means W.S. 7-13-1601 through
15 7-13-1611.

16
17 **7-13-1603. Purposes and goals.**

18
19 (a) The legislature recognizes that a critical need
20 exists in this state for criminal justice system programs
21 that break the cycle of drug abuse and addiction and the
22 crimes committed as a result of drug abuse and addiction.
23 Local drug court programs shall be facilitated for the
24 purpose of providing sentencing options for the judicial

1 system to dispose of cases stemming from drug use by
2 combining judicial supervision, supervised probation, drug
3 testing, treatment, after-care and monitoring of drug
4 offenders.

5

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

8

9 (i) To reduce recidivism of drug offenders in
10 the drug court program;

11

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

14

15 (iii) To ensure sobriety of drug offenders in
16 the drug court program;

17

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

20

21 (c) Drug court judges and attorneys shall adhere to
22 the standards set forth in the Wyoming Code of Judicial
23 Conduct, the Wyoming Rules of Professional Conduct for
24 Attorneys at Law and the American Bar Association Standards

1 of Criminal Justice. Drug court judges and attorneys shall
2 remain continually cognizant of the due process rights
3 guaranteed to all citizens and the state's substantial
4 interest in maintaining effective and efficient judicial
5 and penal systems.

6
7 **7-13-1604. Establishment of drug court account; rules**
8 **and regulations.**

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

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

1 drug court programs. Funds within the account shall be
2 expended by the department for purposes of this act upon
3 legislative appropriation.

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

17
18 (d) All contractual agreements with treatment
19 providers for each drug court program shall be between the
20 department and the treatment provider.

21
22 (e) In addition to those funds appropriated to the
23 account under subsection (a) of this section the department
24 may accept, and shall deposit to the account, any gifts,

1 contributions, donations, grants or federal funds
2 specifically given to the department for the benefit of
3 drug courts or treatment providers in Wyoming.

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

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

16
17 **7-13-1605. Establishment of drug court system.**

18
19 (a) Each judicial district may establish drug courts
20 as determined by, directed by and structured accordingly by
21 the senior district court judge within the judicial
22 district. The senior district court judge shall determine
23 the relationship between the circuit and district courts
24 within the judicial district with respect to the drug

1 court, and the use of circuit court judges and circuit
2 court magistrates.

3

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

8

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

12

13 (A) The county shall be the contracting
14 agent for all contracts required for the drug court, except
15 contracts between treatment providers and the department;

16

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

22

1 (C) All funds and grants shall be managed
2 by the county, except funding to treatment providers which
3 shall be managed by the department; and
4

5 (D) All billing for the drug court shall be
6 the responsibility of the county, except billing by
7 treatment providers which shall be sent by the provider to
8 the department.
9

10 (ii) The senior district court judge submits a
11 statement to the department agreeing to establish the drug
12 court within the judicial district in that particular
13 county and stating the structure to be used by the court,
14 including but not limited to, the relationship between the
15 district court and circuit court pursuant to W.S. 5-3-112
16 and the use of circuit court judge and circuit court
17 magistrates;
18

19 (iii) The applicant demonstrates the ability of
20 the drug court to utilize and implement the ten (10) key
21 components;
22

23 (iv) The applicant designates whether the drug
24 court program shall be an adult drug court, a family

1 dependency treatment court, juvenile drug court or a
2 reentry drug court; and

3

4 (v) The applicant provides a statement from the
5 director of the department of corrections that the
6 department of corrections will provide a monitoring officer
7 for the drug court.

8

9 **7-13-1606. Court structure.**

10

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

17

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

20

21 (i) Is performing satisfactorily in drug court;

22

23 (ii) Is benefiting from education, treatment and
24 rehabilitation;

1

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

3

4 (iv) Has not violated any term or condition of
5 the agreement.

6

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

11

12 (i) Is not performing satisfactorily in drug
13 court;

14

15 (ii) Is not benefiting from education, treatment
16 or rehabilitations;

17

18 (iii) Has engaged in conduct rendering him
19 unsuitable for the program;

20

21 (iv) Has otherwise violated any term or
22 condition of the agreement; or

23

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

1

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

16

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

20

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

24

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;

24

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.
4 7-13-1607(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. The fees collected under
18 this subsection shall be deposited in the drug court
19 account created by W.S. 7-13-1604.

20

21 **7-13-1608. Treatment and support services.**

22

23 (a) Each drug court shall establish a system to
24 ensure that drug offenders are placed into a substance

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

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

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

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

22

1 (e) Recognizing that drug offenders are frequently
2 dually diagnosed, appropriate services shall be made
3 available, where practicable.

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

9
10 **7-13-1609. Drug testing.**

11
12 (a) The drug court team shall ensure fair, accurate
13 and reliable drug testing procedures.

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

18
19 (c) The results of all drug tests shall be provided
20 to the drug court team as soon as practicable.

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

1

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

4

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

7

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

10

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

12

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

16

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

19

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

23

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 C.F.R. 290(dd-2).

24

1 **7-13-1611. State commission and local advisory**
2 **committees.**

3

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

10

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

13

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

19

20 (ii) Two (2) members of the Wyoming house of
21 representatives, appointed by the speaker of the house.
22 Not more than one (1) member shall be of the same political
23 party. The speaker of the house shall designate a
24 cochairman of the commission;

1

2 (iii) The chief justice of the Wyoming supreme
3 court;

4

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

7

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

11

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

13

14 (vii) The director of the department of health
15 or his designee;

16

17 (viii) The director of the department of
18 corrections or his designee;

19

20 (ix) The attorney general or his designee;

21

22 (x) The director of the department of family
23 services or his designee.

24

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

7

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

12

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

17

18 (f) Each county within the judicial district that
19 operates a drug court shall have a local advisory
20 committee, consisting of the following members or their
21 designees:

22

23 (i) The senior district court judge, who shall
24 serve as chair;

1

2 (ii) The drug court judge, if different than the
3 senior district court judge, such as a junior district
4 court judge, a circuit court judge or a circuit court
5 magistrate;

6

7 (iii) The district attorney;

8

9 (iv) The drug court coordinator;

10

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

13

14 (vi) The clerk of the district court;

15

16 (vii) The county sheriff;

17

18 (viii) A representative of the substance abuse
19 treatment providers, selected by the attorneys serving on
20 the drug court team and the judge;

21

22 (ix) A county commissioner;

23

1 (x) Such other persons as the chair deems
2 appropriate.

3

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

13

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

18

19 (i) A description of the drug courts operating
20 within the county;

21

22 (ii) Names of judges participating in the drug
23 courts within the county;

24

1 (iii) A description of the level of community
2 involvement in operation of the drug courts within the
3 county;

4
5 (iv) A description of all education and training
6 provided to drug court teams, staff and participants;

7
8 (v) A description of the use of existing
9 resources;

10
11 (vi) A description of the collaborative efforts
12 to ensure the operation of the drug courts within the
13 county;

14
15 (vii) An evaluation of the critical data
16 elements required by W.S. 7-13-1610(a).

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

1 cost effectiveness of implementation of the act and ongoing
2 operation of drug courts in the state.

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

9
10 **5-9-134. Probation; correction and reduction of**
11 **sentence.**

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

1 shall include receiving regular progress reports from the
2 treatment provider.

3
4 **7-13-304. Imposition or modification of conditions;**
5 **performance of work by defendant; imposition of drug court**
6 **participation.**

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

12
13 **7-13-402. General powers and duties of board;**
14 **eligibility for parole; immunity.**

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

20
21 (i) Be special in each case, ~~or they may~~
22 including ordering a parolee to participate in a drug court
23 program qualified under W.S. 7-13-1601 through 7-13-1612,
24 provided the drug court program accepts the parolee for

1 participation in its drug court program. The drug court
2 program shall be specialized as a reentry drug court;

3
4 (ii) Be prescribed by general rules and
5 regulations of the board;7 or

6
7 (iii) Both.

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

14
15 **7-19-106. Access to, and dissemination of,**
16 **information.**

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

21
22 (ix) Drug court staff utilizing the information
23 pursuant to the drug court act in title 5-7, chapter 10-13,
24 article 16;

1

2 **14-3-429. Decree where child adjudged neglected;**
3 **dispositions; terms and conditions; legal custody.**

4

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

7

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

15

16 **14-6-247. Sanctions common to all levels.**

17

18 (a) For a child at any sanction level, the juvenile
19 court may:

20

21 (xiv) Require the child or the child's parents
22 or guardian and the child to participate in a drug court
23 program created under W.S. 7-13-1601 through 7-13-1611,
24 provided the drug court accepts the child's parents or

1 guardian and the child for participation in its drug court
2 program. The drug court program shall be specialized as
3 either a family dependency treatment court or a juvenile
4 drug court.

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

9
10 **Section 4.**

11
12 (a) Effective July 1, 2008, any funds remaining in
13 the drug court account created by W.S. 5-10-103 shall be
14 transferred to the drug court account created by W.S.
15 7-13-1604.

16
17 (b) Any drug court program in existence and receiving
18 funding from the department of health for the operation of
19 the drug court program may continue to operate until the
20 funding authorized for the drug court program prior to the
21 effective date specified in subsection 5(b) of this act is
22 exhausted, or until the end of the fiscal biennium ending
23 June 30, 2008, whichever occurs earlier. Thereafter, the

1 program may receive funding only upon compliance with the
2 requirements specified in W.S. 7-13-1605.

3

4 **Section 5.**

5

6 (a) W.S. 7-13-1604(c) created by this act is
7 effective immediately upon completion of all acts necessary
8 for a bill to become law as provided by Article 4, Section
9 8 of the Wyoming Constitution.

10

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

13

14 (END)