

SENATE FILE NO. SF0031

24/7 sobriety program.

Sponsored by: Joint Judiciary Interim Committee

A BILL

for

1 AN ACT relating to criminal procedure; creating a 24/7
2 sobriety program; authorizing fees and rulemaking; creating
3 a program account; authorizing participation in program as
4 a condition of release; providing for apprehension of
5 violators; providing a continuous appropriation; and
6 providing for an effective date.

7

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

9

10 **Section 1.** W.S. 7-13-1701 through 7-13-1711 are
11 created to read:

12

13 ARTICLE 17

14 24/7 SOBRIETY PROGRAM

15

16 **7-13-1701. Short title.**

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1 This article shall be known and may be cited as the "24/7
2 Sobriety Program Act."

3

4 **7-13-1702. Definitions.**

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6 (a) As used in this article:

7

8 (i) "Account" means the "24/7 sobriety program
9 account" created by W.S. 7-13-1707;

10

11 (ii) "Court" means a district, circuit or
12 municipal court;

13

14 (iii) "Participation" in a 24/7 sobriety program
15 means that the person ordered to participate submits to and
16 passes all required tests;

17

18 (iv) "Program" means the 24/7 sobriety program
19 created under this article;

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21 (v) "Rules" means the 24/7 sobriety program
22 rules promulgated by the attorney general under this
23 article.

24

1 **7-13-1703. 24/7 sobriety program created.**

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3 (a) There is created a 24/7 sobriety program to be
4 administered by the attorney general. The purpose of the
5 program is to reduce the number of repeat crimes that are
6 related to substance abuse by monitoring an offender's
7 sobriety through intensive alcohol and drug testing and
8 immediate and appropriate enforcement of violations.

9

10 (b) The program shall provide for frequent and
11 certain testing for drug or alcohol use. The testing
12 methods may include breath testing, drug patch testing,
13 urinalysis, continuous or transdermal alcohol monitoring or
14 other testing methods as provided by rule.

15

16 **7-13-1704. Inclusion in program.**

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18 (a) Each county, through its sheriff, may take part
19 in the program. A sheriff may designate an entity to
20 provide the testing services or to take any other action
21 authorized to be taken by the sheriff under this article
22 with the exception of action taken to apprehend a violator
23 under W.S. 7-13-1709.

24

1 (b) The sheriff shall establish the testing locations
2 and times for his county but shall have at least one (1)
3 testing location and two (2) daily testing times
4 approximately twelve (12) hours apart.

5

6 **7-13-1705. Rulemaking authority.**

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8 (a) The attorney general shall adopt rules to
9 implement this article. The rules shall:

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11 (i) Provide for the nature and manner of testing
12 and the procedures and apparatuses to be used for testing;

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14 (ii) Establish fees and provide for the
15 collection of fees. The fees shall be set as low as
16 possible, but shall be set so that the total of fees and
17 other funds credited to the program account defray the
18 entire expense of the program, including all costs to the
19 state; and

20

21 (iii) Establish a data management program to
22 manage program data, including testing results, fees and
23 required reports. The data management program shall be used
24 by all counties taking part in the program.

25

26 **7-13-1706. Distribution of testing fees.**

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2 The sheriff shall collect and transmit testing fees to the
3 state treasurer to be credited to the 24/7 sobriety program
4 account created by W.S. 7-13-1707. The fees shall be
5 distributed as provided by this article and the rules.

6

7 **7-13-1707. 24/7 sobriety program account.**

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9 (a) There is created a 24/7 sobriety program account.
10 The account shall be used by the attorney general to defray
11 all the costs of the program to the state, including the
12 costs of the attorney general in administering this article.
13 Disbursements from the account shall not exceed the monies
14 credited to it. All monies in the account are continuously
15 appropriated to the attorney general to be used solely for
16 the administration of the program and for no other purpose.
17 Notwithstanding W.S. 9-2-1008 and 9-4-207 funds in the
18 account shall not lapse at the end of the fiscal period.
19 Interest earned on funds in the account shall be deposited
20 to the account.

21

22 (b) The attorney general may accept, and shall deposit
23 in the account, any gifts, contributions, donations, grants
24 or federal funds specifically designated for the benefit of
25 the program.

26

1 **7-13-1708. Authority of court to order participation**
2 **in program.**

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4 (a) A court may order participation in the program as
5 a condition of pretrial release, bond, suspension of
6 sentence, probation or other conditional release if the
7 charge or offense was related to substance abuse.

8
9 (b) Participation in the program may be imposed as a
10 condition of release under the Wyoming Rules of Criminal
11 Procedure, including rules 46.1 and 46.2.

12
13 (c) Before ordering participation in the program, a
14 court may require the person to undergo a substance abuse
15 assessment. The cost of the substance abuse assessment shall
16 be paid by the offender.

17
18 (d) The state board of parole may require a parolee to
19 participate in the program as a condition of parole.

20
21 **7-13-1709. Apprehension of violators.**

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23 (a) Upon failure of a person to submit to or pass a
24 test under the program, a peace officer or a probation and
25 parole agent shall complete a written statement establishing
26 the person, in the judgment of the officer or agent,

1 violated a condition of release by failing to submit to or
2 pass a test. A peace officer shall immediately arrest the
3 person without warrant after completing or receiving the
4 written statement.

5
6 (b) A person taken into custody under this section
7 shall appear before a court within a reasonable time and
8 shall not be released unless the person has made a personal
9 appearance before a court.

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11 7-13-1710. 24/7 sobriety program director;
12 appointment.

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14 The attorney general may appoint a director to administer
15 the program. The appointment shall be subject to senate
16 confirmation in the manner provided for in W.S. 28-12-101
17 and 28-12-102 for gubernatorial appointments. The director
18 shall receive an annual salary determined by the department
19 of administration and information human resources division.
20 No state funds shall be used to fund the salary or benefits
21 of the director.

22
23 7-13-1711. Sunset provision.

1 W.S. 7-13-1701 through 7-13-1711 are repealed effective
2 June 30, 2019.

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4 **Section 2.** W.S. 7-13-304(d) is amended to read:

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6 **7-13-304. Imposition or modification of conditions;**
7 **performance of work by defendant.**

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9 (d) As a condition of probation or suspension of
10 sentence, the court may require a defendant to complete
11 successfully a court supervised treatment program qualified
12 under W.S. 7-13-1601 through 7-13-1615 and a 24/7 sobriety
13 program under W.S. 7-13-1701 through 7-13-1711.

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15 **Section 3.** The attorney general's 2017-2018 standard
16 biennial budget request shall not include a request for an
17 appropriation of funds for the 24/7 sobriety program.

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19 **Section 4.** This act is effective July 1, 2014.

20

21 (END)