

HOUSE BILL NO. HB0081

Drug court surcharge.

Sponsored by: Representative(s) Dayton, Baldwin, Blackburn,
Blake, Connolly, Freeman, Lindholm, Pelkey,
Schwartz, Sommers and Throne and Senator(s)
Cooper, Craft, Peterson and Von Flatern

A BILL

for

1 AN ACT relating to court supervised treatment; providing
2 for the assessment of a surcharge for specified offenses to
3 be paid to the court supervised treatment account;
4 authorizing a court to waive the surcharge for good cause;
5 and providing for an effective date.

6

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

8

9 **Section 1.** W.S. 7-13-1616 is created to read:

10

11 **7-13-1616. Surcharge to be assessed in certain**
12 **criminal cases; paid to account.**

13

1 (a) In addition to any fine or other penalty
2 prescribed by law, a defendant who pleads guilty or nolo
3 contendere to, or is convicted of, any offense under W.S.
4 31-5-233 or 35-7-1001 through 35-7-1057 may be assessed a
5 surcharge of not more than fifty dollars (\$50.00).

6
7 (b) The surcharge may be imposed upon any defendant
8 for whom prosecution, trial or sentence is deferred under
9 W.S. 7-13-301 and 7-13-302 or 35-7-1037 or who participates
10 in any other diversion agreement for an offense specified
11 in subsection (a) of this section.

12
13 (c) The court may waive the surcharge if the person
14 is unable to pay the surcharge or for any other good cause
15 shown. The court shall consider all other financial
16 obligations imposed on the defendant and set the surcharge
17 so as not to create an undue financial burden on the
18 defendant.

19
20 (d) The surcharge shall be paid within ten (10) days
21 of imposition. Failure to comply with the provisions for
22 payment of the surcharge is punishable as contempt of
23 court. Contempt or other proceedings, including proceedings

1 under W.S. 6-10-105, if applicable, to collect the
2 surcharge may be initiated by the district attorney or by
3 the court on its own motion.
4

5 (e) The proceeds from the surcharge imposed by this
6 section shall be remitted promptly by the clerk of the
7 court to the department for deposit in the account.
8

9 **Section 2.** W.S. 7-13-421(h)(ii), 7-13-1602(a)(xviii),
10 7-16-205(a)(v) and 7-18-114(a)(iv) are amended to read:
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12 **7-13-421. Restitution as condition of parole.**
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14 (h) The board may require payment of the following
15 obligations as conditions of parole if it finds the parolee
16 is reasonably capable of making the payments, taking into
17 account the factors enumerated in W.S. 7-9-106(a)(iii):
18

19 (ii) Court ordered fines, reimbursement for the
20 services of the public defender or court appointed counsel,
21 ~~and~~ the surcharge imposed under W.S. 1-40-119 and the
22 surcharge imposed under W.S. 7-13-1616;
23

1 **7-13-1602. Definitions.**

2

3 (a) As used in this act:

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5 (xviii) "This act" means W.S. 7-13-1601 through

6 ~~7-13-1615~~ 7-13-1616.

7

8 **7-16-205. Disposition of earnings; confidentiality of**
9 **amount.**

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11 (a) Payment for services performed by any prisoner
12 under W.S. 7-16-202 shall be deposited in the trust and
13 agency account at the institution and shall be disbursed
14 for the purposes provided in this subsection and in the
15 order specified:

16

17 (v) Court ordered restitution, fines, sanctions
18 and reimbursement for the services of public defender or
19 court appointed counsel, the surcharge imposed under W.S.
20 1-40-119, ~~and~~ victims compensation obligations under W.S.
21 1-40-112(g) and the surcharge imposed under W.S. 7-13-1616;

22

7-18-114. Record and disbursement of wages; exemption from process; confidentiality of amount.

(a) Wages earned by an inmate, parolee or offender while in an adult community corrections program shall be retained and accounted for by the program operator and shall be disbursed for the purposes provided in this subsection and in the order specified:

(iv) Court ordered restitution, fines, sanctions and reimbursement for the services of public defender or court appointed counsel, the surcharge imposed under W.S. 1-40-119, ~~and~~ victims compensation obligations under W.S. 1-40-112(g) and the surcharge imposed under W.S. 7-13-1616;

Section 3. This act is effective July 1, 2016.

(END)