

SENATE FILE NO. SF0010

Modification of probation.

Sponsored by: Joint Judiciary Interim Committee

A BILL

for

1 AN ACT relating to criminal procedure and sentencing;  
2 providing standards for the imposition or modification of  
3 probation; clarifying probation supervision options;  
4 specifying applicability; and providing for an effective  
5 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. 7-13-302(a)(i) and (ii), 7-13-305(a)  
10 and 7-13-407(a)(iv) are amended to read:

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12 **7-13-302. Placing person convicted on probation;**  
13 **suspension of imposition or execution of sentence; imposition**  
14 **of fine.**

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1           (a) After conviction or plea of guilty for any offense,  
2 except crimes punishable by death or life imprisonment, and  
3 following entry of the judgment of conviction, the court may:

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5           (i) Suspend the imposition or execution of  
6 sentence and place the defendant on supervised or  
7 unsupervised probation; or

8  
9           (ii) Impose a fine applicable to the offense and  
10 place the defendant on supervised or unsupervised probation.

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12           **7-13-305. Determination, continuance or extension;**  
13 **revocation proceedings.**

14  
15           (a) The period of probation or suspension of sentence  
16 under W.S. 7-13-302 shall be determined by the court and may  
17 be reduced, continued or extended. In determining the period  
18 of probation or a modification of an existing period of  
19 probation, the court may consider, but is not limited to the  
20 following factors:

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22           (i) Whether the defendant has stable employment;  
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1           (ii) Whether the defendant has positive community  
2 support;

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4           (iii) Whether the defendant has positive familial  
5 support;

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7           (iv) Whether the defendant has reasonably attended  
8 to spousal or parental responsibilities and whether the terms  
9 of probation assist or hinder the defendant in discharging  
10 those responsibilities;

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12           (v) Whether the defendant has made progress in  
13 affirmatively addressing any alcohol or substance abuse  
14 issues. For the purposes of this paragraph, relapse alone  
15 does not prevent the court from determining the defendant has  
16 made progress in addressing his alcohol or substance use  
17 issues;

18  
19           (vi) The nature and seriousness of the underlying  
20 crime;

21  
22           (vii) The risk posed by the defendant to the  
23 community;

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2           (viii) The risk of reoffense as determined by a  
3           validated risk assessment tool utilized by the department of  
4           corrections.

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6           **7-13-407. Duties of probation and parole agents.**

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8           (a) Under direction and supervision of the director,  
9           probation and parole agents shall:

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11                   (iv) Supervise the conduct of each person on  
12           probation if requested by the court granting probation, and  
13           of each person on parole or conditional release through  
14           personal visits, reports and other appropriate means, and  
15           report in writing as often as required by the court,  
16           department or board;

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

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22   (END)