

SENATE FILE NO. SF0014

Probation and parole sanctions-amendments.

Sponsored by: Joint Judiciary Interim Committee

A BILL

for

1 AN ACT relating to criminal procedure; clarifying and
2 modifying available administrative sanctions and
3 eligibility for sanctions for probationers and parolees;
4 specifying applicability; and providing for an effective
5 date.

6

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

8

9 **Section 1.** W.S. 7-13-1104(a)(intro) and by creating a
10 new subsection (b), 7-13-1105(d) and by creating a new
11 subsection (e), 7-18-108(f) and by creating a new
12 subsection (g) and 7-18-115(g) and by creating a new
13 subsection (h) are amended to read:

14

15 **7-13-1104. Program participation as a condition of**
16 **parole.**

1

2 (a) Except as provided in subsection (b) of this
3 section, the state board of parole may, as a condition of
4 parole, require a parolee who is assessed through a
5 validated risk-need assessment as a high risk for
6 reoffending or violating a condition of parole to
7 participate in a program established under this article,
8 provided:

9

10 (b) Placement of a parolee in a program established
11 under W.S. 7-13-1102 as a sanction under W.S. 7-13-1801
12 through 7-13-1803 or following a modification or revocation
13 of parole shall not require the parolee to be assessed
14 through a validated risk-need assessment as a high risk for
15 reoffending or violating a condition of parole.

16

17 **7-13-1105. Placement of probationer in program by**
18 **sentencing court.**

19

20 (d) Except as provided in subsection (e) of this
21 section, a defendant shall not be placed in a program
22 established under W.S. 7-13-1102 unless the defendant
23 receives a validated risk-need assessment and scores as a

1 high risk for reoffending or for violating conditions of
2 probation except that a defendant may be placed in a
3 program established under W.S. 7-13-1102 for good cause
4 shown upon the record.

5
6 (e) Placement of a probationer in a program
7 established under W.S. 7-13-1102 as a sanction under W.S.
8 7-13-1801 through 7-13-1803 or following a revocation of
9 probation shall not require the probationer to be assessed
10 through a validated risk-need assessment as a high risk for
11 reoffending or violating a condition of probation.

12
13 **7-18-108. Placement of offender in program by court;**
14 **placement by department as administrative sanction.**

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16 (f) Subject to subsection (b) of this section, the
17 department may, ~~as an administrative sanction pursuant to~~
18 ~~W.S. 7-13-1801 through 7-13-1803, require~~ impose the
19 administrative sanctions provided in W.S. 7-13-1802(b) on
20 any probationer participating in an intensive supervision
21 program who violates the rules and restrictions of the
22 program ~~to participate in a residential adult community~~

1 ~~correctional program for a period not to exceed sixty (60)~~
2 ~~days~~ as an alternative to probation revocation.

3
4 (g) Notwithstanding paragraph (b)(iv) of this
5 section, placement of a probationer in an adult community
6 correctional program as a sanction under subsection (f) of
7 this section and W.S. 7-13-1801 through 7-13-1803 or
8 following a revocation of probation shall not require the
9 probationer to be assessed through a validated risk-need
10 assessment as a high risk for reoffending or violating a
11 condition of probation.

12
13 **7-18-115. Assignment of parolee to program by state**
14 **board of parole; placement by department as administrative**
15 **sanction.**

16
17 (g) Subject to subsection (b) of this section, the
18 department may, ~~as an administrative sanction pursuant to~~
19 ~~W.S. 7-13-1801 through 7-13-1803,~~ impose the
20 administrative sanctions provided in W.S. 7-13-1802(b) on
21 any parolee participating in an intensive supervision
22 program who violates the rules and restrictions of the
23 program ~~to participate in an adult residential community~~

1 ~~correctional program for a period not to exceed sixty (60)~~
2 ~~days~~ as an alternative to parole revocation.

3
4 (h) Notwithstanding paragraph (b)(v) of this section,
5 placement of a parolee in an adult community correctional
6 program authorized under this article as a sanction under
7 subsection (g) of this section, W.S. 7-13-1801 through
8 7-13-1803 or following a modification or revocation of
9 parole shall not require the parolee to be assessed through
10 a validated risk-need assessment as a high risk for
11 reoffending or violating a condition of probation.

12

13 **Section 2.** The provisions of this act shall apply to
14 all probation and parole conditions resulting from a
15 sentence imposed on or after the effective date of this
16 act.

17

18 **Section 3.** This act is effective July 1, 2020.

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20

(END)