

SENATE FILE NO. SF0049

Deferral of criminal sentence-amendments.

Sponsored by: Senator(s) Case

A BILL

for

1 AN ACT relating to criminal procedure and sentencing;
2 removing the requirement for the state to consent to
3 deferring criminal prosecution; and providing for an
4 effective date.

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

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8 **Section 1.** W.S. 7-13-301(a)(intro) is amended to
9 read:

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11 **7-13-301. Placing person found guilty, but not**
12 **convicted, on probation.**

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14 (a) If a person who has not previously been convicted
15 of any felony is charged with or is found guilty of or
16 pleads guilty or no contest to any misdemeanor except any

1 second or subsequent violation of W.S. 31-5-233 or any
2 similar provision of law, or any second or subsequent
3 violation of W.S. 6-2-510(a) or 6-2-511(a) or any similar
4 provision of law, or any felony except murder, sexual
5 assault in the first or second degree, aggravated assault
6 and battery or arson in the first or second degree, the
7 court may, with the consent of the defendant ~~and the state~~
8 and without entering a judgment of guilt or conviction,
9 defer further proceedings and place the person on probation
10 for a term not to exceed thirty-six (36) months upon terms
11 and conditions set by the court. The terms of probation
12 shall include that he:

13

14 **Section 2.** This act is effective July 1, 2021.

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(END)