

**DRAFT ONLY
NOT APPROVED FOR
INTRODUCTION**

SENATE FILE NO. [BILL NUMBER]

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.

6

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

8

9 **Section 1.** W.S. 7-13-302(a), 7-13-305(a) and
10 7-13-407(a)(iv) are amended to read:

11

1 7-13-302. Placing person convicted on probation;
2 suspension of imposition or execution of sentence; imposition
3 of fine.

4

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

8

9 (i) Suspend the imposition or execution of
10 sentence and place the defendant on supervised or
11 unsupervised probation; or

12

13 (ii) Impose a fine applicable to the offense and
14 place the defendant on supervised or unsupervised probation.

15

16 7-13-305. Determination, continuance or extension;
17 revocation proceedings.

18

19 (a) The period of probation or suspension of sentence
20 under W.S. 7-13-302 shall be determined by the court and may
21 be reduced, continued or extended. In determining the period
22 of probation or a modification of an existing probation, the
23 court may consider:

1

2

(i) Whether the defendant has stable employment;

3

4

(ii) Whether the defendant has positive community

5

support;

6

7

(iii) Whether the defendant has positive familial

8

support;

9

10

(iv) Whether the defendant has reasonably attended

11

to spousal or parental responsibilities and whether the terms

12

of probation assist or hinder the defendant in discharging

13

those responsibilities;

14

15

(v) Whether the defendant has made progress in

16

affirmatively addressing any alcohol or substance abuse

17

issues. For the purposes of this paragraph, relapse alone

18

does not prevent the court from determining the defendant has

19

made progress in addressing his alcohol or substance use

20

issues;

21

22

(vi) The nature and seriousness of the underlying

23

crime;

1

2

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

4

5

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

8

9

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

10

11

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

13

14

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

20

21

22

23

STAFF COMMENT

24

This amendment brings 7-13-407 into congruence with 7-13-410(b), which provides:

25

