

**DRAFT ONLY
NOT APPROVED FOR
INTRODUCTION**

HOUSE BILL NO. [BILL NUMBER]

Limitation on length of probation.

Sponsored by: Joint Judiciary Interim Committee

A BILL

for

1 AN ACT relating to criminal procedure and sentencing;
2 limiting the length of a probation term as specified;
3 specifying applicability; and providing for an effective
4 date.

5

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

7

8 **Section 1.** W.S. 7-13-301(a)(intro) and (b), 7-13-302 by
9 creating a new subsection (b), 7-13-305(a) and 35-7-1037 are
10 amended to read:

11

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

1

2 (a) If a person who has not previously been convicted
3 of any felony is charged with or is found guilty of or pleads
4 guilty or no contest to any misdemeanor except any second or
5 subsequent violation of W.S. 31-5-233 or any similar
6 provision of law, or any second or subsequent violation of
7 W.S. 6-2-510(a) or 6-2-511(a) or any similar provision of
8 law, or any felony except murder, sexual assault in the first
9 or second degree, aggravated assault and battery or arson in
10 the first or second degree, the court may, with the consent
11 of the defendant and the state and without entering a judgment
12 of guilt or conviction, defer further proceedings and place
13 the person on probation for a term not to exceed ~~five (5)~~
14 ~~years~~ forty-two (42) months upon terms and conditions set by
15 the court. The terms of probation shall include that he:

16

17 (b) If the court finds the person has fulfilled the
18 terms of probation and that his rehabilitation has been
19 attained to the satisfaction of the court, the court may at
20 the end of ~~five (5) years~~ forty-two (42) months, or at any
21 time after the expiration of one (1) year from the date of
22 the original probation, discharge the person and dismiss the
23 proceedings against him.

1

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

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6 (b) Unless otherwise authorized by law, no term of
7 probation imposed shall exceed the maximum term of
8 imprisonment allowed by law. Any term of probation imposed
9 under this section for a felony offense shall in no case
10 exceed forty-two (42) months.

11

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

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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 continued or extended. Any term of probation including any
18 continuations or extensions shall not exceed the maximum term
19 of probation authorized under W.S. 7-13-302(b).

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21 35-7-1037. Probation and discharge of first offenders.

22

1 Whenever any person who has not previously been convicted of
2 any offense under this act or under any statute of the United
3 States or of any state relating to narcotic drugs, marihuana,
4 or stimulant, depressant, or hallucinogenic drugs, pleads
5 guilty to or is found guilty of possession of a controlled
6 substance under W.S. 35-7-1031(c) or 35-7-1033(a)(iii)(B), or
7 pleads guilty to or is found guilty of using or being under
8 the influence of a controlled substance under W.S. 35-7-1039,
9 the court, without entering a judgment of guilt and with the
10 consent of the accused, may defer further proceedings and
11 place him on probation upon terms and conditions. Any term of
12 probation imposed under this section for a felony offense
13 shall not exceed the maximum term of probation authorized
14 under W.S. 7-13-302(b). Upon violation of a term or condition,
15 the court may enter an adjudication of guilt and proceed as
16 otherwise provided. Upon fulfillment of the terms and
17 conditions, the court shall discharge the person and dismiss
18 the proceedings against him. Discharge and dismissal under
19 this section shall be without adjudication of guilt and is
20 not a conviction for purposes of this section or for purposes
21 of disqualifications or disabilities imposed by law upon
22 conviction of a crime, including the additional penalties
23 imposed for second or subsequent convictions under W.S.

