

ENROLLED ACT NO. 19, SENATE

SIXTY-FIFTH LEGISLATURE OF THE STATE OF WYOMING
2019 GENERAL SESSION

AN ACT relating to criminal procedure and sentencing; providing standards for the imposition or modification of probation; clarifying probation supervision options; specifying applicability; and providing for an effective date.

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

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

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

(a) After conviction, plea of no contest or plea of guilty for any offense, except crimes punishable by death or life imprisonment, and following entry of the judgment of conviction, the court may:

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

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

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

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

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court may consider, but is not limited to the following factors:

- (i) Whether the defendant has stable employment;
- (ii) Whether the defendant has positive community support;
- (iii) Whether the defendant has positive familial support;
- (iv) Whether the defendant has reasonably attended to spousal or parental responsibilities and whether the terms of probation assist or hinder the defendant in discharging those responsibilities;
- (v) Whether the defendant has made progress in affirmatively addressing any alcohol or substance abuse issues. For the purposes of this paragraph, relapse alone does not prevent the court from determining the defendant has made progress in addressing his alcohol or substance use issues;
- (vi) The nature and seriousness of the underlying crime;
- (vii) The risk posed by the defendant to the community;
- (viii) The risk of reoffense as determined by a validated risk assessment tool utilized by the department of corrections.

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

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

(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;

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

(END)

Speaker of the House

President of the Senate

Governor

TIME APPROVED: _____

DATE APPROVED: _____

I hereby certify that this act originated in the Senate.

Chief Clerk