

## HOUSE BILL NO. HB0184

Juveniles-criminal deferral.

Sponsored by: Representative(s) Ottman, Lucas, Singh and  
Webber and Senator(s) Olsen

A BILL

for

1 AN ACT relating to juveniles; creating a criminal deferral  
2 process for juveniles who commit misdemeanors as specified;  
3 making conforming amendments; and providing for an  
4 effective date.

5

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

7

8 **Section 1.** W.S. 14-6-253 is created to read:

9

10 **14-6-253. Deferral of criminal proceedings;**  
11 **juveniles.**

12

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

1 misdemeanor that the district attorney deems, following  
2 assessment as the single point of contact for the juvenile  
3 system, not treatable under the other provisions of title  
4 14 of the Wyoming statutes, the circuit court may, with the  
5 consent of the juvenile and the state and without entering  
6 a judgment of guilt or conviction, defer further  
7 proceedings and place the juvenile on probation for a term  
8 of not more than eighteen (18) months upon terms and  
9 conditions set by the circuit court. The terms of probation  
10 shall require that the juvenile:

11

12 (i) Report to the circuit court not less than  
13 two (2) times each year at times and places fixed by court  
14 order;

15

16 (ii) Act in a law-abiding manner;

17

18 (iii) Not leave the state without the consent of  
19 the circuit court;

20

21 (iv) Follow any other terms of probation the  
22 circuit court finds proper; and

23

1           (v) Pay restitution to each victim in accordance  
2 with W.S. 7-9-101 through 7-9-115.

3

4           (b) If the circuit court finds the juvenile has  
5 fulfilled the terms of probation and that the juvenile has  
6 been rehabilitated to the satisfaction of the circuit  
7 court, the circuit court may at the end of eighteen (18)  
8 months, or at any time more than six (6) months after  
9 originally placing the juvenile on probation, discharge the  
10 juvenile from probation and dismiss each charge.

11

12           (c) If the juvenile violates a term or condition of  
13 probation at any time before the final discharge of the  
14 charges, the circuit court may take one (1) of the  
15 following actions:

16

17           (i) Enter an adjudication of guilt and  
18 conviction and proceed to impose a sentence upon the  
19 juvenile if the juvenile previously pled guilty or was  
20 found guilty of the original charge or charges for which  
21 probation was granted under this section;

22

1           (ii) Order that the trial of the original charge  
2 proceed if the juvenile has not previously pled or been  
3 found guilty; or

4

5           (iii) Order that the matter be transferred to  
6 the juvenile court pursuant to a proceeding conducted in  
7 accordance with W.S. 14-6-237.

8

9           (d) Discharge and dismissal under this section shall  
10 be without adjudication of guilt and is not a conviction  
11 for any purpose.

12

13           (e) There shall be only one (1) discharge and  
14 dismissal under this section for juveniles who have not yet  
15 reached eighteen (18) years of age at the time the crime  
16 was committed.

17

18           **Section 2.** W.S. 1-40-119(b), 5-9-134, 5-12-116,  
19 5-12-118(b), 6-10-102, 6-10-103, 7-9-101(a)(i),  
20 7-13-301(e), 7-13-1202(a)(iv), 7-13-1301(a)(iii),  
21 7-13-1303(a), 21-2-802(g)(i) and 31-5-233(f)(intro) and  
22 (ii) are amended to read:

23

1           **1-40-119. Surcharge to be assessed in certain**  
2 **criminal cases; paid to account.**

3  
4           (b) The surcharge enumerated in subsection (a) of  
5 this section shall be imposed upon any defendant for whom  
6 prosecution, trial or sentence is deferred under W.S.  
7 7-13-301 and 7-13-302 or 14-6-253 or who participates in  
8 any other diversion agreement.

9  
10           **5-9-134. Probation; correction and reduction of**  
11 **sentence.**

12  
13 The circuit court may place a criminal defendant on  
14 probation pursuant to W.S. 7-13-301 through 7-13-307 or  
15 14-6-253. Notwithstanding any other provision of law, the  
16 probation period for a defendant whose disposition includes  
17 participation in a substance abuse treatment program or a  
18 court supervised treatment program may exceed the maximum  
19 term of imprisonment established for the offense, but shall  
20 not exceed three (3) years. The court shall conduct, on at  
21 least a monthly basis, a review on the progress of a  
22 defendant sentenced to treatment under this section. The  
23 review may be conducted in a manner the court deems

1 appropriate, but shall include receiving regular progress  
2 reports from the treatment provider.

3

4 **5-12-116. Municipal courts.**

5

6 A municipal judge may place a criminal defendant on  
7 probation pursuant to W.S. 7-13-301 through 7-13-307 or  
8 14-6-253 and require the defendant as a probationary  
9 condition to participate in a program under this act.  
10 Notwithstanding any other provision of law, the probation  
11 period for a defendant whose disposition includes  
12 participation in a program or a court supervised treatment  
13 program may exceed the maximum term of imprisonment  
14 established for the offense, but shall not exceed  
15 thirty-six (36) months.

16

17 **5-12-118. Surcharge to be assessed in certain**  
18 **criminal cases; paid to account.**

19

20 (b) The surcharge may be imposed upon any defendant  
21 for whom prosecution, trial or sentence is deferred under  
22 W.S. 7-13-301 and 7-13-302, 14-6-253 or 35-7-1037 or who

1 participates in any other diversion agreement for an  
2 offense specified in subsection (a) of this section.

3

4 **6-10-102. Imposition of fine for any felony; maximum**  
5 **fine where not established by statute; court automation**  
6 **fee; indigent civil legal services fee.**

7

8 The court may impose a fine as part of the punishment for  
9 any felony. If the statute does not establish a maximum  
10 fine, the fine shall be not more than ten thousand dollars  
11 (\$10,000.00). The court shall impose a court automation fee  
12 of forty dollars (\$40.00) in every criminal case wherein  
13 the defendant is found guilty, enters a plea of guilty or  
14 no contest or is placed on probation under W.S. 7-13-301 or  
15 14-6-253. The fee shall be remitted as provided by W.S.  
16 5-3-205. In addition to the court automation fee the court  
17 shall impose an indigent civil legal services fee of ten  
18 dollars (\$10.00) in every criminal case wherein the  
19 defendant is found guilty, enters a plea of guilty or no  
20 contest or is placed on probation under W.S. 7-13-301,  
21 14-6-253 or 35-7-1037. The indigent civil legal services  
22 fee shall be remitted as provided in W.S. 5-3-205(a)(ii).

23

1           **6-10-103. Penalties for misdemeanors where not**  
2 **prescribed by statute; court automation fee; indigent civil**  
3 **legal services fee.**

4  
5 Unless a different penalty is prescribed by law, every  
6 crime declared to be a misdemeanor is punishable by  
7 imprisonment in the county jail for not more than six (6)  
8 months, a fine of not more than seven hundred fifty dollars  
9 (\$750.00), or both. The court shall impose a court  
10 automation fee of forty dollars (\$40.00) in every criminal  
11 case wherein the defendant is found guilty, enters a plea  
12 of guilty or no contest or is placed on probation under  
13 W.S. 7-13-301 or 14-6-253. The fee shall be remitted as  
14 provided by W.S. 5-3-205. In addition to the court  
15 automation fee the court shall impose an indigent civil  
16 legal services fee of ten dollars (\$10.00) in every  
17 criminal case wherein the defendant is found guilty, enters  
18 a plea of guilty or no contest or is placed on probation  
19 under W.S. 7-13-301 or 14-6-253. The indigent civil legal  
20 services fee shall be remitted as provided in W.S.  
21 5-3-205(a)(ii).

22  
23           **7-9-101. Definitions.**

1

2 (a) As used in this chapter:

3

4 (i) "Criminal activity" means any crime for  
5 which there is a plea of guilty, nolo contendere or verdict  
6 of guilty upon which a judgment of conviction may be  
7 rendered and includes any other crime which is admitted by  
8 the defendant, whether or not prosecuted. In the case of  
9 restitution ordered under W.S. 7-13-301 or 14-6-253,  
10 "criminal activity" also includes a crime charged against  
11 the defendant;

12

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

15

16 (e) There shall be only one (1) discharge and  
17 dismissal under this section or under any similar section  
18 of the probationary statutes of any other jurisdiction. Use  
19 of a criminal deferral under W.S. 14-6-253 shall not be  
20 considered a discharge and dismissal under this subsection.

21

22 **7-13-1202. Definitions.**

23

1 (a) As used in this act:

2

3 (iv) "Teen court" or "teen court program" means  
4 an alternative sentencing procedure under which regular  
5 court proceedings involving a teen charged with a minor  
6 offense may be deferred and subsequently dismissed on  
7 condition that the defendant participate fully in the teen  
8 court program and appear before a jury of teen peers for  
9 sentencing and that the defendant successfully complete the  
10 terms and conditions of the sentence imposed. This  
11 sentencing is in addition to the provisions of W.S.  
12 7-13-301, 14-6-253 and 35-7-1037;

13

14 **7-13-1301. Definitions.**

15

16 (a) As used in W.S. 7-13-1301 through 7-13-1304:

17

18 (iii) "Convicted" means an unvacated  
19 determination of guilt by any court having legal  
20 jurisdiction of the offense and from which no appeal is  
21 pending and includes pleas of guilty and nolo contendere.  
22 For purposes of W.S. 7-13-1302 only, "convicted" shall  
23 include dispositions pursuant to W.S. 7-13-301,

1 7-13-302(a), 35-7-1037 or deferred prosecutions when  
2 ordered. Otherwise, for purposes of this act, "convicted"  
3 shall not include dispositions pursuant to W.S. 7-13-301,  
4 7-13-302(a), 14-6-253, 35-7-1037 or deferred prosecutions;

5

6 **7-13-1303. Suspended sentence for qualified**  
7 **offenders.**

8

9 (a) Except as provided in subsection (c) of this  
10 section, notwithstanding any other provision of law,  
11 qualified offenders may be placed on probation under W.S.  
12 7-13-301 or 14-6-253, receive a suspended sentence under  
13 W.S. 7-13-302(a) or placed on probation under W.S.  
14 35-7-1037. The sentence or probation order shall set forth  
15 the terms of a treatment program based upon the substance  
16 use disorder assessment and any other terms and conditions  
17 as the court may deem appropriate under the circumstances,  
18 and require the offender to satisfactorily complete the  
19 treatment program. The court shall include in the sentence  
20 or probation order any provisions necessary to reasonably  
21 protect the health of the offender.

22

1           **21-2-802. Powers and duties; teacher certification;**  
2 **suspension and revocation; certification fees; disposition**  
3 **of collected fees; required data submissions to department**  
4 **of education.**

5  
6           (g) For purposes of this section:

7  
8           (i) "Convicted" or "conviction" means an  
9 unvacated determination of guilt by any court having legal  
10 jurisdiction of the offense and from which no appeal is  
11 pending. Pleas of guilty and nolo contendere shall be  
12 deemed convictions for the purposes of this section.  
13 Dispositions pursuant to W.S. 7-13-301, 14-6-253 or  
14 35-7-1037 shall not be convictions for purposes of this  
15 section;

16  
17           **31-5-233. Driving or having control of vehicle while**  
18 **under influence of intoxicating liquor or controlled**  
19 **substances; penalties.**

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21           (f) Any person convicted under this section or other  
22 law prohibiting driving while under the influence as  
23 defined in W.S. 31-5-233(a)(v), or whose prosecution under

1 this section is deferred under W.S. 7-13-301 or 14-6-253,  
2 shall, in addition to the penalty imposed:

3

4 (ii) Except as provided in subsection (n) of  
5 this section, for a first conviction, or for a prosecution  
6 deferred under W.S. 7-13-301 or 14-6-253, where the  
7 department's administrative action indicates the person had  
8 an alcohol concentration of fifteen one-hundredths of one  
9 percent (0.15%) or more, operate only vehicles equipped  
10 with an ignition interlock device, pursuant to W.S.  
11 31-7-401 through 31-7-404, for a period of six (6) months.  
12 For purposes of this paragraph, the department's  
13 administrative action shall be deemed to indicate a person  
14 had an alcohol concentration of fifteen one-hundredths of  
15 one percent (0.15%) or more only after the person is  
16 notified of and given the opportunity to pursue the  
17 administrative procedures provided by W.S. 31-7-105;

18

19 **Section 3.** This act shall apply to juveniles who  
20 commit misdemeanors within this state on or after July 1,  
21 2026.

22

1       **Section 4.** This act is effective July 1, 2026.

2

3

(END)