

**DRAFT ONLY  
NOT APPROVED FOR  
INTRODUCTION**

HOUSE BILL NO. [BILL NUMBER]

Justice reform-graduated sanctions.

Sponsored by: Joint Judiciary Interim Committee

A BILL

for

1 AN ACT relating to criminal procedure and sentencing;  
2 amending probation and parole intensive supervision program  
3 provisions relating to rewards and sanctions; and providing  
4 for an effective date.

5

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

7

8 **Section 1.** W.S. 7-13-408(e), 7-13-1107(a), (b)(iii)  
9 by creating new subparagraphs (C), (D) and (E) are amended  
10 to read:

11

1           **7-13-408. Probation, parole and conditional release**  
2 **administrative jail or adult community correction program**  
3 **sanction and revocation hearing procedures.**

4  
5           (e)       The department may establish by rule and  
6 regulation a system of imposing the administrative  
7 sanctions specified in W.S. 7-13-1107(b) as an alternative  
8 to revocation of the parole of any parolee who has violated  
9 a condition of his parole or as an alternative to  
10 revocation of the probation of any probationer who has  
11 violated a condition of his probation. Parolees and  
12 probationers committed to the county jail or a residential  
13 community correctional program pursuant to this subsection  
14 shall be housed in accordance with W.S. 7-13-1107(c) or 7-  
15 18-115(b).

16  
17           **7-13-1107. Administrative sanctions for program**  
18 **violations.**

19  
20           (a) The department is authorized to establish by rule  
21 and regulation a system of administrative rewards and  
22 sanctions as an alternative to probation or parole  
23 revocation for probationers and parolees who violate the

1 rules and restrictions of an intensive supervision program  
2 established under this article or a conditions of probation  
3 or parole.

4

5 (b) Authorized sanctions may include:

6

7 (iii) Restrictions on personal liberty  
8 including:

9

10 (B) Placement in a residential community  
11 correctional program for a period not to exceed sixty (60)  
12 days i-

13

14 (C) Immediate confinement in a county jail,  
15 to be imposed as a two (2) day or three (3) day consecutive  
16 period by the probation and parole agent with approval of  
17 the field services administrator. The total of all  
18 sanctions under this subparagraph shall not exceed eighteen  
19 (18) days during the term of supervision and shall not  
20 require a hearing held in accordance with W.S. 7-13-408;

21

22 (D) Detention in a consenting county jail  
23 coupled with substance abuse treatment contracted with and

1 paid by the department for a period not to exceed ninety  
 2 (90) days. Detention under this subparagraph shall only be  
 3 imposed for repeated substance abuse violations during the  
 4 probation sentence or period of parole and shall be  
 5 credited to the sentence. A custodial sanction under this  
 6 subparagraph shall only be available one (1) time to any  
 7 one (1) person;

8 \*\*\*\*\*  
 9 \*\*\*\*\*

10 **STAFF COMMENT**

11  
 12 LSO suggests that the committee consider a statutory scheme  
 13 that allows probationers and paroles to consent to the  
 14 administrative sanctions. While there is no case law  
 15 addressing quick dip schemes, these alternative side steps  
 16 any argument that these administrative sanctions offend due  
 17 process concerns for allowing incarceration without a  
 18 hearing. For most probationers and parolees, the  
 19 administrative sanctions should be an attractive  
 20 alternative to revocation of probation which could carry a  
 21 full jail or penitentiary sentence.

22  
 23 An alternate subparagraph (C):

24  
 25 (C) Immediate confinement in a county jail,  
 26 to be imposed as a two (2) day or three (3) day consecutive  
 27 period by the probation and parole agent with approval of  
 28 the field services administrator. The total of all  
 29 sanctions under this subparagraph shall not exceed eighteen  
 30 (18) days during the term of supervision. The imposition of  
 31 sanctions shall not require a hearing held in accordance  
 32 with W.S. 7-13-408 if:

33  
 34 (I) The probationer or parolee is a  
 35 participant in the intensive supervision program pursuant  
 36 to W.S. 7-13-1105 or W.S. 7-13-1106;  
 37

1 (II) The probationer is a qualified  
2 offender sanctioned pursuant to W.S. 7-13-1303(d);  
3

4 (III) The parolee is subject to  
5 sanctions under W.S. 7-13-408(e); or  
6

7 (IV) The probationer or parolee  
8 consents to the administrative sanction provided for in  
9 subparagraph (C) without a hearing.  
10

11 (D) Detention in a consenting county jail  
12 coupled with substance abuse treatment contracted with and  
13 paid by the department for a period not to exceed ninety  
14 (90) days. Detention under this subparagraph shall only be  
15 imposed for repeated substance abuse violations during the  
16 probation sentence or period of parole with the consent of  
17 the probationer or parolee or by order of court. Detention  
18 under this subparagraph shall be credited to the sentence.  
19 A custodial sanction under this subparagraph shall only be  
20 available one (1) time to any one (1) person;  
21

22  
23 \*\*\*\*\*  
24 \*\*\*\*\*  
25

26 (E) Cumulative custodial sanctions imposed  
27 under subparagraphs (A) and (B) of this paragraph shall not  
28 exceed ninety (90) days per probation sentence or period of  
29 parole supervision prior to revocation and shall be  
30 credited to the sentence. Custodial sanctions imposed under  
31 subparagraphs (A), (B) and (D) of this paragraph shall  
32 require a hearing held in accordance with W.S. 7-13-408.  
33

34 **Section 2.** There is appropriated ----- dollars  
35 (\$X,XXX,XXX.00) from the general fund to the department of

1 corrections. This appropriation shall be for the period  
 2 beginning with the effective date of this act and ending  
 3 June 30, 2020. This appropriation shall only be expended  
 4 for the purpose of implementing the sanctions authorized in  
 5 this act. Notwithstanding any other provision of law, this  
 6 appropriation shall not be transferred or expended for any  
 7 other purpose and any unexpended, unobligated funds  
 8 remaining from this appropriation shall revert as provided  
 9 by law on July 1, 2020. This appropriation shall not be  
 10 included in the department of corrections' 2018-2020  
 11 standard biennial budget request.

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13 \*\*\*\*\*  
 14 \*\*\*\*\*

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**STAFF COMMENT**

16 A fiscal note has not yet been prepared for this bill.  
 17 However, the fiscal note for last session's bill, 17LSO-  
 18 153, can provide some estimation of the fiscal impact of  
 19 this bill.

20

21 Last year's fiscal note estimated that the programs created  
 22 in this bill's subparagraphs (C) and (D) of W.S. 7-13-  
 23 1107(b)(iii) would cost six hundred eighty thousand four  
 24 hundred dollars (\$680,400.00) per year.

25

26 The same fiscal note also suggested that the enactment of  
 27 these programs could save the State as much as four million  
 28 nine hundred forty nine thousand two hundred eighty dollars  
 29 (\$4,949,280.00) per year in avoided confinement costs.

30 \*\*\*\*\*  
 31 \*\*\*\*\*

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