

WORKING DRAFT

SENATE FILE NO. _____

Substance abuse prevention and treatment-juveniles.

Sponsored by: Senator(s) Scott

A BILL

for

1 AN ACT relating to the prevention of drug and substance
2 abuse, giving circuit courts the ability to impose
3 probation on offenders under the age of majority; giving
4 additional authority to the community juvenile services
5 board, the department of family services, the department of
6 corrections and the department of health; making conforming
7 amendments; providing additional probation officers to
8 supervise the additional caseload; providing a county opt
9 out and grant option; providing an appropriation; and
10 providing for an effective date.

11

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

13

14 **Section 1.** W.S. 14-6-315 is created to read:

15

1 **14-6-315. Circuit court probation.**

2

3 (a) The department shall provide supervision of
4 minors sentenced to probation by any circuit court if the
5 circuit court designates the department to provide the
6 probationary supervision. The department may be required
7 by the circuit court to provide supervision of any
8 defendant who was a minor at the time the offense was
9 committed. However, the circuit court in its discretion
10 may require the department of corrections to provide
11 supervision of probation for any person who will reach the
12 age of majority during or before the first year of the
13 anticipated term of the probation.

14

15 (b) The terms, conditions and procedures of probation
16 and revocation of probation in the circuit court shall be
17 pursuant to W.S. 7-13-301 through 7-13-307.

18

19 (c) The budget for providing supervision of minors
20 sentenced to probation by circuit courts shall be a
21 separate line item within the department's budget. If any
22 county elects to provide local probation supervision for
23 such minors, it shall be entitled to a share of that budget
24 line item which shall be that proportion that eighty

1 percent (80%) of its population is to the total state
2 population by the most recent calculations of the United
3 States census bureau or its successor agency. This
4 subsection shall not be construed as requiring the
5 department to operate its program for providing supervision
6 of minors placed on probation by circuit courts separately
7 from other juvenile supervision programs of the department.

8

9 **Section 2.** W.S. 5-9-134 and by creating new
10 subsections (a) through (d), 7-13-303(a)(intro),
11 9-2-102(a)(iv) and by creating new paragraphs (v) and (vi),
12 14-6-301(a)(v) and (vii), 14-6-302(a)(intro), and by
13 creating a new subsection (b), 14-6-304(a)(i), (iii), and
14 (iv), (b) and 14-6-306 are amended to read:

15

16 **5-9-134. Probation; correction and reduction of**
17 **sentence.**

18

19 (a) The circuit court may place a criminal defendant
20 on probation pursuant to W.S. 7-13-301 through 7-13-307.

21 The circuit court may place a criminal defendant who is
22 under the age of majority on probation as provided by
23 subsections (b) and (c) of this section. Notwithstanding

24 any other provision of law, the probation period for a

1 defendant whose disposition includes participation in a
2 substance abuse treatment program or a drug court may
3 exceed the maximum term of imprisonment established for the
4 offense, but shall not exceed two (2) years. The court
5 shall conduct, on at least a monthly basis, a review on the
6 progress of a defendant sentenced to treatment under this
7 section. The review may be conducted in a manner the court
8 deems appropriate, but shall include receiving regular
9 progress reports from the treatment provider.

10
11 (b) Criminal defendants under the age of majority may
12 be placed on probation with the department of family
13 services or a local, county or private agency assigned
14 probation supervision responsibilities. A community
15 juvenile services board established pursuant to W.S. 14-9-
16 105, or the county commissioners in a county without such a
17 board, may assign probation supervision responsibilities to
18 a local, county or private agency, provided that if the
19 agency is an agency of a county, city or school district
20 the assignment shall be effective only if the governing
21 body of that governmental entity also approves the
22 assignment. No circuit court judge is required to use any
23 such agency in any case, but he may not use such an agency
24 unless it has been so designated.

1

2 (c) The terms and conditions of probation for
3 criminal defendants under the age of majority shall be
4 pursuant to W.S. 7-13-301 through 7-13-307.

5

6 (d) The revocation of probation for any criminal
7 defendant shall be pursuant to W.S. 7-13-301 through 7-13-
8 307.

9

10 **7-13-303. Investigation preceding probation or**
11 **suspension of sentence.**

12

13 (a) When directed by the court, the district
14 attorney, the state probation and parole officer or, in the
15 case of a minor, a counselor as defined by W.S.
16 5-3-501(a) (ii), a state, local or private agency designated
17 pursuant to W.S. 5-9-134 or the department of family
18 services shall investigate and report to the court in
19 writing:

20

21

22 **9-2-102. Department of health; duties and**
23 **responsibilities; state grants.**

24

1 (a) The department of health is the state mental
2 health authority, the developmental disabilities authority
3 and the substance abuse authority. The department through
4 its divisions has the following duties and responsibilities
5 to:

6 (iv) Establish minimum standards for all mental
7 health, substance abuse and developmental disabilities
8 services supported by state funds-;

9
10 (v) Make grants in aid to community juvenile
11 services boards established pursuant to W.S. 14-9-105,
12 cities, counties, school districts or community colleges
13 for the purposes of testing minors and students for
14 substance abuse;

15
16 (vi) Make grants in aid to community juvenile
17 services boards established pursuant to W.S. 14-9-105,
18 cities, counties, school districts, hospital districts or
19 community colleges or contract with private service
20 providers for the substance abuse and mental health
21 treatment needs of minors placed on probation. To the
22 extent practical, these grants and contracts shall comply
23 with the provisions of W.S. 9-2-2701 through 9-2-2703 and

1 any plans developed pursuant to W.S. 9-2-2701 through 9-2-
2 2703 and 9-2-2705 through 9-2-2707.

3
4 **14-6-301. Definitions.**

5
6 (a) As used in W.S. 14-6-301 through 14-6-314:

7
8 (v) "Probation" means a legal status created by
9 court order following an adjudication of delinquency or in
10 need of supervision or conviction of a misdemeanor in
11 circuit court, or the legal status created pursuant to W.S.
12 7-13-301, where a child is permitted to remain in the
13 child's home subject to supervision by a city, county or
14 state probation officer, the department of family services
15 or other qualified private organization the court may
16 designate. A child is subject to return to the court for
17 violation of the terms or conditions of probation;

18
19 (vii) "Probationer" means an adjudicated youth
20 granted probation by the sentencing juvenile court, a minor
21 granted probation following conviction of a misdemeanor in
22 circuit court or a minor given probation pursuant to W.S.>
23 7-13-301;

1 **14-6-302. General powers.**

2

3 (a) The department of family services shall adopt
4 reasonable rules and regulations necessary to carry out the
5 provisions of W.S. 14-6-301 through ~~14-6-314~~14-6-315
6 including policy relating to:

7

8 (b) The department's rules shall not apply to the
9 department of corrections unless the department of
10 corrections adopts the rules by reference and shall not
11 apply to any agency designated pursuant to W.S. 5-9-134
12 unless that agency adopts the rules.

13

14 **14-6-304. Duties of probation officers.**

15

16 (a) Under direction and supervision of the director
17 of the department or division administrators, the
18 designated department probation officers shall:

19

20 (i) Investigate all cases referred by the
21 juvenile court or circuit, the department or an
22 institution, and report to the court, department or
23 institution in writing;

24

1 (iii) Supervise the conduct of each youth on
2 probation or home leave through personal visits, reports
3 and other appropriate means, and report in writing as often
4 as required by the juvenile or circuit court, department or
5 institution;

6
7 (iv) Use all practical and suitable methods, not
8 inconsistent with the conditions imposed by the juvenile
9 or circuit court, department or institution, to aid and
10 encourage a youth on probation or home leave to bring about
11 improvement in their conditions and conduct;

12
13 (b) Under the direction and supervision of the
14 juvenile or circuit court, a local, county or private
15 agency assigned probation supervision
16 ~~services~~responsibilities may perform all duties designated
17 in subsection (a) of this section.

18

19 **14-6-306. Disclosure of information and data.**

20

21 All information and data obtained in the discharge of
22 official duties by the supervising probation officer is
23 privileged information and shall not be disclosed directly
24 or indirectly to anyone other than to the juvenile court,

1 the circuit court, department of family services,
2 ~~department of education,~~ department of health, the
3 probationer's school district or to others entitled to
4 receive reports as ordered by the court, such as
5 multidisciplinary teams. The entities receiving information
6 and data pursuant to this section shall not disclose it
7 directly or indirectly except to person or entities
8 authorized to receive it pursuant to this section.

9

10 **Section 3.**

11 (a) There is appropriated from the general fund two
12 hundred thousand dollars (\$200,000.00) to the department of
13 health for the purpose of testing minors and students for
14 substance abuse.

15

16 (b) There is appropriated from the general fund one
17 million four hundred thousand dollars (\$1,400,000.00) for
18 the purpose of providing substance abuse and mental health
19 treatment for minors placed on probation by circuit courts.

20

21 (c) Twenty (20) additional full time positions are
22 authorized for the department of family services and one
23 million six hundred thousand dollars (\$1,600,000.00) is
24 appropriated to the department of family services from the

1 general fund for the purpose of providing probation
2 services for juveniles sentenced to probation by the
3 circuit courts.

4

5 (d) Three additional full time positions are
6 authorized for the department of corrections and two
7 hundred forty thousand dollars (\$240,000.00) is
8 appropriated from the general fund for the department of
9 corrections to accommodate additional workload anticipated
10 due to this act.

11

12 **Section 2.** This act is effective July 1, 2005.

13

14

(END)