

SENATE FILE NO. SF0112

Substance abuse prevention and treatment-juveniles.

Sponsored by: Senator(s) Scott and Jennings and Representative(s) Brechtel, Gilmore, Hastert, Iekel, Jackson, Osborn and Robinson

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;  
4 authorizing the department of health to issue grants and  
5 contract for substance abuse testing and treatment; giving  
6 additional authority to the community juvenile services  
7 board, the department of family services, the department of  
8 corrections and the department of health; making conforming  
9 amendments; providing additional probation officers to  
10 supervise the additional caseload; providing a county opt  
11 out and grant option; providing appropriations; and  
12 providing for an effective date.

13

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

15

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

1

2

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

3

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

15

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

19

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

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

9  
10 **Section 2.** W.S. 5-9-134, 7-13-303(a)(intro),  
11 9-2-102(a) 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), (iv)  
14 and (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.  
16 14-9-105, or the county commissioners in a county without  
17 such a board, may assign probation supervision  
18 responsibilities to a local, county or private agency,  
19 provided that if the agency is an agency of a county, city  
20 or school district the assignment shall be effective only  
21 if the governing body of that governmental entity also  
22 approves the assignment. No circuit court judge is  
23 required to use any such agency in any case, but he may not  
24 use such an agency 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  
8 7-13-307.

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

23

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

12  
13 (vi) Make grants in aid to community juvenile  
14 services boards established pursuant to W.S. 14-9-105,  
15 cities, counties, school districts, hospital districts or  
16 community colleges or contract with private service  
17 providers for the substance abuse and mental health  
18 treatment needs of minors placed on probation. These  
19 grants and contracts shall comply with the provisions of  
20 W.S. 9-2-2701 through 9-2-2703 and any plans developed  
21 pursuant to W.S. 9-2-2701 through 9-2-2703 and 9-2-2705  
22 through 9-2-2707.

23  
24 **14-6-301. Definitions.**

1

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

3

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

14

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

20

21 **14-6-302. General powers.**

22

23 (a) The department of family services shall adopt  
24 reasonable rules and regulations necessary to carry out the

1 provisions of W.S. 14-6-301 through ~~14-6-314~~14-6-315  
2 including policy relating to:

3

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

9

10 **14-6-304. Duties of probation officers.**

11

12 (a) Under direction and supervision of the director  
13 of the department or division administrators, the  
14 designated department probation officers shall:

15

16 (i) Investigate all cases referred by the  
17 juvenile or circuit court, the department or an  
18 institution, and report to the court, department or  
19 institution in writing;

20

21 (iii) Supervise the conduct of each youth on  
22 probation or home leave through personal visits, reports  
23 and other appropriate means, and report in writing as often



1 as required by the juvenile or circuit court, department or  
2 institution;

3

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

9

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

15

16 **14-6-306. Disclosure of information and data.**

17

18 All information and data obtained in the discharge of  
19 official duties by the supervising probation officer is  
20 privileged information and shall not be disclosed directly  
21 or indirectly to anyone other than to the juvenile court,  
22 the circuit court, department of family services,  
23 ~~department of education,~~ department of health, the  
24 probationer's school district or to others entitled to

1 receive reports as ordered by the court, such as  
2 multidisciplinary teams. The entities receiving information  
3 and data pursuant to this section shall not disclose it  
4 directly or indirectly except to person or entities  
5 authorized to receive it pursuant to this section.

6

7 **Section 3.**

8

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

13

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

19

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

1 services for juveniles sentenced to probation by the  
2 circuit courts.

3

4 (d) Three (3) additional full-time positions are  
5 authorized for the department of corrections and two  
6 hundred forty thousand dollars (\$240,000.00) is  
7 appropriated from the general fund for the department of  
8 corrections to accommodate additional workload anticipated  
9 due to this act.

10

11 **Section 4.** This act is effective July 1, 2005.

12

13

(END)