

SENATE FILE NO. SF0170

Controlled substances-penalties.

Sponsored by: Senator(s) Boggs and Representative(s) Iekel

A BILL

for

1 AN ACT relating to controlled substances; extending the  
2 maximum probation period for possession of small amounts of  
3 controlled substances; and providing for an effective date.

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

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7 **Section 1.** W.S. 35-7-1031(c)(i)(intro) is amended to  
8 read:

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10 **35-7-1031. Unlawful manufacture or delivery;**  
11 **counterfeit substance; unlawful possession.**

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13 (c) It is unlawful for any person knowingly or  
14 intentionally to possess a controlled substance unless the  
15 substance was obtained directly from, or pursuant to a  
16 valid prescription or order of a practitioner while acting  
17 in the course of his professional practice, or except as

1 otherwise authorized by this act. Any person who violates  
2 this subsection:

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4 (i) And has in his possession a controlled  
5 substance in the amount set forth in this paragraph is  
6 guilty of a misdemeanor punishable by imprisonment for not  
7 more than twelve (12) months, a fine of not more than one  
8 thousand dollars (\$1,000.00), or both. Notwithstanding any  
9 other provision of law, the term of probation imposed by a  
10 judge under this paragraph for the purpose of treatment for  
11 abuse of a controlled substance may exceed the maximum term  
12 of imprisonment established for the offense under this  
13 paragraph provided the term of probation, together with any  
14 extension thereof, shall in no case exceed two (2) years.

15 Any person convicted for a third or subsequent offense  
16 under this paragraph, including convictions for violations  
17 of similar laws in other jurisdictions, shall be imprisoned  
18 for a term not more than five (5) years, fined not more  
19 than five thousand dollars (\$5,000.00), or both. For  
20 purposes of this paragraph, the amounts of a controlled  
21 substance are as follows:

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

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(END)