

SENATE FILE NO. SF0038

Controlled substances-first offense for possession.

Sponsored by: Senator(s) Case and Representative(s) Kroeker

A BILL

for

1 AN ACT relating to controlled substances; providing for  
2 deferred prosecution for the first offense of using or  
3 being under the influence of a controlled substance; and  
4 providing for an effective date.

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

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8 **Section 1.** W.S. 35-7-1037 is amended to read:

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10 **35-7-1037. Probation and discharge of first**  
11 **offenders.**

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13 Whenever any person who has not previously been convicted  
14 of any offense under this act or under any statute of the  
15 United States or of any state relating to narcotic drugs,  
16 marihuana, or stimulant, depressant, or hallucinogenic

1 drugs, pleads guilty to or is found guilty of possession of  
2 a controlled substance under W.S. 35-7-1031(c) or  
3 35-7-1033(a) (iii) (B), or pleads guilty to or is found  
4 guilty of using or being under the influence of a  
5 controlled substance under W.S. 35-7-1039, the court,  
6 without entering a judgment of guilt and with the consent  
7 of the accused, may defer further proceedings and place him  
8 on probation upon terms and conditions. Upon violation of a  
9 term or condition, the court may enter an adjudication of  
10 guilt and proceed as otherwise provided. Upon fulfillment  
11 of the terms and conditions, the court shall discharge the  
12 person and dismiss the proceedings against him. Discharge  
13 and dismissal under this section shall be without  
14 adjudication of guilt and is not a conviction for purposes  
15 of this section or for purposes of disqualifications or  
16 disabilities imposed by law upon conviction of a crime,  
17 including the additional penalties imposed for second or  
18 subsequent convictions under W.S. 35-7-1038. There may be  
19 only one (1) discharge and dismissal under this section  
20 with respect to any person. This section shall not be  
21 construed to provide an exclusive procedure. Any other  
22 procedure provided by law relating to suspension of trial

1 or probation, may be followed, in the discretion of the  
2 trial court.

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4 **Section 2.** This act is effective July 1, 2015.

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(END)