

SENATE FILE NO. SF0094

Substance abuse assessments-nonresidents.

Sponsored by: Senator(s) Christensen and Pappas and Representative(s) Connolly, Nicholas, B., Petroff, Stubson and Winters

A BILL

for

1 AN ACT relating to driving or having control of a vehicle
2 while under the influence of intoxicating liquor or
3 controlled substances; authorizing nonresidents to receive
4 a substance abuse evaluation from their state of residence
5 as specified; and providing for an effective date.

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

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9 **Section 1.** W.S. 31-5-233(e) is amended to read:

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11 **31-5-233. Driving or having control of vehicle while**
12 **under influence of intoxicating liquor or controlled**
13 **substances; penalties.**

14

1 (e) Except as otherwise provided, a person convicted
2 of violating this section shall be ordered to or shall
3 receive a substance abuse assessment conducted by a
4 substance abuse provider certified by the department of
5 health pursuant to W.S. 9-2-2701(c) at or before
6 sentencing. Notwithstanding any other provision of this
7 subsection, a nonresident may receive a substance abuse
8 assessment from a provider certified by that person's state
9 of residence. The cost of the substance abuse assessment
10 shall be assessed to and paid by the offender. Except as
11 otherwise provided in this subsection or subsection (h) or
12 (m) of this section, a person convicted of violating this
13 section is guilty of a misdemeanor punishable by
14 imprisonment for not more than six (6) months, a fine of
15 not more than seven hundred fifty dollars (\$750.00), or
16 both. On a second offense resulting in a conviction within
17 ten (10) years after a conviction for a violation of this
18 section or other law prohibiting driving while under the
19 influence, he shall be punished by imprisonment for not
20 less than seven (7) days nor more than six (6) months, he
21 shall be ordered to or shall receive a substance abuse
22 assessment conducted by a substance abuse provider
23 certified by the department of health pursuant to W.S.

1 9-2-2701(c) before sentencing and shall not be eligible for
2 probation or suspension of sentence or release on any other
3 basis until he has served at least seven (7) days in jail.
4 In addition, the person may be fined not less than two
5 hundred dollars (\$200.00) nor more than seven hundred fifty
6 dollars (\$750.00). On a third offense resulting in a
7 conviction within ten (10) years after a conviction for a
8 violation of this section or other law prohibiting driving
9 while under the influence, he shall be punished by
10 imprisonment for not less than thirty (30) days nor more
11 than six (6) months, shall receive a substance abuse
12 assessment pursuant to W.S. 7-13-1302 and shall not be
13 eligible for probation or suspension of sentence or release
14 on any other basis until he has served at least thirty (30)
15 days in jail except that the court shall consider the
16 substance abuse assessment and may order the person to
17 undergo outpatient alcohol or substance abuse treatment
18 during any mandatory period of incarceration. The minimum
19 period of imprisonment for a third violation shall be
20 mandatory, but the court, having considered the substance
21 abuse assessment and the availability of public and private
22 resources, may suspend up to fifteen (15) days of the
23 mandatory period of imprisonment if, subsequent to the date

1 of the current violation, the offender completes an
2 inpatient treatment program approved by the court. In
3 addition, the person may be fined not less than seven
4 hundred fifty dollars (\$750.00) nor more than three
5 thousand dollars (\$3,000.00). The judge may suspend part or
6 all of the discretionary portion of an imprisonment
7 sentence under this subsection and place the defendant on
8 probation on condition that the defendant pursues and
9 completes an alcohol education or treatment program as
10 prescribed by the judge. Notwithstanding any other
11 provision of law, the term of probation imposed by a judge
12 under this section may exceed the maximum term of
13 imprisonment established for the offense under this
14 subsection provided the term of probation together with any
15 extension thereof, shall not exceed three (3) years for up
16 to and including a third conviction. On a fourth offense
17 resulting in a conviction or subsequent conviction within
18 ten (10) years for a violation of this section or other law
19 prohibiting driving while under the influence, he shall be
20 guilty of a felony and fined not more than ten thousand
21 dollars (\$10,000.00), punished by imprisonment for not more
22 than seven (7) years, or both.

23

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

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(END)