

HOUSE BILL NO. HB0143

Presentence investigation reports-judicial discretion.

Sponsored by: Representative(s) Pelkey, Barlow, Blackburn,
Kirkbride, Lindholm, Olsen, Pownall and
Zwonitzer and Senator(s) Case and Nethercott

A BILL

for

1 AN ACT relating to criminal procedure and sentencing;
2 specifying when a presentence investigation report must be
3 completed for convicted felony defendants; making conforming
4 amendments; specifying applicability; and providing for an
5 effective date.

6

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

8

9 **Section 1.** W.S. 7-13-303(b) and by creating a new
10 subsection (c), 7-13-1105(b), 7-13-1302 and 7-18-108(d) are
11 amended to read:

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

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1 (b) ~~No defendant charged with a felony, and,~~ Unless the
2 court directs otherwise, no defendant charged with a felony
3 or misdemeanor, shall be placed on probation or released under
4 suspension of sentence until the report of the investigation
5 under this section is presented to and considered by the
6 court. If the defendant is sentenced to the custody of the
7 department of corrections to serve a term of incarceration in
8 a state penal institution, a copy of the report of the
9 investigation if completed shall be sent to the department of
10 corrections at the time of sentencing. ~~In all felony cases~~
11 The clerk of court shall forward copies of the report, if
12 completed, to the department of corrections, together with
13 copies of all orders entered by the court.

14

15 (c) The court may, in its discretion, dispense with the
16 investigation and preparation of a report required by this
17 section or may limit the scope of the investigation and report
18 to circumstances and conditions the court deems relevant to
19 its sentencing determination.

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21 **7-13-1105. Placement of probationer in program by**
22 **sentencing court.**

23

1 (b) When a presentence report is required by the court,
2 the department shall be responsible for including in the
3 presentence report to the sentencing judge any
4 recommendations for the utilization of a program created
5 under this article.

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7 **7-13-1302. Substance abuse assessment required.**

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9 All persons convicted of a third misdemeanor under W.S.
10 31-5-233(e) or a felony shall receive, ~~as a part of a~~
11 ~~presentence report,~~ a substance abuse assessment. The
12 substance abuse assessment shall be part of a presentence
13 report if one (1) is prepared. The cost of the substance abuse
14 assessment shall be assessed to and paid by the offender. A
15 person who has undergone a substance abuse assessment
16 pursuant to W.S. 31-5-233(e) may receive a second assessment
17 under this section if the court finds that enough time has
18 passed to make the first assessment inaccurate.

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20 **7-18-108. Placement of offender in program by court;**
21 **placement by department as administrative sanction.**

22

1 (d) The probation and parole agent for the judicial
2 district shall include in the presentence report or otherwise
3 recommend to the sentencing judge recommendations for the
4 utilization of any governmental or, when available,
5 nongovernmental adult community correctional facility or
6 program which has been approved for use by the corrections
7 board.

8
9 **Section 2.** The provisions of this act shall apply to
10 all persons convicted of a crime on or after the effective
11 date of this act.

12
13 **Section 3.** This act is effective July 1, 2019.

14

15 (END)