

SENATE FILE NO. SF0010

Modification of probation.

Sponsored by: Joint Judiciary Interim Committee

A BILL

for

1 AN ACT relating to criminal procedure and sentencing;
2 providing standards for the imposition or modification of
3 probation; clarifying probation supervision options;
4 specifying applicability; and providing for an effective
5 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. 7-13-302(a)(i) and (ii), 7-13-305(a)
10 and 7-13-407(a)(iv) are amended to read:

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12 **7-13-302. Placing person convicted on probation;**
13 **suspension of imposition or execution of sentence; imposition**
14 **of fine.**

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1 (a) After conviction or plea of guilty for any offense,
2 except crimes punishable by death or life imprisonment, and
3 following entry of the judgment of conviction, the court may:

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5 (i) Suspend the imposition or execution of
6 sentence and place the defendant on supervised or
7 unsupervised probation; or

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9 (ii) Impose a fine applicable to the offense and
10 place the defendant on supervised or unsupervised probation.

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12 **7-13-305. Determination, continuance or extension;**
13 **revocation proceedings.**

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15 (a) The period of probation or suspension of sentence
16 under W.S. 7-13-302 shall be determined by the court and may
17 be reduced, continued or extended. In determining the period
18 of probation or a modification of an existing probation, the
19 court may consider, but is not limited to the following
20 factors:

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22 (i) Whether the defendant has stable employment;

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1 (ii) Whether the defendant has positive community
2 support;

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4 (iii) Whether the defendant has positive familial
5 support;

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7 (iv) Whether the defendant has reasonably attended
8 to spousal or parental responsibilities and whether the terms
9 of probation assist or hinder the defendant in discharging
10 those responsibilities;

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12 (v) Whether the defendant has made progress in
13 affirmatively addressing any alcohol or substance abuse
14 issues. For the purposes of this paragraph, relapse alone
15 does not prevent the court from determining the defendant has
16 made progress in addressing his alcohol or substance use
17 issues;

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19 (vi) The nature and seriousness of the underlying
20 crime;

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22 (vii) The risk posed by the defendant to the
23 community;

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7-13-407. Duties of probation and parole agents.

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(a) Under direction and supervision of the director, probation and parole agents shall:

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(iv) Supervise the conduct of each person on probation if requested by the court granting probation, and of each person on parole or conditional release through personal visits, reports and other appropriate means, and report in writing as often as required by the court, department or board;

Section 2. This act is effective immediately upon completion of all acts necessary for a bill to become law as provided by Article 4, Section 8 of the Wyoming Constitution.

(END)