

ORIGINAL HOUSE  
BILL NO. HB0087

ENROLLED ACT NO. 70, HOUSE OF REPRESENTATIVES

SIXTY-FOURTH LEGISLATURE OF THE STATE OF WYOMING  
2017 GENERAL SESSION

AN ACT relating to the victim and witness bill of rights; providing for the return of property where photographs may be submitted into evidence in place of the property as specified; and providing for an effective date.

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

**Section 1.** W.S. 1-40-208(b) and (c) is amended to read:

**1-40-208. Prompt return of property; photographs in lieu of property.**

(b) Criminal justice agencies shall work together to expedite the return of property, which is not contraband, when it is no longer needed. Prosecuting attorneys shall promptly notify law enforcement agencies when evidence is no longer needed. The prosecuting attorney shall notify the attorneys for the defendants of the intention to return the property twenty (20) days prior to its return to enable the defendants to seek relief from the court. No notice is required in the absence of a known suspect or defendant unless otherwise ordered by the court. No later than sixty (60) days after the property is taken as evidence, the prosecuting attorney shall make an initial determination whether to expedite the return of property to the victim or witness. The prosecuting attorney in exercising discretion to expedite the return of property shall consider whether:

(i) Photographs of the property would be admissible as evidence in lieu of the property;

(ii) Submitting the photographs into evidence in lieu of the property will substantially prejudice any criminal proceeding;

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(iii) The property is required for evidentiary analysis; and

(iv) Ownership of the property is disputed.

(c) The trial court exercising jurisdiction over a criminal proceeding shall, if requested, enter appropriate orders to ~~implement the provisions of this section~~ preserve the property for evidentiary analysis or use, or return the property to the victim or witness as appropriate.

**Section 2.** This act is effective July 1, 2017.

(END)

\_\_\_\_\_  
Speaker of the House

\_\_\_\_\_  
President of the Senate

\_\_\_\_\_  
Governor

TIME APPROVED: \_\_\_\_\_

DATE APPROVED: \_\_\_\_\_

I hereby certify that this act originated in the House.

\_\_\_\_\_  
Chief Clerk