

HOUSE BILL NO. HB0177

Court supervised treatment programs-prosecutor's consent.

Sponsored by: Representative(s) Kirkbride and Senator(s)
Anselmi-Dalton and Kost

A BILL

for

1 AN ACT relating to criminal procedure; removing the
2 prosecutorial consent requirement for participation in a
3 court supervised treatment program; specifying applicability;
4 and 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. 7-13-1607(c) and (d) and
9 7-13-1609(a)(intro) and (ii) are amended to read:

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11 **7-13-1607. Participation in court supervised treatment**
12 **program; conditions; extended probation.**

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14 (c) Participation in a program shall only be with the
15 consent of the referring judge, and the participant, and the

1 ~~prosecuting attorney,~~ and acceptance of the participant by
2 the program team in accordance with a written agreement
3 between the participant and the program team. The agreement
4 shall include the participant's consent to release of medical
5 and other records relevant to his treatment history and
6 assessment that meets the requirements of 42 U.S.C.
7 290dd-2(b), 42 C.F.R. part 2.31 or W.S. 35-2-607(c), as
8 applicable. Prior to a participant's entry into a written
9 agreement, the participating judge shall inform the
10 participant that he may be subject to a term of probation
11 that exceeds the maximum term of imprisonment established for
12 the particular offense charged, as provided in W.S. 5-9-134
13 and 7-13-1614.

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15 (d) Nothing in this act shall confer a right or an
16 expectation of a right to participate in a program, nor does
17 this act obligate a program team to accept any proposed
18 participant. Neither the establishment of a program nor
19 anything herein contained shall be construed as limiting the
20 discretion of a prosecuting attorney in regard to the
21 prosecution of any criminal or juvenile case, except as
22 provided by W.S. 7-13-1609(a)(ii). Consent to participation

1 in a program under subsection (c) of this section shall only
2 be required from the referring judge and participant.

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4 **7-13-1609. Program team to be created; duties; program**
5 **coordinator.**

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7 (a) Each applicant seeking to establish a program shall
8 create a program team, consisting of the following members,
9 all of whom shall be appointed by the governing body of the
10 applicant, and except as otherwise provided in paragraph (ii)
11 of this subsection, subject to the individual consent of each
12 appointee:

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14 (ii) A prosecuting attorney, provided that a
15 prosecuting attorney may serve on the program team upon
16 request;

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18 **Section 2.** This act applies to criminal cases filed on
19 or after July 1, 2019.

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

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23

(END)