

Chapter 57

ORIGINAL SENATE
FILE NO. 0041

ENROLLED ACT NO. 24, SENATE

FORTY-SEVENTH LEGISLATURE OF THE STATE OF WYOMING
1984 BUDGET SESSION

AN ACT to create W.S. 7-13-109 relating to criminal sentencing; providing that in certain felony cases the court may order the defendant incarcerated in a county jail for a limited period, suspend the execution of the remainder of the sentence and place the defendant on probation; providing conditions; providing for state reimbursement of related expenses; providing for indemnification of persons in charge of supervision; requiring state provision of legal counsel; and providing for an effective date.

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

Section 1. W.S. 7-13-109 is created to read:

7-13-109. Split sentence of incarceration followed by probation; reimbursement of expenses to county; indemnification; legal counsel.

(a) Following a defendant's conviction of, or his plea of guilty to any felony, other than a violent felony as defined by W.S. 6-1-104(a)(xii) or a felony for which a minimum term is fixed by statute, the court may impose any sentence of imprisonment authorized by law and except as provided in subsection (g) of this section, may in addition provide:

(i) That the defendant be confined in the county jail for a period of not more than sixty (60) days; and

(ii) That the execution of the remainder of the sentence be suspended and the defendant placed on probation.

(b) The court in placing the defendant on probation under subsection (a) of this section may also impose any fine provided by the statute violated.

(c) Except as provided in subsection (a) of this section, the court may impose a split sentence of incarceration followed by probation in any felony case including those in which the statute violated specifically provides for a sentence of imprisonment in the state penitentiary.

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(d) The court may impose a split sentence as provided by this section at the time a defendant is originally sentenced or at any hearing at which the court modifies or revokes a defendant's probation and at which the defendant is personally present.

(e) The cost of housing convicted felons in the county jail including shelter, food, clothing, medical and dental care and hospitalization, shall be paid by the board of charities and reform by contract arrangement with the county sheriff.

(f) If any civil action in law or equity is brought against any sheriff, his undersheriff, deputy, agent or employee, by reason of acts committed or alleged in the performance of necessary duties in connection with the housing and care of the convicted felons, the state shall indemnify and hold harmless such officers, agents or employees from all civil liability incurred or adjudged except punitive damage awards. The state shall, upon request, provide legal counsel at state expense to assist in the defense of any such actions.

(g) No person convicted of a felony may be sentenced to the county jail unless the judge, after consultation with the sheriff, determines that adequate facilities are available and that the jail is not overcrowded.

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Section 2. This act is effective June 5, 1984.

(END)

Russell D. Jolley
Speaker of the House

Eddie Moore
President of the Senate

Ed Lesseur
Governor

TIME APPROVED: 1:25 PM

DATE APPROVED: 3/17/84

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I hereby certify that this act originated in the Senate.

(END)

Wilson E. Wilson

Chief Clerk

[Signature]

Governor

TIME APPROVED: 1:22 PM
DATE APPROVED: 3/1/84

