

Spencer
#1

90 LSO-0124

HOUSE BILL *0037*

HOUSE BILL *0037*

Title

HB0037

AN ACT to amend W.S. 7-18-102(a)(iii) and (v), 7-18-108(a) and 7-18-109(b)(ii) relating to the Adult Community Corrections Act; defining who is an inmate or offender eligible for placement in a community correctional facility or program; conforming related statutes; and providing for an effective date.

W.B. Spitzer

Introduced by:

DATE	ACTION	DATE	ACTION
FEB 1 9 1990	MOTION TO INTRODUCE	MAR 9 1990	READ SECOND TIME
	PASSED		DO PASS
	<i>Amended House 10. Edwards, L. Abbott, D.</i>		
	READ FIRST TIME	MAR 10 1990	READ THIRD TIME
	REFERRED TO COM. NO. <i>1</i>		<i>Consent List</i>
	DELIVERED TO COM. NO. <i>1</i>		<i>Amended 27. House 2. Edwards, L. Abbott, D.</i>
FEB 28 1990	RETURNED		SENT TO HOUSE
	Recommended do <i>pass</i> <i>Yager</i>	MAR 10 1990	RECEIVED FROM SENATE
FEB 28 1990	CONSIDERED IN COM. OF WHOLE		SENT TO LSO FOR ENROLLING
	Recommended do <i>pass</i>		RECEIVED FROM LSO ENROLLED
MAR 1 1990	READ SECOND TIME		HEA NO. <i>6</i>
MAR 2 1990	READ THIRD TIME	MAR 12 1990	SIGNED BY SPEAKER
	<i>Amended as follows HB 37431/A Adopted</i>	MAR 12 1990	SIGNED BY PRESIDENT
	PASSED	MAR 13 1990	APPROVED BY GOVERNOR
	<i>Amended 64. House D. Edwards, L. Abbott, D.</i>		CHAPTER NO. <i>11</i> SESSION LAWS OF WYOMING
	Sent to LSO		
	ENGROSSED		
<i>3-590</i>	<i>Sent to Senate</i>		
MAR 6 1990	Received from House		
	Read first time		
	Referred to Com. No. <i>1</i>		
	Delivered to Com. No. <i>1</i>		
MAR 7 1990	STANDING COMMITTEE		
	RECOMMENDED DO PASS		
MAR 8 1990	CONSIDERED IN COM. OF WHOLE		
	DO PASS		

CONTINUED ON BACK

Consent List

H.B. 37 3rd Date 3-10-90

SENATE ROLL CALL

FIFTIETH WYOMING LEGISLATURE

	Ayes	Noes	Excused	Absent
APPLEGATE	✓			
BURNETT	✓			
BYRD	✓			
COE	✓			
DIXON	✓			
DUSL	✓			
EDDINS	✓			
FANOS	✓			
GERINGER	✓			
GRIEVE	✓			
HEALY	✓			
HERBST	✓			
HICKEY	✓			
HOWARD	✓			
KINNEY	✓			
KINNISON	✓			
LALONDE	✓			
MADER	✓			
MALDONADO	✓			
NORRIS Cameron	✓			
PERRY		✓		
PREVEDEL	✓			
REESE	✓			
SCOTT	✓			
SULLIVAN, DAN	✓			
TRUE	✓			
TWIFORD	✓			
VINICH		✓		
ZIMMER				
ZIMMERMAN			✓	
MR. PRESIDENT	✓			

PRESENT _____

AYES	<u>27</u>
NOES	<u>2</u>
EXCUSED	<u>1</u>
ABSENT	
TOTAL	<u>30</u>

961337 Introduction Date 8/19/98

HOUSE ROLL CALL

FIFTIETH WYOMING LEGISLATURE

	Ayes	Noes	Excused	Absent		Ayes	Noes	Excused	Absent
ALDEN	✓				O'TOOLE	✓			
ARNOLD	✓				PARKER		✓		
BEBOUT		✓			PERKINS, D.	✓			
BLACKWELL	✓				PERKINS, J.		✓		
BOWRON	✓				PLANT	✓			
BUDD	✓				RATLIFF	✓			
CAMERON HACKER	✓				RANKINE		✓		
CHAMBERLAIN	✓				ROHRBACH	✓			
CROSS	✓				RYCKMAN	✓			
CUBIN	✓				SCHWOPE	✓			
DEWITT	✓				SHREVE	✓			
DICKEY	✓				SIMONS	✓			
DUNHAM	✓				STAUFFER	✓			
ENZI	✓				SULLIVAN, DON		✓		
FREUDENTHAL	✓				TEMPEST	✓			
GAMS	✓				TIBBS	✓			
GOODENOUGH	✓				TIPPETS	✓			
GRANT	✓				TIPTON	✓			
GUICE	✓				TYSDAL	✓	✓		
HAGEMAN	✓				VASEY	✓			
HANSEN	✓				VLASTOS			✓	
HARRIS	✓				WALLIS	✓			
HARRISON	✓				WATSON	✓			
HINCHEY	✓				WOLD	✓			
HINES	✓				WOLFLEY		✓		
HONAKER		✓			WRIGHT	✓			
HUMPHREY	✓				YORDY	✓			
JENSEN	✓				ZUMBRUNNEN		✓		
LUMMIS	✓				MR. SPEAKER	✓			
MACMILLAN	✓								
MARTON	✓								
MCMILLAN									
MICHEL		✓							
MILLER	✓								
MURPHY	✓								
ODDE	✓								

PRESENT _____

AYES 53

NOES 10

EXCUSED 1

ABSENT _____

TOTAL 64

LESS _____

91B37 House Reading Date 3/2/80

HOUSE ROLL CALL

FIFTIETH WYOMING LEGISLATURE

Ayes	Noes	Excused	Absent		Ayes	Noes	Excused	Absent	
✓				ALDEN	✓				O'TOOLE
✓				ARNOLD	✓				PARKER
✓				BEBOUT	✓				PERKINS, D.
✓				BLACKWELL	✓				PERKINS, J.
✓				BOWRON	✓				PLANT
✓			44	BUDD	✓				RANKINE
✓				CHAMBERLAIN	✓				RATLIFF
✓				CROSS	✓				ROHRBACH
✓				CUBIN	✓				RYCKMAN
✓				DEWITT	✓				SCHWOPE
✓				DICKEY	✓				SHREVE
✓				DUNHAM	✓				SIMONS
✓				ENZI	✓				STAUFFER
✓				FREUDENTHAL	✓				SULLIVAN, DON
✓				GAMS	✓				TEMPEST
✓				GOODENOUGH	✓				TIBBS
✓				GRANT	✓				TIPPETS
✓				GUICE	✓				TIPTON
✓				HACKER	✓				TYSDAL
✓				HAGEMAN	✓				VASEY
✓				HANSEN	✓				VLASTOS
✓				HARRIS	✓				WALLIS
✓				HARRISON	✓				WATSON
✓				HINCHEY	✓				WOLD
✓				HINES	✓				WOLFLEY
✓				HONAKER	✓				WRIGHT
✓				HUMPHREY	✓				YORDY
✓				JENSEN	✓				ZUMBRUNNEN
✓				LUMMIS	✓				MR. SPEAKER
✓				MACMILLAN	AYES <u>64</u> PRESENT _____ NOES _____ EXCUSED _____ ABSENT _____ TOTAL <u>64</u> LESS _____				
✓				MARTON					
				MCHANN					
✓			abs	MICHEL					
✓				MILLER					
✓				MURPHY					
✓				ODDE					

THE LEGISLATURE OF THE STATE OF WYOMING

House of Representatives

Cheyenne, February 22....., 19.90...

Mr. Speaker:

Your Committee No. 1 on JUDICIARY

to whom was referred HB No. 0037

respectfully reports same back to the House with the recommendation that it

DO PASS.

AYES

Rep. Alden
 Goodenough
 Harrison
 Honaker
 Murphy
 Odde
 Rohrbach
 Yordy
 Tipton

.....
 Harry B. Tipton,

Chairman

THE LEGISLATURE OF THE STATE OF WYOMING

Senate

Cheyenne, Wednesday, March 7, 19⁹⁰

Mr. President:

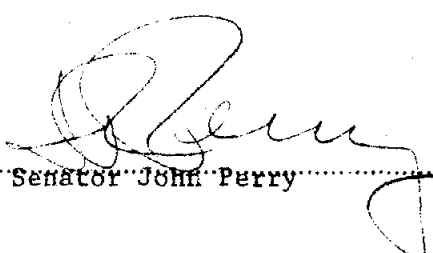
Your Committee No. 1 on Judiciary

to whom was referred H.B. No. 0037 Engrossed

respectfully reports same back to the Senate with the recommendation that

it DO PASS

AYES: Senators Perry, Scott, Reese, Kinney, Howard


 Senator John Perry

Chairman

House of Intro
To Com. No. _____
Stand Report Do Amd Not _____
Com Whole Do Amd Not _____
2nd Reading Amd _____
3rd Reading Amd Pass Fail _____

Second House **INTRODUCED**
To Com No. _____
Stand Report Do Amd Not _____
Com Whole Do Amd Not _____
2nd Reading Amd _____
3rd Reading Amd Pass Fail _____

1990

STATE OF WYOMING

90LSO-0124.01

HOUSE BILL NO. 0037

Community corrections-amendments.

Sponsored by: JOINT JUDICIARY INTERIM COMMITTEE

A BILL

for

1 AN ACT to amend W.S. 7-18-102(a)(iii) and (v), 7-18-108(a)
2 and 7-18-109(b)(ii) relating to the Adult Community Cor-
3 rections Act; defining who is an inmate or offender eligi-
4 ble for placement in a community correctional facility or
5 program; conforming related statutes; and providing for an
6 effective date.

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

8 Section 1. W.S. 7-18-102(a)(iii) and (v), 7-18-108(a)
9 and 7-18-109(b)(ii) are amended to read:

10 7-18-102. Definitions.

11 (a) As used in this act:

1 (iii) "Inmate" means an adult serving a felony
2 sentence in the Wyoming state penitentiary, the Wyoming
3 women's center or any penitentiary honor farm or camp, +
4 EXCLUDING ANY INMATE WHO:

5 (A) AT THE TIME OF CONSIDERATION HAS ANY
6 CRIMINAL PROCEEDINGS PENDING AGAINST HIM WHICH COULD
7 AFFECT HIS STATUS AS AN INMATE;

8 (B) HAS BEEN CONVICTED OF FIRST DEGREE MUR-
9 DER;

10 (C) IS SERVING A TERM OF LIFE IMPRISONMENT;
11 OR

12 (D) HAS BEEN SENTENCED TO DEATH.

13 (v) "Offender" means an adult who has entered a
14 plea of guilty or has been convicted of a felony, exclud-
15 ing any person who: ~~has-committed-or-is-accused--of--com-~~
16 ~~mitting----a---violent---felony---as---defined---by---W.S.~~
17 ~~6-1-104(a)(xii),-or-a-felony-for-which-a-minimum--term--is~~
18 ~~fixed-by-statute,~~

19 (A) AT THE TIME OF CONSIDERATION HAS ANY
20 OTHER CRIMINAL PROCEEDINGS PENDING AGAINST HIM;

1 (B) HAS BEEN CONVICTED OF, OR PLED GUILTY
2 TO, FIRST DEGREE MURDER;

3 (C) HAS BEEN CONVICTED OF, OR PLED GUILTY
4 TO, A CRIME PUNISHABLE BY LIFE IMPRISONMENT; OR

5 (D) HAS BEEN CONVICTED OF, OR PLED GUILTY
6 TO, A CRIME PUNISHABLE BY DEATH.

7 7-18-108. Placement of offender in program by court.

8 (a) Subject to subsection (b) of this section, fol-
9 lowing an ELIGIBLE adult offender's conviction ~~of~~, or his
10 plea of guilty, ~~to-any-felony,-other-than-a-violent-felony~~
11 ~~as-defined-by-W.S.-6-1-104(a)(xii)-or-a-felony-for-which-a~~
12 ~~minimum--term--is--fixed--by-statute,~~ the sentencing court
13 may, as a condition of probation, order that the offender
14 participate in a residential or nonresidential community
15 correctional program during all or any part of his term of
16 probation.

17 7-18-109. Transfer of inmate to facility by board of
18 charities and reform.

19 (b) A transfer of an inmate to a residential commu-
20 nity correctional facility under this section may be made
21 only if:

1 (ii) The inmate was-not-convicted-of-committing
2 a-violent-felony-as-defined-by-W.S.-6-1-104(a)(xii);-or--a
3 felony--for--which--a--minimum-term-is-fixed-by-statute IS
4 ELIGIBLE UNDER W.S. 7-18-102(a)(iii);

5 Section 2. This act is effective July 1, 1990.

6 (END)

FISCAL NOTE

<u>Anticipated REVENUE to:</u>	<u>FY 1991</u>	<u>FY 1992</u>	<u>FY 1993</u>
_____	_____	_____	_____
_____	_____	_____	_____
TOTAL ESTIMATED REVENUE	_____	_____	_____

=====

<u>Anticipated COST to:</u>	<u>FY 1991</u>	<u>FY 1992</u>	<u>FY 1993</u>
_____	_____	_____	_____
_____	_____	_____	_____
TOTAL ESTIMATED COST	_____	_____	_____

=====

According to a spokesman for the Board of Charities and Reform, passage of this measure will have little or no fiscal impact.

HB37

✓
HB0037H31/A

Page 2-line 20 After "OTHER" insert "FELONY". ENZI

M. J. Adopted

House of Intro
____ To Com. No. _____
____ Stand Report Do ___ Amd ___ Not ___
____ Com Whole Do ___ Amd ___ Not ___
____ 2nd Reading Amd ___
____ 3rd Reading Amd ___ Pass ___ Fail ___

Second House
____ To Com No. _____
____ Stand Report Do ___ Amd ___ Not ___
____ Com Whole Do ___ Amd ___ Not ___
____ 2nd Reading Amd ___
____ 3rd Reading Amd ___ Pass ___ Fail ___

ENGROSSED

1990

STATE OF WYOMING

90LSO-0124.ENG

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Sponsored by: JOINT JUDICIARY INTERIM COMMITTEE

A BILL

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9 and 7-18-109(b)(ii) are amended to read:

10 7-18-102. Definitions.

11 (a) As used in this act:

1 (iii) "Inmate" means an adult serving a felony
2 sentence in the Wyoming state penitentiary, the Wyoming
3 women's center or any penitentiary honor farm or camp, 7
4 EXCLUDING ANY INMATE WHO:

5 (A) AT THE TIME OF CONSIDERATION HAS ANY
6 CRIMINAL PROCEEDINGS PENDING AGAINST HIM WHICH COULD
7 AFFECT HIS STATUS AS AN INMATE;

8 (B) HAS BEEN CONVICTED OF FIRST DEGREE MUR-
9 DER;

10 (C) IS SERVING A TERM OF LIFE IMPRISONMENT;
11 OR

12 (D) HAS BEEN SENTENCED TO DEATH.

13 (v) "Offender" means an adult who has entered a
14 plea of guilty or has been convicted of a felony, exclud-
15 ing any person who: ~~has-committed-or-is-accused--of--com-~~
16 ~~mitting----a---violent---felony---as---defined---by---W.S.~~
17 ~~6-1-104(a)(iii),-or-a-felony-for-which-a-minimum--term--is~~
18 ~~fixed-by-statute,~~

19 (A) AT THE TIME OF CONSIDERATION HAS ANY
20 OTHER FELONY CRIMINAL PROCEEDINGS PENDING AGAINST HIM;

1 (B) HAS BEEN CONVICTED OF, OR PLED GUILTY
2 TO, FIRST DEGREE MURDER;

3 (C) HAS BEEN CONVICTED OF, OR PLED GUILTY
4 TO, A CRIME PUNISHABLE BY LIFE IMPRISONMENT; OR

5 (D) HAS BEEN CONVICTED OF, OR PLED GUILTY
6 TO, A CRIME PUNISHABLE BY DEATH.

7 7-18-108. Placement of offender in program by court.

8 (a) Subject to subsection (b) of this section, fol-
9 lowing an ELIGIBLE adult offender's conviction of, or his
10 plea of guilty, ~~to any felony, other than a violent felony~~
11 ~~as defined by W.S. 6-1-104(a)(iii) or a felony for which a~~
12 ~~minimum term is fixed by statute~~, the sentencing court
13 may, as a condition of probation, order that the offender
14 participate in a residential or nonresidential community
15 correctional program during all or any part of his term of
16 probation.

17 7-18-109. Transfer of inmate to facility by board of
18 charities and reform.

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21 only if:

1 (ii) The inmate was-not-convicted-of-committing
2 a-violent-felony-as-defined-by-W.S.-6-1-104(a)(iii),-or--a
3 felony--for--which--a--minimum-term-is-fixed-by-statute IS
4 ELIGIBLE UNDER W.S. 7-18-102(a)(iii);

5 Section 2. This act is effective July 1, 1990.

6 (END)