

ORIGINAL ORDINANCE NO.: 1968
ENROLLED ORDINANCE NO.: _____

INTRODUCED BY: PEARCE

AN ORDINANCE ADDING ORDINANCES 9.12.253 AND 9.12.255 TO LARAMIE MUNICIPAL CODE TO ALLOW CERTAIN CONTROLLED SUBSTANCE DEFENDANTS FIRST OFFENDER TREATMENT AND TO MAKE USING OR BEING UNDER THE INFLUENCE OF CONTROLLED SUBSTANCES AN OFFENSE.

WHEREAS, Laramie Municipal Code at 9.12.250 makes it an offense to possess controlled substances without a valid prescription within the City, and that ordinance refers to and mirrors Wyoming State Statutes in defining the offense;

WHEREAS, in Wyoming State Courts, pursuant to W.S. 35-7-1037, persons charged with controlled substance offenses are in certain circumstances eligible for deferral, whereby the defendant may be placed on probation and, upon successful completion of probation, the matter will be dismissed;

WHEREAS, Laramie Municipal Code does not have a provision similar to W.S. 35-7-1037;

WHEREAS, in Wyoming State Courts, pursuant to W.S. 35-7-1039, persons can be charged with use or being under the influence of a controlled substance;

WHEREAS, Laramie Municipal Code does not have a provision similar to W.S. 35-7-1039; and

WHEREAS, the City Council find is appropriate to have persons in Laramie who are brought before the Municipal Court on such controlled substance charges to be treated as they would before any other court in the State:

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LARAMIE:

1. Section 9.12.253 shall be added to the Laramie Municipal Code as follows:

9.12.253 – Probation and Discharge of First Offenders

Whenever any person who has not previously been convicted of any offense under Laramie Municipal Code or Wyoming Statutes or under any statute of the United States or of any state relating to narcotic drugs, marijuana, or stimulant, depressant, or hallucinogenic drugs, or other controlled substance, pleads guilty to or is found guilty of possession of a controlled substance under Laramie Municipal Code, the court, without entering a judgment of guilt and with the consent of the accused, may defer further proceedings and place the defendant on probation upon terms and conditions. Upon violation of a term or condition, the court may enter an adjudication of guilt and proceed as otherwise provided. Upon fulfillment of the terms and

conditions, the court shall discharge the person and dismiss the proceedings against him. Discharge and dismissal under this section shall be without adjudication of guilt and is not a conviction for purposes of the Laramie Municipal Code or Wyoming Statutes or for purposes of disqualifications or disabilities imposed by law upon conviction of a crime, including the additional penalties imposed for second or subsequent convictions. There may be only one (1) discharge and dismissal under this section or similar law with respect to any person. This section shall not be construed to provide an exclusive procedure. Any other procedure provided by law relating to suspension of trial or probation, may be followed, in the discretion of the trial court.

2. Section 9.12.255 shall be added to the Laramie Municipal Code as follows:

9.12.255 – Use of a Controlled Substance

Any person who knowingly or intentionally uses or is under the influence of a controlled substance listed in Schedules I, II or III of the Wyoming Controlled Substances Act, except when administered or prescribed by or under the direction of a licensed practitioner, shall be guilty of a misdemeanor and shall be punished by a fine not to exceed seven hundred fifty dollars (\$750.00).

Passed and approved this _____ day of _____, 2017.

Andi Summerville, Mayor and President of the
City Council

Attest: _____
Angie Johnson, City Clerk