

HOUSE BILL NO. HB0021

Battery against a family member.

Sponsored by: Representative(s) Barbuto, Buchanan and
Throne and Senator(s) Hastert

A BILL

for

1 AN ACT relating to crimes and offenses; removing time
2 restrictions relating to second and subsequent convictions
3 for simple battery against a family member as specified;
4 amending penalties for subsequent convictions; and
5 providing for an effective date.

6

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

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9 **Section 1.** W.S. 6-2-501(f)(i) and (ii) is amended to
10 read:

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12 **6-2-501. Simple assault; battery; penalties.**

13

14 (f) A household member as defined by W.S. 35-21-102
15 who commits a second or subsequent battery against any
16 other household member shall be punished as follows:

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2 (i) A person convicted upon a plea of guilty or
3 no contest or found guilty of a second offense under this
4 subsection against any other household member, after having
5 been convicted upon a plea of guilty or no contest or found
6 guilty of a violation of W.S. 6-2-501(a), (b), (e) through
7 (g), 6-2-502, 6-2-503, 6-2-504 or other substantially
8 similar law of this or any other state, tribe or territory
9 against any other household member ~~within the previous five~~
10 ~~(5) years~~ is guilty of a misdemeanor punishable by
11 imprisonment for not more than one (1) year, a fine of not
12 more than one thousand dollars (\$1,000.00), or both.
13 Notwithstanding any other provision of law, the term of
14 probation imposed by a court under this paragraph may
15 exceed the maximum term of imprisonment established for
16 this offense under this paragraph provided the term of
17 probation, together with any extension thereof, shall in no
18 case exceed two (2) years;

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20 (ii) A person convicted upon a plea of guilty or
21 no contest or found guilty of a third or subsequent offense
22 under this subsection against any other household member,
23 after having been convicted upon a plea of guilty or no
24 contest or found guilty of a violation of W.S. 6-2-501(a),

1 (b), (e) through (g), 6-2-502, 6-2-503, 6-2-504 or other
2 substantially similar law of this or any other state, tribe
3 or territory against any other household member ~~within the~~
4 ~~previous ten (10) years~~ is guilty of a felony punishable by
5 imprisonment for not more than ~~five (5)~~ ten (10) years, a
6 fine of not more than ~~two thousand dollars (\$2,000.00)~~ ten
7 thousand dollars (\$10,000.00), or both.

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9 **Section 2.** This act is effective July 1, 2011.

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(END)