

HOUSE BILL NO. HB0016

Consolidation of theft crimes.

Sponsored by: Joint Judiciary Interim Committee

A BILL

for

1 AN ACT relating to crimes and offenses; amending the
 2 elements of theft to incorporate various methods of
 3 stealing into one crime; modifying penalties for stealing
 4 related offenses; providing a statement of intent; making
 5 conforming amendments; repealing provisions incorporated
 6 into the offense of theft; and providing for an effective
 7 date.

8

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

10

11 **Section 1.** W.S. 1-1-116(a) and (c),
 12 1-1-127(a)(intro), (b) and (c), 6-1-104(a)(vi)(F)(I),
 13 6-2-401(a)(intro), 6-3-401(a) by creating new paragraphs
 14 (iv) and (v), 6-3-402(a), (c)(intro), (i) and by creating
 15 new subsections (g) and (h), 6-3-405, 7-2-101(a)(iv)(E)(I),

1 7-3-705(a)(ii)(G) and 31-7-128(n)(intro) are amended to
2 read:

3

4 **1-1-116. Civil liability for theft of services.**

5

6 (a) Notwithstanding any criminal penalties which may
7 apply, an owner or operator of a franchised or otherwise
8 duly licensed provider of services may bring a civil action
9 to enjoin or restrain any violation of W.S. ~~6-3-408~~6-3-402
10 when the violation involves theft of services and may in
11 the same action seek damages from the person violating W.S.
12 ~~6-3-408~~6-3-402.

13

14 (c) As used in this section, "services" has the same
15 meaning as specified in W.S. ~~6-3-408~~6-3-401(a)(v).

16

17 **1-1-127. Civil liability for shoplifting.**

18

19 (a) A person over ten (10) years of age who violates
20 W.S. ~~6-3-404(a) or (b)~~6-3-402 with regard to property
21 offered for sale by a wholesale or retail store is civilly
22 liable to the merchant of the property in an amount
23 consisting of:

1

2 (b) If an unemancipated minor violates W.S.

3 ~~6-3-404(a) or (b)~~ 6-3-402 with regard to property offered4 for sale by a wholesale or retail store, the parents or

5 guardian of the child shall be civilly liable as provided

6 by subsection (a) of this section, provided liability under

7 this subsection shall not apply to foster parents, to

8 parents whose parental custody and control of the child

9 have been terminated by court order prior to the violation

10 or to any governmental or private agency that has been

11 appointed guardian for the minor child pursuant to court

12 order or action of the department of family services.

13 Civil liability under this subsection is not subject to the

14 limitation on liability provided by W.S. 14-2-203 or any

15 other law that limits the liability of parents for damages

16 caused by an unemancipated minor.

17

18 (c) A conviction or a plea of guilty to a violation

19 of W.S. ~~6-3-404(a) or (b)~~ 6-3-402 with regard to property20 offered for sale by a wholesale or retail store is not a

21 prerequisite to the bringing of a civil suit under this

22 section.

23

1 **6-1-104. Definitions.**

2

3 (a) As used in this act, unless otherwise defined:

4

5 (vi) "Peace officer" includes the following
6 officers assigned to duty in the state of Wyoming:

7

8 (F) Investigators and brand inspectors of
9 the Wyoming livestock board who have qualified pursuant to
10 W.S. 9-1-701 through 9-1-707 when:

11

12 (I) Enforcing W.S. 6-3-201, 6-3-203,
13 6-3-401, ~~through 6-3-403, 6-3-407, 6-3-402,~~ 6-3-410,
14 6-3-601 through 6-3-603, 6-3-607, 6-3-610 through 6-3-612,
15 6-9-202, 35-10-101, 35-10-102 and 35-10-104, the provisions
16 of title 11 and any laws prohibiting theft or mutilation of
17 livestock or any part thereof and any rule or regulation
18 promulgated by the Wyoming livestock board or any other law
19 for which they are granted statutory enforcement authority;

20

21 **6-2-401. Robbery; aggravated robbery; penalties.**

22

1 (a) A person is guilty of robbery if in the course of
2 committing a crime defined by W.S. 6-3-402, ~~6-3-412~~ or
3 ~~6-3-413~~ he:

4

5 **6-3-401. Definitions.**

6

7 (a) As used in this article:

8

9 (iv) "Property" means as defined in W.S.
10 6-1-104(a)(viii) and also includes services;

11

12 (v) "Services" includes, but is not limited to,
13 electric, telephone, cable television, gas, water or sewer
14 services.

15

16 **6-3-402. Theft; penalties.**

17

18 (a) A person is guilty of theft if he knowingly
19 takes, obtains, procures, retains or exercises ~~unauthorized~~
20 control over or makes an unauthorized transfer of an
21 interest in the property of another person ~~with the purpose~~
22 of depriving ~~without authorization or by threat or by~~
23 deception, or he receives, loans money by pawn or pledge on

1 or disposes of the property of another person that he knew
2 or reasonably should have known was stolen, and he:

3
4 (i) Intends to deprive the other person of the
5 use or benefit of the property;

6
7 (ii) Knowingly uses, conceals, abandons or
8 disposes of the property in such manner as to deprive the
9 other person of its use or benefit;

10
11 (iii) Demands any consideration to which he is
12 not legally entitled as a condition of restoring the
13 property to the other person; or

14
15 (iv) Knowingly retains the property or service
16 more than seventy-two (72) hours after the agreed upon time
17 of return in any lease or hire agreement.

18
19 (c) Except as provided in subsection (g) of this
20 section, theft is:

21
22 (i) A felony punishable by imprisonment for not
23 more than ten (10) years, a fine of not more than ten

1 thousand dollars (\$10,000.00), or both, if the value of the
2 property is one thousand dollars (\$1,000.00) or more or if
3 the property is a firearm, horse, mule, sheep, cattle,
4 buffalo, goat or swine regardless of value; or

5
6 (g) In addition to the penalties provided in
7 subsection (c) of this section, any person convicted of a
8 second or subsequent offense for theft of motor vehicle
9 fuel offered for retail sale shall have his driver's
10 license suspended pursuant to W.S. 31-7-128(n). The court
11 shall forward to the department of transportation a copy of
12 the record pertaining to disposition of the arrest or
13 citation.

14
15 (h) The amount of property involved in violations of
16 this section committed pursuant to a common scheme or the
17 same transaction, whether the property is taken from the
18 same person or different persons, may be aggregated in
19 determining the value of the property.

20
21 **6-3-405. Reasonable detention and interrogation of**
22 **persons suspected of shoplifting or altering price tag;**
23 **defense in civil or criminal action.**

1

2 (a) A peace officer, merchant or merchant's employee
3 who has reasonable cause to believe a person is violating
4 W.S. ~~6-3-404~~ 6-3-402 with regard to property offered for
5 sale by a wholesale or retail store may detain and
6 interrogate the person in regard to the suspected violation
7 in a reasonable manner and for a reasonable time.

8

9 (b) In a civil or criminal action for slander, false
10 arrest, false imprisonment, assault, battery or wrongful
11 detention based upon a detention and interrogation pursuant
12 to this section, it is a defense that the peace officer,
13 merchant or merchant's employee had reasonable cause to
14 believe the person was violating W.S. ~~6-3-404~~ 6-3-402 with
15 regard to property offered for sale by a wholesale or
16 retail store and the detention and interrogation were
17 conducted in a reasonable manner and for a reasonable time.

18

19 **7-2-101. Definitions.**

20

21 (a) As used in W.S. 7-2-101 through 7-2-107:

22

23 (iv) "Peace officer" means:

1

2 (E) Investigators and brand inspectors of
3 the Wyoming livestock board who have qualified pursuant to
4 W.S. 9-1-701 through 9-1-707:

5

6 (I) When enforcing W.S. 6-3-201,
7 6-3-203, 6-3-401, ~~through 6-3-403, 6-3-407, 6-3-402,~~
8 6-3-410, 6-3-601 through 6-3-603, 6-3-607, 6-3-610 through
9 6-3-612, 6-9-202, 35-10-101, 35-10-102 and 35-10-104, the
10 provisions of title 11 and any laws prohibiting theft,
11 killing or mutilation of livestock or any part thereof and
12 any rule or regulation promulgated by the Wyoming livestock
13 board or any other law for which they are granted statutory
14 enforcement authority;

15

16 **7-3-705. Authorization for interception of wire, oral**
17 **or electronic communications.**

18

19 (a) The attorney general or the district attorney
20 within whose jurisdiction the order is sought in
21 conjunction with the attorney general, may authorize an
22 application to a judge of competent jurisdiction for an
23 order authorizing the interception of wire, oral or

1 electronic communications by the Wyoming division of
2 criminal investigation, federal criminal law enforcement
3 agency or any law enforcement agency of the state having
4 responsibility for investigation of the offense for which
5 the application is made, if the interception may provide
6 evidence of an attempt to commit, conspiracy to commit,
7 solicitation to commit or the commission of any of the
8 following felony offenses or comparable crimes in any other
9 jurisdiction:

10

11 (ii) Any of the following, if incident to or
12 discovered during investigation of a violation of the
13 Wyoming Controlled Substances Act of 1971:

14

15 (G) Felony theft or related felony offense
16 defined in W.S. ~~6-3-401 through 6-3-410 or 6-3-413~~ 6-3-402.

17

18 **31-7-128. Mandatory suspension of license or**
19 **nonresident operating privilege for certain violations;**
20 **suspension of registration.**

21

22 (n) The division shall suspend the license or
23 nonresident operating privilege of any driver upon

1 receiving a record of the driver's second or subsequent
2 conviction under W.S. ~~6-3-412~~ 6-3-402 with regard to motor
3 vehicle fuel offered for retail sale, a similar local
4 ordinance or a similar statute or ordinance in another
5 jurisdiction for:

6

7 **Section 2.** With the amendments in Section 1 of this
8 act, it is the intent of the legislature to define one (1)
9 crime of theft and to incorporate therein the theft crimes
10 previously listed in title 6, chapter 3, article 4 of the
11 Wyoming statutes, thereby removing distinctions and
12 technicalities that previously existed in the pleading and
13 proof of such crimes.

14

15 **Section 3.** W.S. 6-1-104(a)(xv)(E), 6-3-403, 6-3-404,
16 6-3-406 through 6-3-410, 6-3-412 and 6-3-413 are repealed.

17

18 **Section 4.** This act is effective July 1, 2020.

19

20

(END)