

HOUSE BILL NO. HB0109

Sentencing enhancement-bias motivated crimes.

Sponsored by: Representative(s) Pelkey, Blake, Connolly, Esquibel, K., Freeman, Schwartz, Throne and Zwonitzer, Dn. and Senator(s) Craft and Esquibel, F.

A BILL

for

1 AN ACT relating to crimes and offenses; establishing a
2 sentencing enhancement for bias motivated crimes as
3 specified; and providing for an effective date.

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

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7 **Section 1.** W.S. 6-10-401 is created to read:

8
9 ARTICLE 4

10 BIAS MOTIVATED CRIMES

11
12 **6-10-401. Sentencing enhancement for bias motivated**
13 **crimes.**

1 (a) Except as provided in subsection (b) of this
2 section, if a defendant is convicted of a violent felony
3 and the judge or jury has found in a charge brought and
4 tried separately that the defendant intentionally committed
5 the violent felony in whole or in substantial part because
6 of the victim's actual or perceived race, religion, color,
7 sex, sexual orientation, gender identity or national
8 origin, the court shall impose an additional sentence for a
9 term of imprisonment equal to twenty-five percent (25%) of
10 the term of imprisonment imposed by the court for the
11 underlying offense. Notwithstanding any other provision of
12 law, the additional term of imprisonment imposed by the
13 court under this subsection may exceed the maximum term of
14 imprisonment provided by law for the underlying offense.

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16 (b) The court may strike any additional term of
17 imprisonment imposed by subsection (a) of this section if
18 the court determines that there are mitigating
19 circumstances and states on the record the reasons for
20 striking the additional term of imprisonment.

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