

HOUSE BILL NO. HB0112

Intermediate battery.

Sponsored by: Representative(s) Zwonitzer, Dn., Berger,
Connolly and Patton and Senator(s) Sessions

A BILL

for

1 AN ACT relating to crimes and offenses; creating the crime
2 of intermediate battery; providing a penalty; providing a
3 definition; providing that persons convicted of
4 intermediate battery are not eligible for probation without
5 an adjudication of guilt; and providing for an effective
6 date.

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

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10 **Section 1.** W.S. 6-2-509 is created to read:

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12 **6-2-509. Intermediate battery.**

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14 (a) A person is guilty of intermediate battery if he
15 intentionally, knowingly or recklessly causes substantial
16 bodily injury to another person by use of physical force.

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2 (b) Intermediate battery is a felony punishable by
3 imprisonment for not more than five (5) years, a fine of
4 not more than two thousand dollars (\$2,000.00), or both.

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6 (c) For purposes of this section, "substantial bodily
7 injury" means bodily injury, not amounting to serious
8 bodily injury, that causes any one (1) or more of the
9 following:

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11 (i) A major avulsion, laceration or penetration
12 of the skin;

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14 (ii) A chemical, electrical, friction or
15 scalding burn of second degree severity;

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17 (iii) A bone fracture;

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19 (iv) A serious concussion;

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21 (v) A tearing, rupture or corrosive damage to
22 the esophagus, viscera or other internal organ;

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24 (vi) Protracted physical pain;

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2 (vii) Temporary disfigurement;

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4 (viii) Temporary loss or impairment of the
5 function of any bodily member, organ or mental faculty.

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7 **Section 2.** W.S. 7-13-301(a)(intro) is amended to
8 read:

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10 **7-13-301. Placing person found guilty, but not**
11 **convicted, on probation.**

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13 (a) If a person who has not previously been convicted
14 of any felony is charged with or is found guilty of or
15 pleads guilty or no contest to any misdemeanor except any
16 second or subsequent violation of W.S. 31-5-233 or any
17 similar provision of law, or any second or subsequent
18 violation of W.S. 6-2-501(a) or (b) by a household member
19 as defined by W.S. 35-21-102 against any other household
20 member or any similar provision of law, or any felony
21 except murder, sexual assault in the first or second
22 degree, aggravated assault and battery, intermediate
23 battery or arson in the first or second degree, the court
24 may, with the consent of the defendant and the state and

1 without entering a judgment of guilt or conviction, defer
2 further proceedings and place the person on probation for a
3 term not to exceed five (5) years upon terms and conditions
4 set by the court. The terms of probation shall include that
5 he:

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7 **Section 3.** This act is effective July 1, 2010.

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(END)