

HOUSE BILL NO. HB0218

Bias motivated crime.

Sponsored by: Representative(s) Sweeney, Barlow, Brown, Connolly, Duncan, Henderson, Newsome, Paxton, Yin and Zwonitzer and Senator(s) Furphy, Pappas, Perkins and Rothfuss

A BILL

for

1 AN ACT relating to bias motivated crimes; creating
 2 additional elements for bias motivated crimes; creating
 3 enhanced penalties for bias motivated crimes; providing
 4 that the court shall consider whether a crime is bias
 5 motivated during sentencing; creating a civil cause of
 6 action; providing for antibias training of peace officers
 7 as specified; requiring reports; and providing for an
 8 effective date.

9

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

11

12 **Section 1.** W.S. 1-1-141, 6-10-401, 7-1-110 and
 13 9-1-712 are created to read:

14

1 **1-1-141. Civil liability for bias motivated crime.**

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3 (a) "Bias motivated crime" means as defined in W.S.
4 6-10-401.

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6 (b) Any person injured or damaged or who owns
7 property that is damaged as a result of a violation of W.S.
8 6-10-401 shall have a civil cause of action against all
9 persons who committed the offense. In addition to other
10 legal remedies the plaintiff in a civil action authorized
11 under this section may recover special damages, punitive
12 damages and attorneys' fees and costs.

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14 (c) Notwithstanding any other provision of law the
15 parent or legal guardian of any unemancipated minor shall
16 be liable for any judgment rendered against the minor under
17 this section if:

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19 (i) The parent or guardian has custody of the
20 minor; and

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22 (ii) The minor is living with the parent or
23 guardian.

1

2

ARTICLE 4

3

BIAS MOTIVATED CRIMES

4

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6-10-401. Bias-motivated crimes.

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(a) A person commits a bias-motivated crime if the person:

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(i) Intentionally selects a person or property to be affected by the commission of a crime specified in paragraph (ii) of this subsection, in whole or in part because of the actual or perceived race, color, ethnicity, religion, national origin, sexual orientation, sex, gender, gender identity or expression, or physical, intellectual or developmental disability of the person affected regardless of whether the belief or perception of the person committing the crime was correct; and

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(ii) Violates any of the following sections of the Wyoming statute 6-2-101, 6-2-104, 6-2-105, 6-2-202, 6-2-203, 6-2-302, 6-2-303, 6-2-313, 6-2-501(a), 6-2-501(b),

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1 6-2-502, 6-2-503, 6-2-507, 6-2-509, 6-2-511, 6-3-103 and
2 6-3-201.

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4 (b) A court shall not consider for purposes of
5 sentencing whether a crime was a bias motivated if any of
6 the elements in paragraph (a)(i) of this section are
7 already required for conviction of the underlying offense
8 listed in paragraph (a)(ii) of this section.

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10 (c) If the offense committed under subsection (a) of
11 this section is a misdemeanor, in addition to other
12 penalties provided by law the court may require the
13 defendant to engage in community service, treatment,
14 education relating to bias motivated crimes or any
15 combination thereof.

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17 (d) The court shall consider whether a crime was a
18 bias motivated crime as prohibited by W.S. 6-10-401 as a
19 factor during sentencing.

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21 **7-1-110. Bias motivated crime reporting.**

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1 (a) Beginning January 1, 2020, each criminal justice
2 agency shall report monthly to the Wyoming attorney
3 general's office division of criminal investigation all
4 incidents believed or alleged to be bias motivated crimes
5 as defined in W.S. 6-10-401, regardless of whether the
6 incident resulted in arrest, prosecution or conviction to
7 the Wyoming attorney general's office division of criminal
8 investigation in a manner prescribed by the division.
9 Reports shall be submitted on uniform forms approved and
10 provided by the division. As used in this section,
11 "division" means the Wyoming attorney general's office
12 division of criminal investigation.

13

14 (b) At least annually, the division shall compile a
15 statistical report that shall include the information
16 received pursuant to subsection (a) of this section.
17 Copies of the statistical report shall be published in the
18 "Uniform Crime Reporting, Crime in Wyoming" publication and
19 shall be made available to the public upon request. Reports
20 shall not include the names of any of the persons involved
21 in an incident or any information which would serve to
22 identify any individual person.

23

1 (c) Information received by the division shall be
2 used only as provided in this section, for research and
3 statistical purposes or as authorized in W.S. 9-1-627.
4 Information compiled by the division under this section
5 shall not include the names of any of the persons involved
6 in an incident or any information which would serve to
7 identify any individual person convicted or alleged to have
8 committed a crime.

9

10 (d) Each criminal justice agency shall submit data
11 regarding the occurrence of bias motivated crimes to the
12 Federal Bureau of Investigation in accordance with
13 guidelines established under 34 U.S.C. 41305.

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15 **9-1-712. Peace officer; bias motivated crime**
16 **training.**

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18 All law enforcement officers shall be required to attend
19 and the Wyoming attorney general's office division of
20 victim services shall, pursuant to W.S. 9-1-638(a)(iv),
21 provide training to all peace officers in the state to
22 include training on identifying, responding to and
23 reporting bias motivated crimes. The training shall be

1 required of all recruits, in-service trainees and attendees
2 of the Wyoming law enforcement academy.

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4 **Section 2.** W.S. 9-1-633(d) is amended to read:

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6 **9-1-633. Wyoming law enforcement academy; director;**
7 **appointment; term; qualifications; employees; salaries;**
8 **curriculum and training programs; fees; disposition.**

9

10 (d) The academy shall provide education in law
11 enforcement related areas to Wyoming peace officers. The
12 attorney general shall be assisted by, and shall have the
13 curriculum and training programs at the academy evaluated
14 by the Wyoming peace officer standards and training
15 commission. The education provided to Wyoming peace
16 officers shall include bias motivated crime training as
17 required by W.S. 9-1-712.

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19 **Section 3.** This act is effective July 1, 2021.

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(END)