

HOUSE BILL NO. HB0221

Domestic violence prosecution amendments.

Sponsored by: Representative(s) Henderson and Senator(s) Pappas

A BILL

for

1 AN ACT relating to crimes and offenses; requiring the
2 prosecution or dismissal of crimes of domestic violence as
3 specified; requiring reports; and providing for an
4 effective date.

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

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8 **Section 1.** W.S. 7-1-106 by creating a new subsection
9 (d) and 7-20-107 by creating a new subsection (c) is
10 amended to read:

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12 **7-1-106. Prosecution of crimes.**

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14 (d) Any act involving bodily harm or threat of bodily
15 harm against a household member as defined in W.S.

1 35-21-102(a)(iv) that would constitute a crime under W.S.
2 6-2-506, 6-2-509 through 6-2-511, 6-4-404 or under a
3 substantially similar municipal ordinance, shall be
4 prosecuted under the respective section or ordinance and
5 not under a reduced charge or dismissed unless:

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7 (i) The district attorney elects not to file
8 charges and provides a written explanation for the
9 declination to prosecute, with supporting facts, to the
10 investigating law enforcement agency and to the alleged
11 victim if charges have not been filed; or

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13 (ii) The district attorney in open court moves
14 or files a statement to reduce the charge or dismiss, with
15 supporting facts, stating that there is insufficient
16 evidence to sustain the charge if the charge has been
17 filed.

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19 **7-20-107. Identification codes; reports.**

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21 (c) In addition to the reports required under
22 subsections (a) and (b) of this section, the primary law
23 enforcement officer investigating an incident of domestic

1 violence shall prepare a detailed report of each incident
2 to include any action taken. The officer shall forward that
3 report to the district attorney within ten (10) days of
4 making the report. The district attorney shall notify the
5 victim within five (5) days of the status of the case, and
6 of any decision to prosecute consistent with W.S.
7 7-1-106(d).

8

9 **Section 2.** This act is effective July 1, 2023.

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(END)