

ENROLLED ACT NO. 39, SENATE

SIXTY-FOURTH LEGISLATURE OF THE STATE OF WYOMING
2018 BUDGET SESSION

AN ACT relating to crimes and offenses; amending penalties for crimes related to domestic assault and battery, strangulation and stalking; amending enhanced penalty provisions; amending the definition of violent felony; and providing for an effective date.

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

Section 1. W.S. 6-1-104(a)(xii), 6-2-509(b), 6-2-510(b)(i), (ii)(intro), (E), by creating new subparagraphs (G) through (M) and (c), 6-2-511(b)(ii)(intro), (E), by creating new subparagraphs (G) through (M), (iii)(intro), (E), by creating new subparagraphs (G) through (M) and (c) and 7-13-1301(a)(vi) are amended to read:

6-1-104. Definitions.

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

(xii) "Violent felony" means murder, manslaughter, kidnapping, sexual assault in the first or second degree, robbery, aggravated assault, strangulation of a household member, aircraft hijacking, arson in the first or second degree, ~~or~~ aggravated burglary, ~~or~~ a violation of W.S. 6-2-314(a)(i) or 6-2-315(a)(ii) or a third, or subsequent, domestic battery under W.S. 6-2-511(a) and (b)(iii);

6-2-509. Strangulation of a household member; penalty.

(b) Strangulation of a household member is a felony punishable by imprisonment for not more than ~~five (5)~~ ten (10) years.

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6-2-510. Domestic assault.

(b) Domestic assault is punishable as follows:

(i) By imprisonment for not more than six (6) months, a fine of not more than seven hundred fifty dollars (\$750.00), or both;

(ii) By imprisonment for not more than ~~six (6) months~~ one (1) year, a fine of not more than seven hundred fifty dollars (\$750.00), or both, if the person has previously been convicted of domestic assault or if the person has previously been convicted of the following or similar offense against another household member:

(E) Child abuse under W.S. 6-2-503; ~~or~~

(G) Unlawful contact under W.S. 6-2-501(g);

(H) Strangulation of a household member under W.S. 6-2-509;

(J) Kidnapping under W.S. 6-2-201;

(K) Felonious restraint under W.S. 6-2-202;

or

(M) False imprisonment under W.S. 6-2-203.

(c) If a person sentenced under paragraph (b) (i) or (ii) of this section is placed on probation, the court may, notwithstanding any other provision of law, impose a term of probation exceeding the maximum ~~six (6) months~~ one (1) year imprisonment, provided the term of probation,

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including extensions, shall not exceed ~~one (1) year~~ three (3) years.

6-2-511. Domestic battery.

(b) Domestic battery is punishable as follows:

(ii) By imprisonment for not more than one (1) year, a fine of not more than one thousand dollars (\$1,000.00), or both, if within the previous five (5) years, the person has been convicted of domestic battery or any of the following or similar ~~offense~~ offenses against another household member:

(E) Child abuse under W.S. 6-2-503; ~~or~~

(G) Unlawful contact under W.S. 6-2-501(g);

(H) Strangulation of a household member under W.S. 6-2-509;

(J) Kidnapping under W.S. 6-2-201;

(K) Felonious restraint under W.S. 6-2-202;

or

(M) False imprisonment under W.S. 6-2-203.

(iii) By imprisonment for not more than ~~five (5) years~~ ten (10) years, a fine of not more than ~~two thousand dollars (\$2,000.00)~~ ten thousand dollars (\$10,000.00), or both, if within the previous ten (10) years, the person has been convicted of domestic battery two (2) or more times or has been convicted of domestic battery and any of the

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following or similar offense against another household member:

(E) Child abuse under W.S. 6-2-503;~~or~~

(G) Unlawful contact under W.S. 6-2-501(g);

(H) Strangulation of a household member under W.S. 6-2-509;

(J) Kidnapping under W.S. 6-2-201;

(K) Felonious restraint under W.S. 6-2-202;

or

(M) False imprisonment under W.S. 6-2-203.

(c) If a person sentenced under paragraph (b) (i) or (ii) of this section is placed on probation, the court may, notwithstanding any other provision of law, impose a term of probation exceeding the maximum imprisonment of one (1) year, provided the term of probation, including extensions, shall not exceed ~~two (2)~~ three (3) years.

7-13-1301. Definitions.

(a) As used in W.S. 7-13-1301 through 7-13-1304:

(vi) "Violent felony" means murder, manslaughter, kidnapping, sexual assault in the first or second degree, robbery, aggravated assault, strangulation of a household member, aircraft hijacking, arson in the first or second degree, ~~or~~ aggravated burglary, a violation of W.S. 6-2-314(a)(i) or 6-2-315(a)(ii) or a third, or

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subsequent, domestic battery under W.S. 6-2-511(a) and
(b) (iii);

Section 2. This act is effective July 1, 2018.

(END)

Speaker of the House

President of the Senate

Governor

TIME APPROVED: _____

DATE APPROVED: _____

I hereby certify that this act originated in the Senate.

Chief Clerk