

SENATE FILE NO. SF0050

Sexual assault-position of authority.

Sponsored by: Senator(s) Boner, Driskill and Wasserburger
and Representative(s) Barlow, Cannady,
Kirkbride and Lindholm

A BILL

for

1 AN ACT relating to crimes and offenses; creating a new
2 sexual assault offense; specifying elements of the offense;
3 specifying penalties; limiting defenses as specified;
4 modifying the definition of position of authority; and
5 providing for an effective date.

6

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

8

9 **Section 1.** W.S. 6-2-301(a)(iv), 6-2-304(a) by
10 creating a new paragraph (iv) and by creating a new
11 subsection (b), 6-2-306(a)(iii) and 6-2-307 are amended to
12 read:

13

14 **6-2-301. Definitions.**

15

1 (a) As used in this article:

2

3 (iv) "Position of authority" means that position
4 occupied by a :

5

6 (A) Parent, guardian, relative, household
7 member, ~~teacher,~~ employer, custodian or any other person
8 who, by reason of his position, is able to exercise
9 significant influence over a person;

10

11 (B) Teacher, administrator, coach or any
12 other person, except a student, who serves in or is
13 employed by a public school district established pursuant
14 to W.S. 21-3-101 et seq., including a charter school, or a
15 private school as defined by W.S. 21-4-101(a)(iii) if at
16 the time of the offense:

17

18 (I) The victim is enrolled in or
19 attends the school or any school in the school district in
20 which the person serves or is employed; and

21

1 (II) The person has actual contact or
2 interaction with the victim by virtue of the person's
3 employment or service in the school or district.

4
5 **6-2-304. Sexual assault in the third degree.**

6
7 (a) An actor commits sexual assault in the third
8 degree if, under circumstances not constituting sexual
9 assault in the first or second degree:

10
11 (iv) The actor:

12
13 (A) Is in a position of authority as
14 defined in W.S. 6-2-301(a)(iv)(B) over the victim who is
15 eighteen (18) years of age or older;

16
17 (B) Is more than four (4) years older than
18 the victim; and

19
20 (C) Inflicts sexual intrusion on the victim
21 or subjects the victim to sexual contact.

22

1 (b) An actor who is convicted under paragraph (a)(iv)
2 of this section and subjected the victim to sexual contact
3 is subject to imprisonment for not more than five (5)
4 years.

5
6 **6-2-306. Penalties for sexual assault.**

7
8 (a) An actor convicted of sexual assault under W.S.
9 6-2-302 through 6-2-304 who does not qualify under the
10 criteria of subsection (b) or (d) of this section shall be
11 punished as follows:

12
13 (iii) Except as provided in W.S.
14 6-2-304(b), sexual assault in the third degree under W.S.
15 6-2-304 is a felony punishable by imprisonment for not more
16 than fifteen (15) years;

17
18 **6-2-307. Evidence of marriage as defense.**

19
20 (a) The fact that the actor and the victim are
21 married to each other is not by itself a defense to a
22 violation of W.S. 6-2-302(a)(i), (ii) or (iii), ~~or~~

1 6-2-303(a) (i), (ii), (iii), (vi) or (vii) or
2 6-2-304(a) (iv).

3

4 (b) Consent of the victim is not a defense to a
5 violation of W.S. 6-2-303(a)(vii) or 6-2-304(a)(iii) or
6 (iv).

7

8 **Section 2.** This act is effective July 1, 2016.

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(END)