

HOUSE BILL NO. HB0008

Stalking revisions.

Sponsored by: Joint Judiciary Interim Committee

A BILL

for

1 AN ACT relating to stalking crimes, offenses and protective
2 orders; amending elements for the crime of stalking;
3 amending penalties for the crime of stalking; clarifying
4 jurisdiction for prosecution of the crime of stalking;
5 amending the definition of stalking in relation to
6 protective orders; modifying provisions relating to orders
7 of protection as specified; and providing for an effective
8 date.

9

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

11

12 **Section 1.** W.S. 6-2-506(a)(ii), (d), (e)(i), (iv) and
13 by creating new subsections (f) and (g), 35-21-104(b) and
14 35-21-105(c) are amended to read:

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16 **6-2-506. Stalking; penalty.**

1

2 (a) As used in this section:

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4 (ii) "Harass" means to engage in a course of
5 conduct, including but not limited to verbal threats,
6 written threats, lewd or obscene statements or images,
7 vandalism or nonconsensual physical contact, directed at a
8 specific person ~~or the family of a specific person, which~~
9 that the defendant knew or should have known would cause a
10 reasonable person to:

11

12 (A) Suffer substantial emotional distress,
13 and which does in fact seriously alarm the person toward
14 whom it is directed;

15

16 (B) Fear for their safety or the safety of
17 another person and which in fact causes such fear; or

18

19 (C) Fear for the destruction of their
20 property and which in fact causes such fear.

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22 (d) Except as provided under subsection (e) of this
23 section, stalking is a misdemeanor punishable by

1 imprisonment for not more than ~~six (6) months~~ one (1) year,
2 a fine of not more than seven hundred fifty dollars
3 (\$750.00), or both. If a person sentenced under this
4 subsection is placed on probation, the court may,
5 notwithstanding any other provision of law, impose a term
6 of probation exceeding the maximum one (1) year
7 imprisonment, provided the term of probation, including
8 extensions, shall not exceed three (3) years.

9
10 (e) A person convicted of stalking under subsection
11 (b) of this section is guilty of felony stalking punishable
12 by imprisonment for not more than ten (10) years, if:

13
14 (i) The act or acts leading to the conviction
15 occurred within ~~five (5) years~~ ten (10) years of a prior
16 conviction under this subsection, or under subsection (b)
17 of this section, or under a substantially similar law of
18 another jurisdiction;

19
20 (iv) The defendant committed the offense of
21 stalking in violation of a temporary or permanent order of
22 protection issued pursuant to W.S. 7-3-508, ~~or~~ 7-3-509,

1 35-21-104 or 35-21-105 or pursuant to a substantially
2 similar law of another jurisdiction.

3
4 (f) An offense under this section may be deemed to
5 have been committed at the place where any:

6
7 (i) Act within the course of conduct that
8 constitutes stalking was initiated; or

9
10 (ii) Communication within the course of conduct
11 that constitutes stalking was received by the victim then
12 present in Wyoming; or

13
14 (iii) Act within the course of conduct that
15 constitutes stalking caused an effect on the victim then
16 present in Wyoming.

17
18 (g) An act that indicates a course of conduct but
19 occurs in more than one (1) jurisdiction may be used by any
20 jurisdiction in which the act occurred as evidence of a
21 continuing course of conduct.

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1 **35-21-104. Temporary order of protection; setting**
2 **hearing.**

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4 (b) An order of protection issued under this section
5 shall contain a notice that willful violation of any
6 provision of the order constitutes a crime as defined by
7 W.S. 6-4-404, can result in immediate arrest and may result
8 in further punishment. Orders shall also contain notice
9 that a violation that constitutes the offense of stalking
10 as defined by W.S. 6-2-506(b) may subject the perpetrator
11 to enhanced penalties for felony stalking under W.S.
12 6-2-506(e) .

13
14 **35-21-105. Order of protection; contents; remedies;**
15 **order not to affect title to property; conditions.**

16
17 (c) The order shall contain a notice that willful
18 violation of any provision of the order constitutes a crime
19 as defined by W.S. 6-4-404, can result in immediate arrest
20 and may result in further punishment. Orders shall also
21 contain notice that a violation that constitutes the
22 offense of stalking as defined by W.S. 6-2-506(b) may

1 subject the perpetrator to enhanced penalties for felony
2 stalking under W.S. 6-2-506(e).

3

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

5

6 (END)