

HOUSE BILL NO. HB0079

Sex offenses-age of victim.

Sponsored by: Representative(s) Meuli

A BILL

for

1 AN ACT relating to crimes and offenses; redefining elements
2 for specified sex crimes involving child victims;
3 conforming related provisions; and providing for an
4 effective date.

5

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

7

8 **Section 1.** W.S. 6-2-304(a)(i), 6-2-306(d)(iii),
9 6-2-308(a), 7-19-301(a)(ii) and (xiii), 14-3-104 and
10 14-3-105(b)(i) and (ii)(C) are amended to read:

11

12 **6-2-304. Sexual assault in the third degree.**

13

14 (a) An actor commits sexual assault in the third
15 degree if, under circumstances not constituting sexual
16 assault in the first or second degree:

17

1 (i) The actor is at least four (4) years older
2 than the victim and inflicts sexual intrusion on a victim
3 ~~under the age of sixteen (16)~~ seventeen (17) years of age
4 or younger; or
5

6 **6-2-306. Penalties for sexual assault.**
7

8 (d) An actor who is convicted of sexual assault shall
9 be punished by life imprisonment without parole if the
10 actor has two (2) or more previous convictions for any of
11 the following designated offenses, which convictions
12 resulted from charges separately brought and which arose
13 out of separate occurrences in this state or elsewhere:
14

15 (iii) A conviction under W.S. 14-3-105(a), or a
16 criminal statute containing the same or similar elements as
17 the crime defined by W.S. 14-3-105(a), if the circumstances
18 of the crime involved a victim who was ~~under the~~ seventeen
19 (17) years of age ~~of sixteen (16)~~ or younger at the time of
20 the offense and an actor who was at least four (4) years
21 older than the victim.
22

23 **6-2-308. Criminality of conduct; victim's age.**
24

1 (a) Except as provided by subsection (b) of this
2 section, if criminality of conduct in this article depends
3 on a victim being ~~under sixteen (16)~~ seventeen (17) years
4 of age or younger, it is an affirmative defense that the
5 actor reasonably believed that the victim was ~~sixteen (16)~~
6 eighteen (18) years of age or older.

7
8 **7-19-301. Definitions.**

9
10 (a) For purposes of this act:

11
12 (ii) "Aggravated sex offense" means sexual
13 assault under W.S. 6-2-302 regardless of the age of the
14 victim, W.S. 6-2-303 regardless of the age of the victim,
15 W.S. 6-2-304(a)(ii), or an offense under W.S.
16 6-2-304(a)(iii) if the victim was ~~under the~~ seventeen (17)
17 years of age ~~of sixteen (16)~~ or younger, incest under W.S.
18 6-4-402, or an offense under W.S. 14-3-105 provided the
19 victim was under the age of sixteen (16) years and the
20 offender was at least four (4) years older than the victim,
21 or an attempt to commit an offense enumerated in this
22 paragraph. "Aggravated sex offense" includes an offense
23 committed in another jurisdiction, including a federal
24 court or courts martial, which, if committed in this state,

1 would constitute an "aggravated sex offense" as defined in
2 this paragraph;

3
4 (xiii) "Sex offense" means the offenses of
5 sexual assault under W.S. 6-2-304(a) (i) or ~~6-2-304(a)~~(iii)
6 if the victim is ~~sixteen (16)~~ eighteen (18) years of age or
7 older, conspiracy to commit sexual assault as defined by
8 W.S. 6-2-301(a) (v), indecent liberties under W.S. 14-3-105
9 provided the victim was at least sixteen (16) and less than
10 eighteen (18) years of age and the offender was at least
11 four (4) years older than the victim, or an attempt to
12 commit an offense enumerated in this paragraph. "Sex
13 offense" includes an offense committed in another
14 jurisdiction, including a federal court or courts martial,
15 which, if committed in this state, would constitute a "sex
16 offense" as defined in this paragraph;

17

18 **14-3-104. Soliciting to engage in illicit sexual**
19 **relations; penalty.**

20

21 Except under circumstance constituting sexual assault in
22 the first, second or third degree as defined by W.S.
23 6-2-302 through 6-2-304, anyone who solicits, procures or
24 knowingly encourages anyone ~~under the~~ seventeen (17) years

1 of age ~~of sixteen (16) years or younger~~ to engage in
2 illicit sexual penetration or sexual intrusion as defined
3 in W.S. 6-2-301 is guilty of a felony, and upon conviction
4 shall be imprisoned for a term not more than five (5)
5 years.

6

7 **14-3-105. Immoral or indecent acts; penalty.**

8

9 (b) An actor convicted under subsection (a) of this
10 section shall be punished by life imprisonment without
11 parole if:

12

13 (i) The circumstances of the crime involve ~~a~~
14 ~~victim who was under the age of sixteen (16) at the time of~~
15 ~~the offense and~~ an actor who was at least four (4) years
16 older than the victim at the time of the offense; and

17

18 (ii) The actor has two (2) or more previous
19 convictions for any of the following designated offenses,
20 which convictions resulted from charges separately brought
21 and which arose out of separate occurrences in this state
22 or elsewhere:

23

1 (C) A conviction under W.S. 14-3-105(a), or a
2 criminal statute containing the same or similar elements as
3 the crime defined by W.S. 14-3-105(a), if the circumstances
4 of the crime involved a victim who was ~~under the age of~~
5 ~~sixteen (16)~~ a child at the time of the offense and an
6 actor who was at least four (4) years older than the
7 victim.

8

9 **Section 2.** This act is effective July 1, 2003.

10

11

(END)