

HOUSE BILL NO. HB0133

Domestic violence.

Sponsored by: Representative(s) Simpson, Boswell and
Johnson, L. and Senator(s) Massie

A BILL

for

1 AN ACT relating to domestic violence; authorizing the award
2 of costs and fees; amending provisions for appointment of
3 counsel and hearing requirements; amending definition of
4 domestic abuse; and providing for an effective date.

5

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

7

8 **Section 1.** W.S. 9-1-636(d)(v) and (vi)(intro),
9 35-21-102(a)(iii), 35-21-103(e) and by creating a new
10 subsection (h) and 35-21-104(a)(iii) and (iv) are amended
11 to read:

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13 **9-1-636. Division of victim services; created;**
14 **appointment of director and deputy director; administrative**
15 **and clerical employees; definitions.**

16

1 (d) As used in this act:

2

3 (v) "Domestic abuse" means ~~physical abuse,~~
4 ~~threats of physical abuse or acts which unreasonably~~
5 ~~restrain the personal liberty of any household member by~~
6 ~~any other household member~~ as defined by W.S.
7 35-21-102(a)(iii);

8

9 (vi) "Household member" means ~~+~~ as defined by
10 W.S. 35-21-102(a)(iv).

11

12 **35-21-102. Definitions.**

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14 (a) As used in this act:

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16 (iii) "Domestic abuse" means ~~physical abuse,~~
17 ~~threats of physical abuse or acts which unreasonably~~
18 ~~restrain the personal liberty of any household member by~~
19 ~~any other household member;~~ the occurrence of one (1) or
20 more of the following acts by a household member but does
21 not include acts of self defense:

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23 (A) Physically abusing, threatening to
24 physically abuse, attempting to cause or causing physical

1 harm or acts which unreasonably restrain the personal
2 liberty of any household member;

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4 (B) Placing a household member in
5 reasonable fear of imminent physical harm; or

6
7 (C) Causing a household member to engage
8 involuntarily in sexual activity by force, threat of force
9 or duress.

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11 **35-21-103. Petition for order of protection;**
12 **contents; prerequisites; counsel to be provided**
13 **petitioners; award of costs and fees.**

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15 (e) The clerk of the court shall make available
16 standard petition forms with instructions for completion to
17 be used by a petitioner. Forms are to be prepared by the
18 victim services division within the office of the attorney
19 general. Upon receipt of the initial petition by the clerk
20 of the court, the clerk shall refer the matter to the
21 court. The court may appoint an attorney to assist and
22 advise the petitioner, ~~and may order the respondent to pay~~
23 ~~the petitioner's attorney's fees.~~ or the petitioner may
24 hire an attorney or file pro se.

1

2 (h) The court may require the respondent to pay costs
3 and fees incurred in bringing an action pursuant to this
4 act including reasonable attorney's fees whether the
5 attorney is court appointed or retained by petitioner.

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7 **35-21-104. Temporary order of protection; setting**
8 **hearing.**

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10 (a) Upon the filing of a petition for order of
11 protection, the court shall:

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13 (iii) Hold a hearing on the petition within
14 seventy-two (72) hours after the granting of the temporary
15 order of protection, ~~hold a hearing~~ or as soon thereafter
16 as the petition may be heard by the court on the question
17 of continuing the order; or

18

19 (iv) If an ex parte order is not granted, serve
20 notice to appear upon the parties and hold a hearing on the
21 petition for order of protection within seventy-two (72)
22 hours after the filing of the petition or as soon
23 thereafter as the petition may be heard by the court.

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1 **Section 2.** W.S. 9-1-636(d)(vi)(A) through (G) is
2 repealed.

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4 **Section. 3** This act is effective July 1, 2003.

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(END)