

SENATE FILE NO. SF0099

Enhanced penalties for misdemeanors.

Sponsored by: Senator(s) Mockler, Job, Massie and Sessions  
and Representative(s) Boswell, Esquibel,  
Johnson, L., Luthi, Martin, Tipton and  
Warren

A BILL

for

1 AN ACT relating to crimes and offenses; providing enhanced  
2 misdemeanor penalties for crimes committed against certain  
3 people or property; and providing for an effective date.

4

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

6

7 **Section 1.** W.S. 6-1-105 is created to read:

8

9 **6-1-105. Enhanced penalty for crimes committed**  
10 **against certain people or property.**

11

12 (a) If a person does all of the following, the  
13 penalties for the underlying crime are increased as  
14 provided in subsection (b) of this section:

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1           (i) Commits a crime which is punishable as a  
2 misdemeanor under the Wyoming Criminal Code of 1982 or  
3 other law of this state;

4  
5           (ii) Intentionally selects the person against  
6 whom the crime under paragraph (i) of this subsection is  
7 committed or selects the property that is damaged or  
8 otherwise affected by the crime under paragraph (i) of this  
9 subsection in whole or in part because of the actor's  
10 belief or perception regarding the race, religion, color,  
11 disability, sexual orientation, national origin or ancestry  
12 of that person or the owner or occupant of that property,  
13 whether or not the actor's belief or perception was  
14 correct.

15  
16           (b) Enhanced penalties for crimes meeting the  
17 criteria of subsection (a) of this section shall be up to  
18 double the fine and double the period of incarceration  
19 otherwise authorized by statute for each offense except  
20 that the maximum period of incarceration under this  
21 subsection shall be no more than one (1) year.

22  
23           (c) This section provides for the enhancement of the  
24 penalties applicable for the underlying crime. The court

1 shall direct that the trier of fact find a special verdict  
2 as to all of the elements specified in subsection (a) of  
3 this section.

4

5 (d) This section does not apply to any underlying  
6 crime if proof of race, religion, color, disability, sexual  
7 orientation, national origin or ancestry or proof of any  
8 person's perception or belief regarding another's race,  
9 religion, color, disability, sexual orientation, national  
10 origin or ancestry is already required for a conviction for  
11 that crime.

12

13 (e) Evidence of expressions or associations of the  
14 accused may not be introduced at trial as evidence of  
15 intent under paragraph (a)(ii) of this section unless the  
16 expression or association relates to the crime charged and  
17 is reasonably contemporaneous to the underlying offense.  
18 Nothing in this section shall affect the rules of evidence  
19 governing impeachment of a witness.

20

21 (f) Nothing in this section confers or expands any  
22 civil rights or protections to any group or class  
23 identified under this section beyond those rights or

1 protections that exist under the federal or state  
2 constitution or the civil laws of the state of Wyoming.

3

4 **Section 2.** This act shall apply to crimes committed  
5 on or after its effective date.

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

8

9

(END)