

HOUSE BILL NO. HB0066

Sex offender penalties.

Sponsored by: Joint Judiciary Interim Committee

A BILL

for

1 AN ACT relating to crimes and offenses; increasing  
 2 penalties for second or subsequent offenses of sexual  
 3 assault and immoral or indecent acts committed against  
 4 children; conforming provisions; repealing a provision; and  
 5 providing for an effective date.

6

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

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9       **Section 1.** W.S. 6-2-306(a)(intro), (b)(intro),  
 10 (d)(intro) and by creating a new subsection (e) and  
 11 14-3-105(b)(intro), by creating a new subsection (c) and by  
 12 renumbering (c) as (d) are amended to read:

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14       **6-2-306. Penalties for sexual assault.**

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1           (a) An actor convicted of sexual assault who does not  
2 qualify under the criteria of subsection (b), ~~or~~ (d) or (e)  
3 of this section shall be punished as follows:

4  
5           (b) An actor who is convicted of sexual assault and  
6 who does not qualify under the criteria of subsection (d)  
7 or (e) of this section shall be punished by the extended  
8 terms of subsection (c) of this section if:

9  
10           (d) An actor who is convicted of sexual assault and  
11 who does not qualify under subsection (e) of this section  
12 shall be punished by life imprisonment without parole if  
13 the actor has two (2) or more previous convictions for any  
14 of the following designated offenses, which convictions  
15 resulted from charges separately brought and which arose  
16 out of separate occurrences in this state or elsewhere:

17  
18           (e) An actor who is convicted of sexual assault shall  
19 be punished by life imprisonment without parole if:

20  
21           (i) The victim of the sexual assault is a minor;  
22 and

23

1           (ii) The actor has one (1) or more previous  
2 convictions for any of the following designated offenses,  
3 which conviction resulted from a charge separately brought  
4 and which arose out of a separate occurrence in this state  
5 or elsewhere:

6  
7           (A) A crime defined in W.S. 6-2-302 through  
8 6-2-304 or a criminal statute containing the same or  
9 similar elements as a crime defined in W.S. 6-2-302 through  
10 6-2-304, if the circumstances of the crime involved a  
11 victim who was a minor;

12  
13           (B) A conviction under W.S. 14-3-105(a), or  
14 a criminal statute containing the same or similar elements  
15 as the crime defined by W.S. 14-3-105(a), if the  
16 circumstances of the crime involved a victim who was under  
17 the age of sixteen (16) years at the time of the offense  
18 and an actor who was at least four (4) years older than the  
19 victim.

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21           **14-3-105. Immoral or indecent acts; penalty.**

22  
23           (b) Except as provided in subsection (c) of this  
24 section, an actor convicted under subsection (a) of this

1 section shall be punished by life imprisonment without  
2 parole if:

3

4 (c) An actor convicted under subsection (a) of this  
5 section shall be punished by life imprisonment without  
6 parole if:

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8 (i) The circumstances of the crime involve a  
9 victim who was under the age of sixteen (16) years at the  
10 time of the offense and the actor was at least four (4)  
11 years older than the victim; and

12

13 (ii) The actor has one (1) or more previous  
14 convictions for any of the following offenses, which  
15 convictions resulted from charges separately brought and  
16 which arose out of separate occurrences in this state or  
17 elsewhere:

18

19 (A) A conviction under W.S. 6-2-302 through  
20 6-2-304 or a criminal statute containing the same or  
21 similar elements as a crime defined in W.S. 6-2-302 through  
22 6-2-304, if the circumstances of the crime involved a  
23 victim who was a child;

24

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

8  
9           ~~(e)~~(d) As used in this section, "child" means a  
10 person under the age of eighteen (18) years.

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12           **Section 2.** W.S. 14-3-105(b)(ii)(C) is repealed.

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14           **Section 3.** This act is effective July 1, 2006.

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(END)