

HOUSE BILL NO. HB0036

Rape shield law.

Sponsored by: Representative(s) Gingery, Petersen and Quarberg and Senator(s) Decaria

A BILL

for

1 AN ACT relating to crimes and offenses; specifying evidence
2 that is admissible and is not admissible with respect to
3 the victim's sexual conduct or communications in a sexual
4 assault trial; providing exceptions; repealing procedures
5 for the admission of evidence relating to the victim's
6 prior sexual conduct, reputation and character; and
7 providing for an effective date.

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

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11 **Section 1.** W.S. 6-2-312 by creating new subsections
12 (d) and (e) is amended to read:

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14 **6-2-312. Evidence of victim's prior sexual conduct or**
15 **reputation; procedure for introduction.**

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1 (d) In any prosecution under W.S. 6-2-302 through
2 6-2-304 or for any lesser included offense, evidence of the
3 victim's sexual conduct and the victim's sexual
4 communication with the defendant on the occurrence at issue
5 is admissible. Direct or opinion evidence of the victim's
6 sexual conduct and sexual communication prior or subsequent
7 to the occurrence at issue is inadmissible, subject to the
8 following exceptions under which said evidence may be
9 admissible:

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11 (i) Evidence of an alternative source for the
12 semen, pregnancy, disease or injury that the victim
13 suffered as a result of the act charged;

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15 (ii) Evidence of negotiations between the victim
16 and the actor to convey consent in a specific way or to
17 engage in a specific sexual act at issue;

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19 (iii) Evidence of the victim's bias or motive to
20 fabricate the act charged;

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22 (iv) Evidence of the victim's prior false
23 allegations of sexual assault.

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1 (e) A written motion shall be made by the
2 defendant to the court at least ten (10) days prior to
3 trial stating the defendant intends to introduce evidence
4 pursuant to paragraphs (d)(i) through (iv) of this section.
5 The court shall order a hearing in chambers and shall issue
6 an order stating what evidence shall be admissible pursuant
7 to paragraphs (d)(i) through (iv) of this section. Any
8 motion submitted pursuant to this subsection is privileged
9 information and shall not be released or made available for
10 public use or scrutiny in any manner, including post-trial
11 proceedings.

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13 **Section 2.** W.S. 6-2-312(a) through (c) is repealed.

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15 **Section 3.** This act is effective July 1, 2007.

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(END)