

HOUSE BILL NO. HB0023

Juvenile parole eligibility.

Sponsored by: Joint Judiciary Interim Committee

A BILL

for

1 AN ACT relating to crimes and offenses; modifying
2 provisions relating to life sentences for juvenile
3 offenders generally; eliminating life sentences without
4 parole for juvenile offenders; and providing for an
5 effective date.

6

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

8

9 **Section 1.** W.S. 6-2-101(b), 6-2-306(d) (intro) and
10 (e), 6-10-201(b) (ii), 6-10-301(c) and 7-13-402(a) are
11 amended to read:

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13 **6-2-101. Murder in the first degree; penalty.**

14

15 (b) A person convicted of murder in the first degree
16 shall be punished by death, life imprisonment without
17 parole or life imprisonment according to law, except that

1 ~~no person shall be subject to the penalty of death for any~~
2 ~~murder committed before the defendant attained the age of~~
3 ~~eighteen (18) years~~ a person convicted of murder in the
4 first degree who was under the age of eighteen (18) years
5 at the time of the offense shall be punished by life
6 imprisonment.

7
8 **6-2-306. Penalties for sexual assault.**

9
10 (d) An actor who is convicted of sexual assault under
11 W.S. 6-2-302 through 6-2-304, or sexual abuse of a minor
12 under W.S. 6-2-316 through 6-2-317, shall be punished by
13 life imprisonment without parole if the actor has two (2)
14 or more previous convictions for any of the following
15 designated offenses, which convictions resulted from
16 charges separately brought and which arose out of separate
17 occurrences in this state or elsewhere and which
18 convictions were for offenses committed after the actor
19 reached the age of eighteen (18) years of age:

20
21 (e) An actor who is convicted of sexual abuse of a
22 minor under W.S. 6-2-314 or 6-2-315 shall be punished by
23 life imprisonment without parole if the actor has one (1)
24 or more previous convictions for a violation of W.S.

1 6-2-302 through 6-2-304, 6-2-314 or 6-2-315, or a criminal
2 statute containing the same or similar elements as the
3 crimes defined by W.S. 6-2-302 through 6-2-304, 6-2-314 or
4 6-2-315, which convictions resulted from charges separately
5 brought and which arose out of separate occurrences in this
6 state or elsewhere and which convictions were for offenses
7 committed after the actor reached the age of eighteen (18)
8 years of age.

9

10 **6-10-201. "Habitual criminal" defined; penalties.**

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12 (b) An habitual criminal shall be punished by
13 imprisonment for:

14

15 (ii) Life, if he has three (3) or more previous
16 convictions for offenses committed after the person reached
17 the age of eighteen (18) years of age.

18

19 **6-10-301. Life imprisonment without parole; life**
20 **imprisonment.**

21

22 (c) Any sentence other than a sentence specifically
23 designated as a sentence of life imprisonment without
24 parole is ~~not~~ subject to commutation by the governor. A

1 ~~sentence of life or life imprisonment which is not~~
2 ~~specifically designated as a sentence of life imprisonment~~
3 ~~without parole is subject to commutation by the governor.~~ A
4 person sentenced to ~~life or~~ life imprisonment for an
5 offense committed after the person reached the age of
6 eighteen (18) years is not eligible for parole unless the
7 governor has commuted the person's sentence to a term of
8 years. A person sentenced to life imprisonment for an
9 offense committed before the person reached the age of
10 eighteen (18) years shall be eligible for parole after
11 commutation of his sentence to a term of years or after
12 having served twenty-five (25) years of incarceration,
13 except that if the person committed any of the acts
14 specified in W.S. 7-13-402(b) after having reached the age
15 of eighteen (18) years the person shall not be eligible for
16 parole.

17

18 **7-13-402. General powers and duties of board;**
19 **eligibility for parole; immunity.**

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21 (a) The board may grant a parole to any person
22 imprisoned in any institution under sentence, except a
23 sentence of life imprisonment without parole or a life
24 sentence, ordered by any district court of this state,

1 provided the person has served the minimum term pronounced
2 by the trial court less good time, if any, granted under
3 rules promulgated pursuant to W.S. 7-13-420. The board may
4 also grant parole to a person serving a sentence for an
5 offense committed before the person reached the age of
6 eighteen (18) years of age as provided in W.S. 6-10-301(c).

7

8 **Section 2.** This act is effective July 1, 2013.

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10

(END)