

SENATE FILE NO. SF0050

Sexual assault-position of authority.

Sponsored by: Senator(s) Boner, Driskill and Wasserburger  
and Representative(s) Barlow, Cannady,  
Kirkbride and Lindholm

A BILL

for

1 AN ACT relating to crimes and offenses; creating a new  
2 sexual assault offense; specifying elements of the offense;  
3 specifying penalties; modifying the definition of position  
4 of authority; 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. 6-2-301(a)(iv), 6-2-304(a) by  
9 creating a new paragraph (iv) and by creating a new  
10 subsection (b) and 6-2-306(a)(iii) are amended to read:

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12 **6-2-301. Definitions.**

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14 (a) As used in this article:

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1           (iv) "Position of authority" means that position  
2 occupied by a:

3  
4           (A) Parent, guardian, relative, household  
5 member, ~~teacher,~~ employer, custodian or any other person  
6 who, by reason of his position, is able to exercise  
7 significant influence over a person;

8  
9           (B) Teacher, administrator, coach or any  
10 other person, except a student, who serves in or is  
11 employed by a public school in this state, including a  
12 charter school, or a private school as defined by W.S.  
13 21-4-101(a)(iii) if at the time of the offense:

14  
15           (I) The victim is enrolled in or  
16 attends the school or any school in the school district in  
17 which the person serves or is employed; and

18  
19           (II) The person knows that the victim  
20 is enrolled in or attends the school or any school in the  
21 school district in which the person serves or is employed.

22  
23           **6-2-304. Sexual assault in the third degree.**

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2 (a) An actor commits sexual assault in the third  
3 degree if, under circumstances not constituting sexual  
4 assault in the first or second degree:

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6 (iv) The actor:

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8 (A) Is in a position of authority as  
9 defined in W.S. 6-2-301(a)(iv)(B) over the victim who is  
10 eighteen (18) years of age or older;

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12 (B) Is more than four (4) years older than  
13 the victim; and

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15 (C) Inflicts sexual intrusion on the victim  
16 or subjects the victim to sexual contact.

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18 (b) An actor who is convicted under paragraph (a)(iv)  
19 of this section and subjected the victim to sexual contact  
20 is subject to imprisonment for not more than five (5)  
21 years.

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23 **6-2-306. Penalties for sexual assault.**

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2 (a) An actor convicted of sexual assault under W.S.  
3 6-2-302 through 6-2-304 who does not qualify under the  
4 criteria of subsection (b) or (d) of this section shall be  
5 punished as follows:

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7 (iii) Except as provided in W.S.  
8 6-2-304(b), sexual assault in the third degree under W.S.  
9 6-2-304 is a felony punishable by imprisonment for not more  
10 than fifteen (15) years;

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12 **Section 2.** This act is effective July 1, 2016.

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14

(END)