

1 Page 1-line 3 Before "and" insert "repealing the death  
 2 penalty; eliminating procedures related to the  
 3 imposition and execution of death sentences;  
 4 making conforming amendments; providing  
 5 applicability; remanding existing death  
 6 sentences; repealing obsolete provisions;"  
 7

8 Page 1-line 9 Delete entirely, including the standing  
 9 committee amendment (SF0096HS001/A) to this  
 10 line and insert "6-1-304, 6-2-101(b), (c) and  
 11 by creating a new subsection (d), 6-2-104, 6-  
 12 2-109(a)(intro) and (i), 6-10-101,  
 13 7-6-104(c)(ii), 7-10-101(a), 7-11-103(a),  
 14 7-11-202, 7-11-206(a), 7-12-303(c)(i)(A) and  
 15 (B), 7-12-305(d)(i), 7-13-107(a)(intro),  
 16 7-13-302(a)(intro), 7-13-424(a)(intro),  
 17 7-13-1003(b)(i), 7-16-205(a)(i),  
 18 7-18-102(a)(iii)(B), (C), (v)(B) and (C),  
 19 7-19-107(g) and 14-6-246(a)(iv) and (v) are".  
 20

21 Page 2-after line 11 Insert:

22  
 23 **"6-1-304. Grading.**

24  
 25 The penalty for attempt, solicitation or conspiracy is the same as  
 26 the penalty for the most serious crime which is attempted,  
 27 solicited or is an object of the conspiracy. ~~except that an  
 28 attempt, solicitation or conspiracy to commit a capital crime is  
 29 not punishable by the death penalty if the capital crime is not  
 30 committed.~~".  
 31

32 Page 2-after line 13 Insert:

33  
 34 "(b) A person convicted of murder in the first degree shall  
 35 be punished by ~~death,~~ life imprisonment without parole or life  
 36 imprisonment according to law, except that a person convicted of  
 37 murder in the first degree who was under the age of eighteen (18)  
 38 years at the time of the offense shall be punished by life  
 39 imprisonment.  
 40

41 (c) ~~For a~~ person convicted of murder in the first degree, ~~in  
 42 a case in which the state seeks the death penalty shall be  
 43 sentenced in accordance with the provisions of W.S. 6-2-102. In  
 44 all other cases, including any case in which the state has~~

1 ~~determined not to seek the death penalty at any stage of the~~  
2 ~~proceeding,~~ the judge shall determine the sentence of life  
3 imprisonment without parole or life imprisonment taking into  
4 consideration any negotiated plea agreement and any evidence  
5 relevant to a determination of sentence which the court deems to  
6 have probative value."

7  
8 Page 4-line 4 Delete "**Section 2.**" and insert:

9  
10 **"6-10-101. "Felony" and "misdemeanor" defined.**

11  
12 Crimes which may be punished by ~~death or by~~ imprisonment for more  
13 than one (1) year are felonies. All other crimes are misdemeanors.  
14

15 **7-6-104. Representation of needy persons.**

16  
17 (c) A needy person who is entitled to be represented by an  
18 attorney under subsection (a) of this section is entitled:  
19

20 (ii) To be represented in any appeal to a Wyoming court,  
21 and in cases ~~in which the death penalty has been imposed or in~~  
22 ~~such other cases as~~ the state public defender deems appropriate,  
23 in a writ of certiorari to the United States supreme court, and in  
24 proceedings under W.S. 7-14-101 through 7-14-108;  
25

26 **7-10-101. Right of defendant.**

27  
28 (a) A person arrested for an offense ~~not punishable by death~~  
29 may be admitted to bail, except as provided in W.S. 7-3-216.  
30

31 **7-11-103. Peremptory challenges.**

32  
33 (a) The defendant may challenge peremptorily, ~~in capital~~  
34 ~~eases, twelve (12) jurors,~~ in other felonies-felony cases eight  
35 (8) jurors, and in misdemeanors-misdemeanor cases four (4) jurors.  
36 The prosecution may challenge peremptorily, ~~in capital cases,~~  
37 ~~twelve (12) jurors,~~ in other felonies-felony cases eight (8)  
38 jurors, and in misdemeanors-misdemeanor cases four (4) jurors. The  
39 number of peremptory challenges allowed to the prosecution shall  
40 be multiplied by the number of defendants on trial in each case.  
41 Each defendant shall be allowed separate peremptory challenges.  
42

43 **7-11-202. Presence of defendant.**

44  
45 Except as otherwise provided by this section, the defendant shall  
46 be present at the arraignment, at every stage of the trial,  
47 including the impaneling of the jury, and the return of the verdict

1 and at the imposition of sentence. ~~In prosecution for offenses not~~  
2 ~~punishable by death,~~ The defendant's voluntary absence after the  
3 trial has been commenced in his presence shall not prevent  
4 continuing the trial to and including the return of the verdict.  
5 A corporation may appear by counsel for all purposes. In  
6 prosecutions of all misdemeanor cases, the court, with the written  
7 consent of the defendant, may permit arraignment, plea, and  
8 imposition of sentence in a defendant's absence. The defendant's  
9 presence is not required at a reduction of sentence hearing.

10  
11 **7-11-206. Separation of jury.**

12  
13 (a) In the trial of any criminal case to a jury, the court  
14 may, ~~except for capital cases~~ allow the jurors to separate during  
15 the trial and after the case is submitted to them.

16  
17 **7-12-303. New trial; motion for post-conviction testing of**  
18 **DNA; motion contents; sufficiency of allegations, consent to DNA**  
19 **sample; definitions.**

20  
21 (c) A person convicted of a felony offense may, preliminary  
22 to the filing of a motion for a new trial, file a motion for  
23 post-conviction DNA testing in the district court that entered the  
24 judgment of conviction against him if the movant asserts under  
25 oath and the motion includes a good faith, particularized factual  
26 basis containing the following information:

27  
28 (i) Why DNA evidence is material to:

29  
30 (A) The identity of the perpetrator of, or  
31 accomplice to, the crime; ~~or~~

32  
33 (B) A sentence enhancement. ~~;~~ ~~or~~

34  
35 **7-12-305. Review by the court; hearing on motion, findings;**  
36 **order.**

37  
38 (d) The movant shall be required to present a prima facie  
39 case showing that the evidence supports findings consistent with  
40 the facts asserted under W.S. 7-12-303(c) and DNA testing of the  
41 specified evidence would, assuming exculpatory results, establish:

42  
43 (i) The actual innocence of the movant of the offense  
44 for which the movant was convicted. ~~;~~ ~~or~~

1           **7-13-107. Split sentence of incarceration in county jail**  
2 **followed by probation; civil liability of county officers and**  
3 **employees.**

4  
5           (a) Following a defendant's conviction of, or his plea of  
6 guilty to any felony, other than a felony punishable by ~~death or~~  
7 life imprisonment, the court may impose any sentence of  
8 imprisonment authorized by law and except as provided in subsection  
9 (g) of this section, may in addition provide:

10  
11           **7-13-302. Placing person convicted on probation; suspension**  
12 **of imposition or execution of sentence; imposition of fine; maximum**  
13 **length of probation term.**

14  
15           (a) After conviction, plea of no contest or plea of guilty  
16 for any offense, except crimes punishable by ~~death or~~ life  
17 imprisonment, and following entry of the judgment of conviction,  
18 the court may:

19  
20           **7-13-424. Medical parole; conditions.**

21  
22           (a) Notwithstanding any other provision of law restricting  
23 the grant of parole, except for inmates sentenced to ~~death or~~ life  
24 imprisonment without parole, the board may grant a medical parole  
25 to any inmate meeting the conditions specified in this section.  
26 The board shall consider a medical parole upon receipt of written  
27 certification by a licensed treating physician that, within a  
28 reasonable degree of certainty, one (1) of the following  
29 circumstances exist:

30  
31           **7-13-1003. Establishment of program; eligibility;**  
32 **rulemaking authority.**

33  
34           (b) In addition to any other eligibility requirements  
35 adopted by the department, an inmate is eligible for placement in  
36 the youthful offender program only if he:

37  
38           (i) Is serving a sentence of imprisonment at a state  
39 penal institution for any offense other than a felony punishable  
40 by ~~death or~~ life imprisonment;

41  
42           **7-16-205. Disposition of earnings; confidentiality of**  
43 **amount.**

44  
45           (a) Payment for services performed by any prisoner under  
46 W.S. 7-16-202 shall be deposited in the trust and agency account

1 at the institution and shall be disbursed for the purposes provided  
2 in this subsection and in the order specified:

3  
4 (i) Unless the prisoner is serving a sentence of ~~death~~  
5 ~~or~~—life without the possibility of parole or is subject to  
6 mandatory savings under W.S. 25-13-107(b)(i), ten percent (10%)  
7 shall be credited to the prisoner's personal savings account within  
8 the correctional facility's trust and agency account, until the  
9 prisoner's account has a balance of one thousand dollars  
10 (\$1,000.00). Once the prisoner's personal savings account balance  
11 reaches one thousand dollars (\$1,000.00), the income otherwise  
12 distributed to the prisoner's savings account under this paragraph  
13 shall be distributed to the prisoner as provided by paragraphs  
14 (ii) through (vi) of this subsection. Funds in the prisoner's  
15 personal savings account shall be paid to the prisoner upon parole  
16 or final discharge;

17  
18 **7-18-102. Definitions.**

19  
20 (a) As used in this act:

21  
22 (iii) "Inmate" means an adult serving a felony sentence  
23 in any state penal institution or any correctional facility  
24 operated pursuant to a contract under W.S. 7-22-102, excluding any  
25 inmate who:

26  
27 (B) Has been convicted of first degree murder; ~~or~~

28  
29 (C) Is serving a term of life imprisonment. ~~;~~ ~~or~~

30  
31 (v) "Offender" means an adult who has entered a plea of  
32 guilty or has been convicted of a misdemeanor punishable by  
33 imprisonment or a felony, excluding any person who:

34  
35 (B) Has been convicted of, or pled guilty to,  
36 first degree murder; ~~or~~

37  
38 (C) Has been convicted of, or pled guilty to, a  
39 crime punishable by life imprisonment. ~~;~~ ~~or~~

40  
41 **7-19-107. Central repository; information to be submitted;  
42 audits; interstate exchanges.**

43  
44 (g) The director of the department of corrections, the  
45 superintendents of the Wyoming boys' school and Wyoming girls'  
46 school and the sheriff of each county shall furnish the division  
47 with all information concerning the receipt, escape, ~~execution,~~

1 death, release, pardon, parole, commutation of sentence, granting  
2 of executive clemency or discharge of any individual who has been  
3 sentenced to the agency's custody for any offense covered by this  
4 act.

5  
6 **14-6-246. Sanction levels.**  
7

8 (a) Subject to subsection (c) of this section, when a child  
9 is adjudicated as a delinquent the juvenile court may, in a  
10 disposition hearing, assign the child one (1) of the following  
11 sanction levels according to the child's conduct:  
12

13 (iv) For a violent felony as defined by W.S.  
14 6-1-104(a)(xii), other than a felony punishable by life, or life  
15 without parole, ~~or death~~, the sanction level is four;  
16

17 (v) For a felony punishable under the Wyoming Criminal  
18 Code by life, or life without parole, ~~or death~~, the sanction level  
19 is five.  
20

21 **Section 2.** W.S. 6-2-102, 6-2-103, 6-5-203(c)(iii),  
22 6-10-202(a)(i), 7-10-101(b), 7-11-105(a)(iii), 7-11-206(b),  
23 7-12-303(c)(i)(C), 7-12-305(d)(ii), 7-13-807, 7-13-901 through  
24 7-13-916 and 7-18-102(a)(iii)(D) and (v)(D) are repealed.  
25

26 **Section 3.** The provisions of this act related to the repeal  
27 of the death penalty shall apply to crimes and offenses committed  
28 before, on or after the effective date of this act.  
29

30 **Section 4.** Any existing death sentence imposed before the  
31 effective date of this act shall be remanded to the sentencing  
32 court to enter a new sentence of life imprisonment without parole.  
33

34 **Section 5.** ". ROMERO-MARTINEZ, CONNOLLY, EYRE