

ENROLLED ACT NO. 50, SENATE

SIXTY-SIXTH LEGISLATURE OF THE STATE OF WYOMING  
2021 GENERAL SESSION

AN ACT relating to crimes and offenses; creating new offenses for first and second degree murder; providing a definition; providing penalties; and providing for an effective date.

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

**Section 1.** W.S. 6-1-104(a) by creating a new paragraph (xviii) and by renumbering (xviii) as (xix), 6-2-101 by creating a new subsection (d), 6-2-104 and 6-2-109 are amended to read:

**6-1-104. Definitions.**

(a) As used in this act, unless otherwise defined:

(xviii) "Unborn child" means a member of the species homo sapiens, at any state of development, who is carried in a womb;

(xviii)(xix) "This act" means title 6 of the Wyoming statutes.

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

(d) A person is guilty of murder in the first degree of an unborn child, punishable as provided for other convictions of murder in the first degree, if:

(i) The person purposely and with premeditated malice, or in the perpetration of, or attempt to perpetrate, any sexual assault, sexual abuse of a minor, arson, robbery, burglary, escape, resisting arrest, kidnapping or abuse of a child under the age of sixteen (16) years, kills or attempts to kill any human being;

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(ii) The human being was pregnant with an unborn child; and

(iii) The unborn child dies as a result of the person's actions.

**6-2-104. Murder in the second degree; penalty.**

(a) Except as provided in W.S. 6-2-109, whoever purposely and maliciously, but without premeditation, kills any human being is guilty of murder in the second degree, and shall be imprisoned in the penitentiary for any term not less than twenty (20) years, or during life.

(b) A person is guilty of murder in the second degree of an unborn child if:

(i) The person purposely and maliciously, but without premeditation, kills or attempts to kill any human being;

(ii) The human being was pregnant with an unborn child; and

(iii) The unborn child dies as a result of the person's actions.

(c) A person guilty of murder in the second degree of an unborn child shall be imprisoned in the penitentiary for any term not less than twenty (20) years, or during life.

**6-2-109. Sentencing enhancement for the homicide of a pregnant woman.**

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(a) Upon sentencing of a defendant who is convicted of an offense pursuant to W.S. ~~6-2-104~~6-2-104(a), 6-2-105 or 6-2-108, if the jury has found that the victim was pregnant at the time of the commission of the offense and that the defendant knew that the victim was pregnant at the time of the commission of the offense, the court shall impose a sentence as follows:

(i) For a conviction of W.S. ~~6-2-104~~6-2-104(a), imprisonment in the penitentiary for any term not less than forty (40) years, or during life; or

ORIGINAL SENATE  
FILE NO. SF0096

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**Section 2.** This act is effective July 1, 2021.

(END)

\_\_\_\_\_  
Speaker of the House

\_\_\_\_\_  
President of the Senate

\_\_\_\_\_  
Governor

TIME APPROVED: \_\_\_\_\_

DATE APPROVED: \_\_\_\_\_

I hereby certify that this act originated in the Senate.

\_\_\_\_\_  
Chief Clerk