

**DRAFT ONLY
NOT APPROVED FOR
INTRODUCTION**

HOUSE BILL NO. [Bill Number]

Uniformity in domestic violence law.

Sponsored by: Joint Judiciary Interim Committee

A BILL

for

1 AN ACT relating to crimes and offenses; amending penalties
2 for crimes related to domestic assault and battery,
3 strangulation and stalking; amending enhanced penalty
4 provisions; amending the definition of violent felony; and
5 providing for an effective date.

6

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

8

9 **Section 1.** W.S. 6-1-104(a)(xii), 6-2-509(b),
10 6-2-510(a), (b)(i), (ii)(intro) and (ii)(E), (F), by
11 creating new subparagraphs (G) through (M), and (c),
12 6-2-511(b)(ii)(intro), (ii)(E), (F), by creating new
13 subparagraphs (G) through (M), (iii)(intro), (iii)(E), (F),

1 by creating new paragraph (iv), (c) and 7-13-1301(a)(vi)
2 are amended to read:

3

4 **6-1-104. Definitions.**

5

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

7

8 (xii) "Violent felony" means murder,
9 manslaughter, kidnapping, sexual assault in the first or
10 second degree, robbery, aggravated assault, strangulation
11 of a household member, aircraft hijacking, arson in the
12 first or second degree, ~~or~~ aggravated burglary, ~~or~~ a
13 violation of W.S. 6-2-314(a)(i) or 6-2-315(a)(ii) or a
14 third, or subsequent, domestic battery under W.S. 6-2-
15 511(a) and 6-2-511(b)(iii);

16

17 **6-2-509. Strangulation of a household member;**
18 **penalty.**

19

20 (b) Strangulation of a household member is a felony
21 punishable by imprisonment for not more than ~~five (5) ten~~
22 (10) years.

23

1 **6-2-510. Domestic assault.**

2

3 (a) A household member is guilty of domestic assault
4 if: ---

5

6 (i) Having the present ability to do so, he
7 unlawfully attempts to cause bodily injury to another
8 household member; or

9

10 (ii) He intentionally and unlawfully displays a
11 weapon in a threatening manner or intentionally engages in
12 physical conduct that places another person in reasonable
13 fear of imminent physical injury or death.

14

15 *****

16

17

STAFF COMMENT

18

19 Committee amended paragraph (ii) out of a concern for the
20 meaning of "physical menace." from version 0.3 that had
21 been based on South Dakota's simple assault statute, S.D.
22 Codified Laws § 22-18-1(4). Version 0.3 read:

23

24 (ii) He attempts by physical menace or credible threat
25 to place another household member in fear of imminent
26 bodily injury.

27

28 To the committee amendment, LSO has inserted: on line 10
29 "intentionally and unlawfully"; on line 11 "intentionally";
30 and on line 13 "imminent." These additions are intended to
31 limit the prohibited conduct to non-justified used of

1 firearms and to provide definition to the concept of
2 physical menace.

3
4
5
6

7 (b) Domestic assault is punishable as follows:

8

9 (i) By imprisonment for not more than six (6)
10 months, a fine of not more than seven hundred fifty dollars
11 (\$750.00) or both;

12

13 (ii) By imprisonment for not more than ~~six (6)~~
14 ~~months~~ one (1) year, a fine of not more than seven hundred
15 fifty dollars (\$750.00), or both, if the person has
16 previously been convicted of domestic assault or if the
17 person has previously been convicted of the following or
18 similar offense against another household member:

19

20 (E) Child abuse under W.S. 6-2-503; ~~or~~

21

22 (F) Reckless endangering under W.S.
23 6-2-504; ~~or~~

24

25 (G) Unlawful contact under W.S. 6-2-501(g);

1

2

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

(H) Strangulation of a household member
under W.S. 6-2-509;

(J) Kidnapping under W.S. 6-2-201;

(K) Felonious restraint under W. S.
6-2-202; or

(L) False imprisonment under W.S. 6-2-203.

(c) If a person sentenced under ~~paragraph~~ paragraphs
(b)(i) or (b)(ii) of this section is placed on probation,
the court may, notwithstanding any other provision of law,
impose a term of probation exceeding the maximum ~~six (6)~~
~~months~~ one (1) year imprisonment, provided the term of
probation, including extensions, shall not exceed ~~one (1)~~
~~year~~ three (3) years.

6-2-511. Domestic battery.

(b) Domestic battery is punishable as follows:

1 (ii) By imprisonment for not more than one (1)
2 year, a fine of not more than one thousand dollars
3 (\$1,000.00), or both, if ~~within the previous five (5)~~
4 ~~years,~~ the person has previously been convicted of domestic
5 battery or any of the following or similar offense against
6 another household member:

7

8 (E) Child abuse under W.S. 6-2-503; ~~or~~

9

10 (F) Reckless endangering under W.S.
11 6-2-504; ~~or~~

12

13 (G) Unlawful contact under W.S. 6-2-501(g);

14

15 (K) Strangulation of a household member
16 under W.S. 6-2-509;

17

18 (L) Kidnapping under W.S. 6-2-201;

19

20 (L) Felonious restraint under W. S.
21 6-2-202; or

22

23 (M) False imprisonment under W.S. 6-2-203.

1

2 (iii) By imprisonment for not more than ~~five (5)~~
3 ~~years~~ ten (10) years, a fine of not more than ~~two thousand~~
4 ~~dollars (\$2,000.00)~~ ten thousand dollars (\$10,000.00), or
5 both, if ~~within the previous ten (10) years,~~ the person has
6 previously been convicted of domestic battery two (2) or
7 more times or if the person has previously been convicted
8 of domestic battery and any of the following or similar
9 offense against another household member:

10

11 (E) Child abuse under W.S. 6-2-503; ~~or~~

12

13 (F) Reckless endangering under W.S.
14 6-2-504; ~~or~~

15

16 (G) Unlawful contact under W.S. 6-2-501(g);

17

18 (H) Strangulation of a household member
19 under W.S. 6-2-509;

20

21 (J) Kidnapping under W.S. 6-2-201;

22

1 (K) Felonious restraint under W. S.

2 6-2-202; or

3

4 (L) False imprisonment under W.S. 6-2-203.

5

6 (iv) By imprisonment for not more than five (5)

7 years, a fine of not more than five thousand dollars

8 (\$5,000.00), or both, if the offense was committed in the

9 physical presence or hearing of the victim's or the

10 perpetrator's child under the age of eighteen (18) years or

11 any child under the age of sixteen (16) years.

12

13 *****

14 *****

15 STAFF COMMENT

16 (iv) was inserted as a placeholder for Committee
17 discussion. Committee should consider whether to maintain 5
18 year felony for domestic battery in front of child or other
19 enhancement or statutory placement options (i.e., W.S. 6-4-
20 403 or 405)

21 *****

22 *****

23

24 (c) If a person sentenced under ~~paragraph~~paragraphs

25 (b)(i) or (b)(ii) of this section is placed on probation,

26 the court may, notwithstanding any other provision of law,

27 impose a term of probation exceeding the maximum

28 imprisonment of one (1) year, provided the term of

1 probation, including extensions, shall not exceed ~~two (2)~~
2 three (3) years.

3

4 **7-13-1301. Definitions.**

5

6 (a) As used in W.S. 7-13-1301 through 7-13-1304:

7

8 (vi) "Violent felony" means murder,
9 manslaughter, kidnapping, sexual assault in the first or
10 second degree, robbery, aggravated assault, strangulation
11 of a household member, aircraft hijacking, arson in the
12 first or second degree, ~~or~~ aggravated burglary, a violation
13 of W.S. 6-2-314(a)(i) or 6-2-315(a)(ii) or a third, or
14 subsequent, domestic battery under W.S. 6-2-511(a) and 6-2-
15 511(b)(iii);

16

17 **Section 2.** This act is effective July 1, 2018.

18

19

(END)