

**DRAFT ONLY
NOT APPROVED FOR
INTRODUCTION**

HOUSE BILL NO.

Assault and battery against healthcare workers.

Sponsored by: Joint Judiciary Interim Committee

A BILL

for

1 AN ACT relating to crimes and offenses; creating the
2 offenses of assault, threat of violence and battery against
3 healthcare providers; providing definitions; and providing
4 for an effective date.

5

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

7

8 **Section 1.** W.S. 6-2-512 is created to read:

9

10 **6-2-512. Assault and threats of violence against**
11 **healthcare providers; battery against healthcare providers;**
12 **penalties.**

13

1 (a) As used in this section:

2

3 (i) "Assault" means an offense under W.S. 6-2-
4 501(a);

5

6 (ii) "Battery" means an offense under W.S. 6-2-
7 501(b);

8

9 (iii) "Healthcare provider" means as defined in
10 W.S. 7-13-1501(m)(iv);

11

12 (iv) "Threat of violence" means an express or
13 implied threat where the person:

14

15 (A) Threatens to commit an offense involving
16 bodily injury, death or property damage of one thousand
17 dollars (\$1,000.00) or more and acts with intent to place
18 another person in fear of imminent bodily injury, serious
19 bodily injury or death; or

20

21 (B) Makes a threat, accompanied by a show of
22 immediate force or violence, to do bodily injury to another
23 person.

1

2 *****
3 *****

4 STAFF COMMENT

5

6 The definition of healthcare provider referenced above in
7 W.S. 7-13-1501(m)(iv) is reproduced below:

8

9 (iv) "Health care provider" means an individual
10 who is licensed, certified or otherwise authorized or
11 permitted by the laws of this state to provide care,
12 treatment, services or procedures to maintain, diagnose or
13 otherwise treat a patient's physical or mental condition.

14

15 The definition for "threat of violence" is based on Utah's
16 statute prohibiting assault against healthcare workers. See
17 Utah Code §§ 76-5-102.7; 76-5-107.

18

19 The Committee may wish to consider whether family members
20 of healthcare providers should be included in the assault
21 and battery prohibitions below. See, e.g., Wis. Stat. §
22 940.204(2) (prohibiting the intentional bodily harm (or
23 threat to cause bodily harm) to "a family member of a
24 person who works in a health care facility"); Wis. Stat. §
25 940.204(1)(a) (defining "family member" as "a parent,
26 spouse, sibling, child, stepchild, or foster child").

27

28 *****
29 *****

30

31 (b) A person is guilty of assault against a healthcare
32 provider if the person:

33

34 (i) Commits an assault against a healthcare
35 provider;

36

1 (ii) Knows or reasonably should know that the
2 person is a healthcare provider at the time of the assault;
3 and
4

5 *****
6 *****
7 STAFF COMMENT
8

9 The Committee may wish to consider whether "reasonably
10 should know" should be included in the knowledge paragraph
11 above (i.e., is it sufficient if the offender reasonably
12 should know that the person was a healthcare provider).
13 (The same question applies to (c)(ii) and (d)(ii) below as
14 well.)
15

16 *****
17 *****
18

19 (iii) The healthcare provider was performing
20 duties within the scope of his authority or employment as a
21 healthcare provider at the time of the assault.
22

23 (c) A person is guilty of a threat of violence against
24 a healthcare provider if the person:
25

26 (i) Makes a threat of violence against a
27 healthcare provider;
28

1 (ii) Knows or reasonably should know that the
2 person is a healthcare provider at the time of the threat
3 of violence; and

4

5 (iii) The healthcare provider was performing
6 duties within the scope of his authority or employment as a
7 healthcare provider at the time of the threat of violence.

8

9 (d) A person is guilty of battery against a healthcare
10 provider if the person:

11

12 (i) Commits a battery against a healthcare
13 provider;

14

15 (ii) Knows or reasonably should know that the
16 person is a healthcare provider at the time of the battery;
17 and

18

19 (iii) The healthcare provider was performing
20 duties within the scope of his authority or employment as a
21 healthcare provider at the time of the battery.

22

1 (e) Simple assault against a healthcare provider or a
2 threat of violence against a healthcare provider is a
3 misdemeanor punishable by a fine of not more than seven
4 hundred fifty dollars (\$750.00).

5

6 (f) Battery against a healthcare provider is a
7 misdemeanor punishable by imprisonment for not more than
8 six (6) months, a fine of not more than seven hundred fifty
9 dollars (\$750.00), or both. Notwithstanding any other
10 provision of law, the term of probation imposed by a judge
11 under this subsection may exceed the maximum term of
12 imprisonment established for the offense under this
13 subsection provided the term of probation, together with
14 any extension thereof, shall in no case exceed one (1)
15 year.

16

17 *****
18 *****

19 STAFF COMMENT

20

21 The penalties provided above are identical to the penalties
22 for simple assault and battery. See W.S. 6-2-501(c) and
23 (d).

24

25 The Committee may also wish to consider whether these
26 offenses against healthcare workers should be included in
27 current statute that address the following:

28

- 1 • Whether these healthcare-related offenses should be
- 2 added to the list of offenses that form a pattern of
- 3 criminal street gang activity. See W.S. 6-1-
- 4 104(a)(xv).
- 5 • Whether these healthcare-related offenses should be
- 6 included in the list of offenses that can trigger a
- 7 higher penalty for domestic assault, W.S. 6-2-
- 8 510(b)(ii), and domestic battery, W.S. 6-2-511(b)(ii).
- 9 • Whether battery against a healthcare provider should
- 10 be included in the list of battery offenses that forms
- 11 part of the offense of unlawful entry into an occupied
- 12 structure. W.S. 6-3-307(a).

13
 14 *****
 15 *****
 16

17 **Section 2.** This act is effective July 1, 2023.

18

19 (END)