

**DRAFT ONLY
NOT APPROVED FOR
INTRODUCTION**

HOUSE BILL NO.

Homicide by vehicle in a crosswalk or school zone.

Sponsored by: Joint Judiciary Interim Committee

A BILL

for

1 AN ACT relating to crimes and offenses; creating the crime
2 of homicide by vehicle in a crosswalk or school zone;
3 providing a penalty; and providing for an effective date.

4

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

6

7 **Section 1.** W.S. 6-2-106(a), (c) and by creating a new
8 subsection (e) is amended to read:

9

10 *****
11 *****
12 **STAFF COMMENT**
13 **For the Committee's reference I am including the entirety**
14 **of W.S. 6-2-106 in this draft. The unnecessary portions**
15 **will be removed in the final version.**

1 *****
2 *****
3 *****

4 6-2-106. Homicide by vehicle; Homicide by vehicle in
5 a crosswalk or school zone; aggravated homicide by vehicle;
6 penalties.

7
8 (a) Except as provided in ~~subsection~~subsections (b)
9 and (e) of this section, a person is guilty of homicide by
10 vehicle and shall be fined not more than two thousand
11 dollars (\$2,000.00) or imprisoned in the county jail for
12 not more than one (1) year, or both, if he operates or
13 drives a vehicle in a criminally negligent manner, and his
14 conduct is the proximate cause of the death of another
15 person. Evidence of a violation of any state law or
16 ordinance applying to the operation or use of a vehicle or
17 to the regulation of traffic, except for evidence of a
18 violation of W.S. 10-6-103, 31-5-233 and 41-13-206, is
19 admissible in any prosecution under this subsection.

20
21 (b) A person is guilty of aggravated homicide by
22 vehicle and shall be punished by imprisonment in the
23 penitentiary for not more than twenty (20) years, if:

24

1 (i) While operating or driving a vehicle in
2 violation of W.S. 10-6-103, 31-5-233 or 41-13-206, he
3 causes the death of another person and the violation is the
4 proximate cause of the death; or

5

6 (ii) He operates or drives a vehicle in a
7 reckless manner, and his conduct is the proximate cause of
8 the death of another person.

9

10 (c) The department of transportation shall revoke the
11 license or permit to drive and the nonresident operating
12 privilege of any person convicted of aggravated homicide by
13 vehicle, ~~or of~~ homicide by vehicle in a crosswalk or school
14 zone or homicide by vehicle.

15

16 (d) Any person convicted of aggravated homicide by
17 vehicle for causing the death of another person while
18 operating or driving a vehicle in violation of W.S. 31-5-
19 233 shall not be issued an ignition interlock restricted
20 license under W.S. 31-5-233 or 31-7-401 through 31-7-404.

21

22 (e) A person is guilty of homicide by vehicle in a
23 crosswalk or school zone and shall be punished by

1 imprisonment for not more than ten (10) years, a fine of
 2 not more than ten thousand dollars (\$10,000.00), or both,
 3 if he commits the offense of homicide by vehicle as
 4 established in subsection (a) of this section and when the
 5 offense occurs the victim is within any crosswalk as
 6 defined by W.S. 31-5-102(a)(viii) or within a school zone
 7 when a reduced speed limit is in effect consistent with
 8 W.S. 31-5-301(b)(i).

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10 *****
 11 *****

12 **STAFF COMMENT**

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 14 The Committee may wish to consider whether or not this
 15 crime should be eligible for expungement. Aggravated
 16 vehicular homicide under W.S. 6-2-106(b) is not eligible
 17 pursuant to W.S. 7-13-1502(a)(iv)(B).

18
 19 For the Committee's reference, I am including W.S. 31-5-
 20 102(a)(viii) and 31-5-301(b)(i) below.

21
 22 **31-5-102. Definitions.**

23
 24 (a) Except as otherwise provided, as used in this
 25 act:

26
 27 (viii) "Crosswalk" means:

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 29 (A) That part of a roadway at an
 30 intersection included within the connections of the lateral
 31 lines of the sidewalks on opposite sides of the highway
 32 measured from the curbs or, in the absence of curbs, from
 33 the edges of the traversable roadway, and in the absence of
 34 a sidewalk on one (1) side of the roadway, that part of a
 35 roadway included within the extension of the lateral lines
 36 of the existing sidewalk at right angles to the centerline;

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(B) Any portion of a roadway at an intersection or elsewhere distinctly indicated for pedestrian crossing by lines or other markings on the surface.

31-5-301. Maximum speed limits.

(b) Except when a special hazard exists that requires lower speed for compliance with subsection (a) of this section, subject to W.S. 31-5-203(b), the limits specified in this subsection or established as otherwise authorized shall be maximum lawful speeds and no person shall drive a vehicle on a highway at a speed in excess of maximum limits:

(i) Twenty (20) miles per hour when passing a school building, the grounds thereof, within any other area or space in the vicinity of a school designated by an official traffic control device as a school zone with a reduced speed limit or a school crossing if appropriate signs giving notice of a reduced speed limit are erected;

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

(END)