

**DRAFT ONLY
NOT APPROVED FOR
INTRODUCTION**

HOUSE BILL NO.

Intimidating judges-criminal offense.

Sponsored by: Joint Judiciary Interim Committee

A BILL

for

1 AN ACT relating to crimes and offenses; establishing the
2 offense of intimidating judges; specifying penalties;
3 providing definitions; 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. 6-5-309 is created to read:

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9 **6-5-309. Intimidating judges; penalties.**

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11 (a) As used in this section:

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1 (i) "Family member" means a parent, spouse,
2 sibling or child;

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4 (ii) "Judge" means a supreme court justice,
5 district court judge, circuit court judge and chancery
6 court judge.

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10 STAFF COMMENT

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12 The Committee may wish to consider the following for the
13 definitions:

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15 First, the scope of the definition of "family member" and
16 who should be included in that definition. Below are
17 examples of how other states define the term in the context
18 of offenses of intimidating judges or other officials:

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- 20 • Wisconsin: Parent, spouse, sibling, child, stepchild,
21 or foster child. Wis. Stat. § 940.203(1)(am).
- 22 • Montana: Spouse, child, parent, or sibling. Mont. Code
23 Ann. § 45-7-102.
- 24 • Arizona: Spouse, child, or parent, or any other adult
25 who lives in the same residence as the person. Ariz.
26 Rev. Stat. § 13-2401(D)(3).
- 27 • Colorado: A member of the judge's family; "a person in
28 close relationship to the judge"; or "a person
29 residing in the same household with the judge." Colo.
30 Rev. Stat. § 18-8-615.
- 31 • Illinois: Spouse or child. 720 Ill. Comp. Stat. 5/12-
32 9.
- 33

34 Second, whether the definition of "judge" should include
35 district court commissioners and circuit court magistrates.

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 2 *****
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4 (b) A person commits a felony punishable by
 5 imprisonment for not more than ten (10) years, a fine of
 6 not more than five thousand dollars (\$5,000.00), or both,
 7 if, by force, threats or another action, the person
 8 attempts to intimidate, harass or retaliate against a judge
 9 or a family member of a judge because of the judge's role
 10 in the legal system or the discharge of the judge's duties.

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 12 *****
 13 *****

STAFF COMMENT

The Committee may wish to consider:

- 18 • Whether a definition or a clearer term is needed for
- 19 "another action."
- 20 • The penalty for this offense. The penalty specified
- 21 currently is identical to the penalty for influencing
- 22 or intimidating jurors and officers. W.S. 6-5-305(a).
- 23 • Whether a definition for "harass" should be specified
- 24 in this bill draft. "Harass" is used in the statute
- 25 creating the offense of stalking, where it is defined,
- 26 and is also used in, for example, Wyoming's game-and-
- 27 fish statutes (see, e.g., W.S. 23-3-109(a)). "Harass"
- 28 is not defined for purposes of the game-and-fish
- 29 statutes. The definition of "harass" in the stalking
- 30 statute is below.

6-2-506. Stalking; penalty.

34 (a) As used in this section:

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1 (ii) "Harass" means to engage in a course of
2 conduct, including but not limited to verbal threats,
3 written threats, lewd or obscene statements or images,
4 vandalism or nonconsensual physical contact, directed at a
5 specific person that the defendant knew or should have
6 known would cause:

7
8 (A) A reasonable person to suffer
9 substantial emotional distress;

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11 (B) A reasonable person to suffer
12 substantial fear for their safety or the safety of another
13 person; or

14
15 (C) A reasonable person to suffer
16 substantial fear for the destruction of their property.

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18 **Finally, the Committee may wish to consider whether this**
19 **should be limited to an "attempt" crime. The language used**
20 **in the bill draft mirrors the language in W.S. 6-5-305, the**
21 **offense for influencing, intimidating, or impeding jurors**
22 **and witnesses. Below is an alternate version if the**
23 **Committee wishes to eliminate the word "attempt" from the**
24 **offense:**

25
26 (b) A person commits a felony punishable by
27 imprisonment for not more than ten (10) years, a fine of
28 not more than five thousand dollars (\$5,000.00), or both,
29 if, by force, threats or another action, the person
30 intimidates, harasses or retaliates against a judge or a
31 family member of a judge because of the judge's role in the
32 legal system or the discharge of the judge's duties.

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34 **W.S. 6-1-301 specifies how a person is guilty of an attempt**
35 **to commit a crime.**

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37 **6-1-301. Attempt; renunciation of criminal intention.**

38
39 (a) A person is guilty of an attempt to commit a
40 crime if:

41
42 (i) With the intent to commit the crime, he does
43 any act which is a substantial step towards commission of
44 the crime. A "substantial step" is conduct which is

1 strongly corroborative of the firmness of the person's
2 intention to complete the commission of the crime; or

3

4 (ii) He intentionally engages in conduct which
5 would constitute the crime had the attendant circumstances
6 been as the person believes them to be.

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11 **Section 2.** This act is effective July 1, 2024.

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13 (END)