

**DRAFT ONLY
NOT APPROVED FOR
INTRODUCTION**

HOUSE BILL NO.

Permanent protection orders.

Sponsored by: Joint Judiciary Interim Committee

A BILL

for

1 AN ACT relating to criminal procedure; providing for
2 permanent protection orders for victims of sexual assault,
3 stalking and domestic violence; specifying requirements,
4 procedures and conditions for permanent protection orders;
5 making conforming amendments; specifying applicability; and
6 providing for an effective date.

7

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

9

10 **Section 1.** W.S. 7-3-513 and 35-21-113 are created to
11 read:

12

1 **7-3-513. Permanent orders of protection; requirements;**
2 **procedures.**

3
4 (a) The court may, upon petition by a victim or a
5 person specified in W.S. 7-3-507(a), enter a permanent
6 order of protection or extend an order previously issued
7 under W.S. 7-3-508 or 7-3-509 on a permanent basis. A
8 permanent order of protection shall order the respondent to
9 refrain from any contact or further acts of stalking or
10 sexual assault involving the victim or any other person.
11 Before entering a permanent order of protection under this
12 section, the court shall:

13
14 (i) Consider the respondent's history of
15 violence, the severity of the offense at issue and any
16 evidence presented;

17
18 (ii) Determine that, to avoid further injury or
19 harm to the victim, the victim needs permanent protection.

20
21 *****
22 *****
23 **STAFF COMMENT**
24

1 Per the Committee's direction, Montana's standard for a
2 permanent protection order was used as the standard in this
3 bill draft. The Committee may wish to compare this standard
4 with the standards currently in Wyoming law for granting a
5 protection order:
6

- 7 • Montana/Permanent Orders: Determine that the victim
8 needs permanent protection to avoid further injury or
9 harm to the victim (after considering the respondent's
10 history of violence, the severity of the offense, and
11 any other evidence).
- 12 • Wyoming/Temporary SA/Stalking Orders: The court must
13 determine from the specific facts shown in the
14 petition that "there exists a clear and present danger
15 of further stalking, sexual assault or of serious
16 physical adverse consequences to any person." W.S. 7-
17 3-508(b).
- 18 • Wyoming/SA/Stalking Orders: The court must find that
19 conduct constituting stalking or sexual assault has
20 been committed. W.S. 7-3-509(a).
- 21 • Wyoming/DV Temporary Orders: The court must
22 immediately grant a temporary order "if it appears
23 from the specific facts shown by the affidavit or by
24 the petition that there exists a danger of further
25 domestic abuse." W.S. 35-21-104(a)(i).
- 26 • Wyoming/DV Orders: The court must enter a protection
27 order upon "finding that an act of domestic abuse has
28 occurred." W.S. 35-21-105(a).

29
30 *****
31 *****
32

33 (b) The court may, in any permanent order of
34 protection, specify any of the directions or conditions
35 specified in W.S. 7-3-509(a).

36
37 (c) A permanent order of protection shall include the
38 notice required under W.S. 7-3-509(b). A hearing shall be

1 held before a permanent order of protection is entered,
2 provided that the petitioner or another party to the
3 hearing may petition the court to appear remotely as
4 provided by W.S. 7-3-507(f).

5

6 (d) A permanent order of protection issued under this
7 section may be terminated upon the victim's request that
8 the order be dismissed.

9

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

12 STAFF COMMENT

13
14 The Committee may wish to consider whether there are other
15 instances in which a permanent protection order may be
16 dismissed (i.e., upon good cause shown by the respondent;
17 if an order would conflict with another order-like
18 custody).

19

20 *****
21 *****

22

23 35-21-113. Permanent orders of protection;
24 requirements; procedures.

25

26 (a) The court may, upon petition by a victim or a
27 person specified in W.S. 35-21-103(a), enter a permanent
28 order of protection or extend an order previously issued
29 under W.S. 35-21-103 or 35-21-104 on a permanent basis. A

1 permanent order of protection shall order the respondent
2 household member to refrain from having contact with or
3 abusing the petitioner or any other household member.
4 Before entering a permanent order of protection under this
5 section, the court shall:

6

7 (i) Consider the respondent's history of
8 violence, the severity of the offense at issue and any
9 evidence presented;

10

11 (ii) Determine that, to avoid further injury or
12 harm to the victim, the victim needs permanent protection.

13

14 (b) In any permanent order of protection, the court:

15

16 (i) May specify any of the directions or
17 conditions specified in W.S. 35-21-105(a);

18

19 (ii) Shall order any of the conditions or
20 requirements specified in W.S. 35-21-105(b) in accordance
21 with W.S. 35-21-105(b).

22

1 (c) A permanent order of protection shall include the
2 notice required under W.S. 35-21-105(c). A hearing shall be
3 held before a permanent order of protection is entered,
4 provided that the petitioner or another party to the
5 hearing may petition the court to appear remotely as
6 provided by W.S. 35-21-103(j).

7

8 (d) A permanent order of protection issued under this
9 section may be terminated upon the victim's request that
10 the order be dismissed.

11

12 **Section 2.** W.S. 7-3-506(a)(intro), 7-3-507(f), 7-3-
13 509(a)(intro) and (c), 7-3-510, 7-3-511(b)(i) and (ii) and
14 (c), 7-3-512, 35-21-102(a)(viii), 35-21-106(b) and (c),

15

16 **7-3-506. Definitions.**

17

18 (a) As used in W.S. 7-3-506 through ~~7-3-512~~7-3-513:

19

20 **7-3-507. Petition for order of protection; contents;**
21 **requisites; indigent petitioners; remote appearance at**
22 **hearings.**

23

1 (f) For any hearing required or authorized for
2 proceedings under W.S. 7-3-506 through ~~7-3-512~~7-3-513, the
3 petitioner or other party to the hearing may petition the
4 court to appear at the hearing by remote means. The court
5 may, in its discretion, grant the petition for remote
6 appearance at the hearing, provided that the court is
7 equipped with appropriate audio or video technology to
8 allow the petitioner or other party to fully participate in
9 the hearing.

10

11 **7-3-509. Order of protection; contents; remedies;**
12 **order not to affect title to property.**

13

14 (a) Following a hearing under W.S. 7-3-508(a) and
15 upon a finding that conduct constituting stalking or sexual
16 assault has been committed, the court shall enter an order
17 of protection ordering the respondent to refrain from any
18 further acts of stalking or sexual assault involving the
19 victim or any other person. As a part of any order of
20 protection issued under this section or W.S. 7-3-513, the
21 court may direct that the respondent:

22

1 (c) A request by the victim for the perpetrator to
2 violate an order of protection issued under this section, a
3 permanent order of protection issued under W.S. 7-3-513 or
4 a temporary order of protection issued under W.S. 7-3-508
5 shall constitute an affirmative defense to a charge of
6 violation of the order by the perpetrator.

7
8 **7-3-510. Service of order; duration and extension of**
9 **order; violation; remedies not exclusive.**

10
11 (a) An order of protection granted under W.S. 7-3-509
12 or W.S. 7-3-513 shall be served upon the respondent
13 pursuant to the Wyoming Rules of Civil Procedure. A copy of
14 the order of protection shall be filed with the sheriff of
15 the county.

16
17 (b) Except as otherwise provided by this subsection
18 and W.S. 7-3-513, an order of protection granted by the
19 court under W.S. 7-3-509 shall be effective for a fixed
20 period of time not to exceed three (3) years. Either party
21 may move to modify, terminate or extend the order. The
22 order may be extended repetitively upon a showing of good
23 cause for additional periods of time, not to exceed three

1 (3) years each, if the court finds from specific facts that
2 a clear and present danger to the victim continues to
3 exist. ~~If a party subject to an order of protection is~~
4 ~~sentenced and incarcerated or becomes imprisoned, the~~
5 ~~running of the time remaining for the order of protection~~
6 ~~shall be tolled during the term of incarceration or~~
7 ~~imprisonment. The conditions and provisions of an order of~~
8 ~~protection shall remain in effect during any period of~~
9 ~~tolling under this subsection. Upon release from~~
10 ~~incarceration or imprisonment the effective period of the~~
11 ~~order of protection shall be the amount of time remaining~~
12 ~~as of the first day of the term of incarceration or~~
13 ~~imprisonment or one (1) year from the date of release,~~
14 ~~whichever is greater.~~

15
16 (c) Willful violation of a temporary order of
17 protection issued under W.S. 7-3-508, of a permanent order
18 of protection issued under W.S. 7-3-513 or of an order of
19 protection issued under W.S. 7-3-509 is a misdemeanor
20 punishable by imprisonment for not more than six (6)
21 months, a fine of not more than seven hundred fifty dollars
22 (\$750.00), or both. A temporary order of protection issued
23 under W.S. 7-3-508, a permanent order of protection issued

1 under W.S. 7-3-513 and an order of protection issued under
2 W.S. 7-3-509 shall have statewide applicability and a
3 criminal prosecution under this subsection may be commenced
4 in any county in which the respondent commits an act in
5 violation of the order.

6

7 (d) The remedies provided by W.S. 7-3-506 through ~~7-~~
8 ~~3-512~~7-3-513 are in addition to any other civil or
9 criminal remedy available under the law.

10

11 **7-3-511. Emergency assistance by law enforcement**
12 **officers; limited liability.**

13

14 (b) A law enforcement officer or agency responding to
15 the request for assistance may take whatever steps are
16 reasonably necessary to protect the victim, including:

17

18 (i) Advising the victim of the remedies
19 available under W.S. 7-3-506 through ~~7-3-512~~7-3-513 and
20 the availability of shelter, medical care, counseling,
21 safety planning, victim's rights counseling and other
22 services;

23

1 (ii) Advising the victim, when appropriate, of
2 the procedure for initiating proceedings under W.S. 7-3-506
3 through ~~7-3-512~~ 7-3-513 or criminal proceedings and the
4 importance of preserving evidence; and

5
6 (c) Any law enforcement agency or officer responding
7 to a request for assistance under W.S. 7-3-506 through ~~7-3-~~
8 ~~512~~ 7-3-513 is immune from civil liability when complying
9 with the request, provided that the agency or officer acts
10 in good faith and in a reasonable manner.

11
12 **7-3-512. Confidentiality in court proceedings.**

13
14 The court shall enter an order providing for the
15 confidentiality of the name, address, city and state of
16 residence or any other information identifying residence of
17 all parties involved in the sexual assault for all orders
18 issued under W.S. 7-3-508, ~~and 7-3-509~~ and 7-3-513.

19
20 **35-21-102. Definitions.**

21
22 (a) As used in this act:
23

1 (viii) "This act" means W.S. 35-21-101 through
2 ~~35-21-111~~ 35-21-113.

3
4 **35-21-106. Service of order; duration and extension**
5 **of order; violation; remedies not exclusive.**

6
7 (b) Except as otherwise provided by this subsection
8 and W.S. 35-21-113, an order of protection granted by the
9 court under W.S. 35-21-105 shall be effective for a fixed
10 period of time not to exceed three (3) years. Either party
11 may move to modify, terminate or extend the order. The
12 order may be extended repetitively upon a showing of good
13 cause for additional periods of time not to exceed three
14 (3) years each. ~~If a party subject to an order of~~
15 ~~protection is sentenced and incarcerated or becomes~~
16 ~~imprisoned the running of the time remaining for the order~~
17 ~~of protection shall be tolled during the term of~~
18 ~~incarceration or imprisonment. The conditions and~~
19 ~~provisions of an order of protection shall remain in effect~~
20 ~~during any period of tolling under this subsection. Upon~~
21 ~~release from incarceration or imprisonment the effective~~
22 ~~period of the order of protection shall be the amount of~~
23 ~~time remaining as of the first day of the term of~~

1 ~~incarceration or imprisonment or one (1) year from the date~~
2 ~~of release, whichever is greater.~~ The filing of an action
3 for divorce shall not supersede an order of protection
4 granted under this act.

5
6 (c) Willful violation of an order of protection
7 granted under this act is a crime as defined by W.S. 6-4-
8 404. An order of protection granted under this act has
9 statewide applicability and a criminal prosecution under
10 this subsection may be commenced in any county in which the
11 respondent commits an act in violation of the order of
12 protection.

13

14 **Section 3.**

15

16 (a) Nothing in this act shall be construed to alter,
17 amend or abrogate any order of protection entered or
18 granted before July 1, 2025.

19

20 (b) Orders of protection that are tolled under the
21 provisions of W.S. 7-3-510(b) or 35-21-106(b) on July 1,
22 2025 shall be tolled and shall have their duration

1 calculated in accordance with W.S. 7-3-510(b) or 35-21-
2 106(b) as those provisions existed on June 30, 2025.

3

4 **Section 4.** This act is effective July 1, 2025.

5

6

(END)