DRAFT ONLY
NOT APPROVED FOR INTRODUCTION

HOUSE BILL NO.

Homicide by vehicle-amendments.

Sponsored by: Joint Judiciary Interim Committee

A BILL

for

AN ACT relating to crimes and offenses; amending the offense of aggravated homicide by vehicle to specify additional qualifying actions for that offense; and providing for an effective date.

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

Section 1. W.S. 6-2-106(b)(i), (ii) and by creating a new paragraph (iii) is amended to read:

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STAFF COMMENT

For the Committee's reference, the entire text of W.S. 6-2-106 is included in this bill draft. Only amended portions of this section would appear in any final bill.

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6-2-106. Homicide by vehicle; aggravated homicide by vehicle; penalties.

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

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

(i) While operating or driving a vehicle in violation of W.S. 10-6-103, 31-5-225, 31-5-233, 31-5-237, 31-7-134 or 41-13-206, he causes the death of another person and the violation is the proximate cause of the death; ~~or~~

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STAFF COMMENT

The three offenses for which violations may trigger aggravated vehicular homicide that are added in this bill draft are:

- **W.S. 31-5-225: Fleeing or attempting to elude police officers.**
- **W.S. 31-5-237: Use of handheld wireless devices for electronic messaging.**
- **W.S. 31-7-134: Driving while license is cancelled, suspended, invalid, or revoked.**

The full text of these statutes is included as a separate attachment in the meeting materials.

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

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STAFF COMMENT

For purposes of subsection (a) and paragraph (b)(ii) of this section, below are the definitions of "criminal negligence" and "reckless" for purposes of this section:

6-1-104. Definitions.

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

(iii) "Criminal negligence" is defined as the following conduct: A person acts with criminal negligence when, through a gross deviation from the standard of care that a reasonable person would exercise, he fails to perceive a substantial and unjustifiable risk that the harm he is accused of causing will occur, and the harm results. The risk shall be of such nature and degree that the failure to perceive it constitutes a gross deviation from the standard of care that a reasonable person would observe in the situation;

(ix) "Recklessly" is defined as the following conduct: A person acts recklessly when he consciously disregards a substantial and unjustifiable risk that the harm he is accused of causing will occur, and the harm results. The risk shall be of such nature and degree that disregarding it constitutes a gross deviation from the standard of conduct that a reasonable person would observe in the situation;

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(iii) The person has been previously convicted of reckless driving under W.S. 31-5-229 or a similar law of another jurisdiction, and the person's conduct while operating or driving a vehicle is the proximate cause of the death of another person.

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STAFF COMMENT

The inclusion of prior convictions of reckless driving (under W.S. 31-5-229) and the inclusion of driving while under suspension or revocation (under W.S. 31-7-134) may result in a person's conduct that is not criminally negligent or reckless conduct potentially qualifying as a conviction for aggravated homicide by vehicle. Particularly for paragraph (iii) above, the Committee may wish to consider specifying that the operation of the motor vehicle is criminally negligent or reckless to qualify for the aggravated conviction.

Based on the Committee's discussion at the May meeting, this draft is tied to the violation of (or previous conviction for) existing offenses. The Committee also discussed in May whether the following actions should also be included as actions triggering aggravated vehicular homicide:

- **Distracted driving (i.e., the use of a cell phone at all).**
- **Prior convictions for driving under the influence.**
- **Prior traffic convictions showing a pattern of unsafe driving.**
- **Probation or parole status at the time of the action.**
- **Death of a road user not in a motor vehicle (i.e., pedestrian, cyclist) in a marked crosswalk.**

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(c) The department of transportation shall revoke the license or permit to drive and the nonresident operating privilege of any person convicted of aggravated homicide by vehicle or of homicide by vehicle.

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

Section 2. This act is effective July 1, 2027.

(END)