

HOUSE BILL NO. HB0006

Domestic assault and battery.

Sponsored by: Joint Judiciary Interim Committee

A BILL

for

1 AN ACT relating to crimes and offenses; creating the
2 offenses of domestic assault and domestic battery;
3 repealing and conforming provisions; and providing for an
4 effective date.

5

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

7

8 **Section 1.** W.S. 6-2-510 and 6-2-511 are created to
9 read:

10

11 **6-2-510. Domestic assault.**

12

13 (a) A household member is guilty of domestic assault
14 if, having the present ability to do so, he unlawfully
15 attempts to cause bodily injury to another household
16 member.

1

2 (b) Domestic assault is punishable as follows:

3

4 (i) By a fine of not more than seven hundred
5 fifty dollars (\$750.00);

6

7 (ii) By imprisonment for not more than six (6)
8 months, a fine of not more than seven hundred fifty dollars
9 (\$750.00), or both, if the person has previously been
10 convicted of domestic assault or if the person has
11 previously been convicted of the following or similar
12 offense against another household member:

13

14 (A) Domestic battery under W.S. 6-2-511;

15

16 (B) Simple assault under W.S. 6-2-501(a);

17

18 (C) Battery under W.S. 6-2-501(b);

19

20 (D) Aggravated assault and battery under
21 W.S. 6-2-502;

22

23 (E) Child abuse under W.S. 6-2-503; or

24

1 (F) Reckless endangering under W.S.
2 6-2-504.

3

4 (c) If a person sentenced under paragraph (b)(ii) of
5 this section is placed on probation, the court may,
6 notwithstanding any other provision of law, impose a term
7 of probation exceeding the maximum six (6) months
8 imprisonment, provided the term or probation, including
9 extensions, shall not exceed one (1) year.

10

11 (d) As used in this section:

12

13 (i) "Convicted" means a person has been
14 convicted upon a plea of guilty or no contest or has been
15 found guilty;

16

17 (ii) "Household member" means as defined in W.S.
18 35-21-102;

19

20 (iii) "Similar offense" means a substantially
21 similar law of this or any other state, tribe or territory.

22

23 **6-2-511. Domestic battery.**

24

1 (a) A household member is guilty of domestic battery
2 if he knowingly or recklessly causes bodily injury to
3 another household member by use of physical force.

4

5 (b) Domestic battery is punishable as follows:

6

7 (i) By imprisonment for not more than six (6)
8 months, a fine of not more than seven hundred fifty dollars
9 (\$750.00), or both;

10

11 (ii) By imprisonment for not more than one (1)
12 year, a fine of not more than one thousand dollars
13 (\$1,000.00), or both, if within the previous five (5)
14 years, the person has been convicted of domestic battery or
15 the following or similar offense against another household
16 member:

17

18 (A) Domestic assault under W.S. 6-2-510;

19

20 (B) Simple assault under W.S. 6-2-501(a);

21

22 (C) Battery under W.S. 6-2-501(b);

23

1 (D) Aggravated assault and battery under
2 W.S. 6-2-502;

3

4 (E) Child abuse under W.S. 6-2-503; or

5

6 (F) Reckless endangering under W.S.
7 6-2-504.

8

9 (iii) By imprisonment for not more than five (5)
10 years, a fine of not more than two thousand dollars
11 (\$2,000.00), or both, if within the previous ten (10)
12 years, the person has been convicted of domestic battery
13 two (2) or more times or has been convicted of domestic
14 battery and the following or similar offense against
15 another household member:

16

17 (A) Domestic assault under W.S. 6-2-510;

18

19 (B) Simple assault under W.S. 6-2-501(a);

20

21 (C) Battery under W.S. 6-2-501(b);

22

23 (D) Aggravated assault and battery under
24 W.S. 6-2-502;

1

2

(E) Child abuse under W.S. 6-2-503; or

3

4

(F) Reckless endangering under W.S.

5

6-2-504.

6

7

(c) If a person sentenced under paragraph (b)(ii) of

8

this section is placed on probation, the court may,

9

notwithstanding any other provision of law, impose a term

10

of probation exceeding the maximum imprisonment of one (1)

11

year, provided the term or probation, including extensions,

12

shall not exceed two (2) years.

13

14

(d) As used in this section:

15

16

(i) "Convicted" means a person has been

17

convicted upon a plea of guilty or no contest or has been

18

found guilty;

19

20

(ii) "Household member" means as defined in W.S.

21

35-21-102;

22

23

(iii) "Similar offense" means substantially

24

similar law of this or any other state, tribe or territory.

1

2 **Section 2.** W.S. 6-1-104 (a) (xv) (R) and (S),
3 7-6-102 (a) (v) (B), 7-13-301 (a) (intro), 7-13-1105 (c),
4 7-13-1501 (a) (intro) and (ii), 7-13-1502 (a) (iv) (E) and
5 7-20-102 (a) are amended to read:

6

7 **6-1-104. Definitions.**

8

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

10

11 (xv) "Pattern of criminal street gang activity"
12 means the commission of, conviction or adjudication for or
13 solicitation, conspiracy or attempt to commit two (2) or
14 more of the offenses listed in this paragraph on separate
15 occasions within a three (3) year period. Offenses that
16 form a pattern of criminal street gang activity include:

17

18 (R) Simple assault in violation of W.S.
19 6-2-501 (a) and domestic assault in violation of W.S.
20 6-2-510;

21

22 (S) Battery in violation of W.S. 6-2-501 (b)
23 and domestic battery in violation of W.S. 6-2-511.

24

1 **7-6-102. Definitions.**

2

3 (a) As used in this act:

4

5 (v) "Serious crime" means:

6

7 (B) Any misdemeanor offense charged under
8 W.S. 6-2-501, 6-2-510 or 6-2-511, or any other provision, a
9 conviction of which is a "misdemeanor crime of domestic
10 violence" as defined in 18 U.S.C. § 921(a)(33), and which
11 may therefore result in the disqualification of the person
12 to possess firearms pursuant to the provisions of 18 U.S.C.
13 §§ 922(g)(9) and 924(a)(2), regardless of the determination
14 of the judge that he intends not to impose a term of
15 incarceration for the state offense.

16

17 **7-13-301. Placing person found guilty, but not**
18 **convicted, on probation.**

19

20 (a) If a person who has not previously been convicted
21 of any felony is charged with or is found guilty of or
22 pleads guilty or no contest to any misdemeanor except any
23 second or subsequent violation of W.S. 31-5-233 or any
24 similar provision of law, or any second or subsequent

1 violation of W.S. ~~6-2-501(a) or (b) by a household member~~
2 ~~as defined by W.S. 35-21-102 against any other household~~
3 ~~member~~ 6-2-510(a) or 6-2-511(a) or any similar provision of
4 law, or any felony except murder, sexual assault in the
5 first or second degree, aggravated assault and battery or
6 arson in the first or second degree, the court may, with
7 the consent of the defendant and the state and without
8 entering a judgment of guilt or conviction, defer further
9 proceedings and place the person on probation for a term
10 not to exceed five (5) years upon terms and conditions set
11 by the court. The terms of probation shall include that he:

12

13 **7-13-1105. Placement of probationer in program by**
14 **sentencing court.**

15

16 (c) Subject to the conditions specified in subsection
17 paragraphs (a)(i) through (iv) of this section,
18 participation in a program established under this article
19 may be ordered for a defendant who has entered a plea of
20 guilty or nolo contendere to or has been convicted of a
21 violation of W.S. 6-2-510 or 6-2-511 or a violation of W.S.
22 6-4-404, or a violation of W.S. 6-2-501(a), (b), (c) or
23 (f)(i) or 6-2-504(a) or (b) if the defendant and the victim
24 are household members as defined by W.S. 35-21-102(a)(iv).

1

2 7-13-1501. Petition for expungement of records of
3 conviction of misdemeanors; filing fee; notice; objections;
4 hearing; definitions.

5

6 (a) A person who has pleaded guilty or nolo
7 contendere to or been convicted of a misdemeanor under W.S.
8 6-2-501(a), or (b), ~~or (e)~~, ~~6-2-504(a)~~, 6-2-510(a),
9 6-2-511(a) or 6-6-102, or those same misdemeanors arising
10 out of the same occurrence or related course of events, may
11 petition the convicting court for an expungement of the
12 records of conviction, subject to the following
13 limitations:

14

15 (ii) Other than convictions for which an
16 expungement is sought under this section, the petitioner
17 has not previously pleaded guilty or nolo contendere to or
18 been convicted of a misdemeanor under W.S. 6-2-501(a), or
19 (b), ~~or (e)~~, ~~6-2-504(a)~~, 6-2-510(a), 6-2-511(a) or 6-6-102;

20

21 7-13-1502. Petition for expungement of records of
22 conviction of certain felonies; filing fee; notice;
23 objections; hearing; definitions; restoration of rights.

24

1 (a) A person convicted of a felony or felonies
2 subject to expungement under this section arising out of
3 the same occurrence or related course of events, may
4 petition the convicting court for an expungement of the
5 records of conviction, subject to the following
6 limitations:

7

8 (iv) Felonies subject to expungement under this
9 section shall not include:

10

11 (E) Any offense punishable under W.S.

12 ~~6-2-501(f)~~ 6-2-511(b)(iii);

13

14 **7-20-102. Arrests without warrant.**

15

16 (a) In addition to arrests specified in W.S. 7-2-102,
17 any peace officer who has probable cause to believe that a
18 violation of W.S. ~~6-2-501(a), (b), (e) through (g),~~
19 6-2-510(a) or 6-2-511(a) has taken place within the
20 preceding twenty-four (24) hours or is taking place or that
21 a violation of W.S. 6-2-502(a) or 6-2-504(a) or (b) has
22 taken place within the preceding twenty-four (24) hours or
23 is taking place and that the person who committed or is
24 committing the violation is a household member as defined

1 by W.S. 35-21-102(a)(iv), may arrest the violator without a
2 warrant for that violation, regardless of whether the
3 violation was committed in the presence of the peace
4 officer.

5

6 **Section 3.** W.S. 6-2-501(e) and (f) is repealed.

7

8 **Section 4.** This act is effective July 1, 2014.

9

10

(END)