

SENATE FILE NO. SF0046

Misdemeanor penalty enhancements.

Sponsored by: Senator(s) Mockler and Massie and Representative(s) Boswell and Tipton

A BILL

for

1 AN ACT relating to crimes and offenses; providing enhanced
2 misdemeanor penalties for crimes committed against certain
3 people or property; 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. 6-1-105 is created to read:

8

9 **6-1-105. Enhanced penalty for crimes committed**
10 **against certain people or property.**

11

12 (a) If a person does all of the following, the
13 penalties for the underlying crime are increased as
14 provided in subsection (b) of this section:

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1 (i) Commits a crime under the Wyoming Criminal
2 Code of 1982;

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4 (ii) Intentionally selects the person against
5 whom the crime under paragraph (i) of this subsection is
6 committed or selects the property that is damaged or
7 otherwise affected by the crime under paragraph (i) of this
8 subsection in whole or in part because of the actor's
9 belief or perception regarding the race, religion, color,
10 disability, sexual orientation, national origin or ancestry
11 of that person or the owner or occupant of that property,
12 whether or not the actor's belief or perception was
13 correct.

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15 (b) Enhanced penalties for crimes meeting the
16 criteria of subsection (a) of this section are as follows:

17

18 (i) If the crime committed under subsection (a)
19 of this section is ordinarily a misdemeanor punishable by a
20 fine alone without an authorized term of imprisonment, the
21 revised maximum fine is twice the amount of the normal
22 maximum fine and the maximum period of imprisonment shall
23 be six (6) months;

24

1 (ii) If the crime committed under subsection (a)
2 of this section is ordinarily a misdemeanor punishable by a
3 maximum period of imprisonment of six (6) months, the
4 revised maximum fine is twice the amount of the normal
5 maximum fine and the revised maximum period of imprisonment
6 is one (1) year.

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8 (c) This section provides for the enhancement of the
9 penalties applicable for the underlying crime. The court
10 shall direct that the trier of fact find a special verdict
11 as to all of the issues specified in subsection (a) of this
12 section.

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14 (d) This section does not apply to any underlying
15 crime if proof of race, religion, color, disability, sexual
16 orientation, national origin or ancestry or proof of any
17 person's perception or belief regarding another's race,
18 religion, color, disability, sexual orientation, national
19 origin or ancestry is required for a conviction for that
20 crime.

21

22 (e) Evidence of expressions or associations of the
23 accused may not be introduced at trial as evidence of
24 intent under paragraph (a)(ii) of this section unless the

1 expression or association relates to the crime charged and
2 is reasonably contemporaneous to the underlying offense.
3 Nothing in this section shall affect the rules of evidence
4 governing impeachment of a witness.

5

6 (f) Nothing in this section confers or expands any
7 civil rights or protections to any group or class
8 identified under this section beyond those rights or
9 protections that exist under the federal or state
10 constitution or the civil laws of the state of Wyoming.

11

12 **Section 2.** This act shall apply to crimes committed on
13 or after its effective date.

14

15 **Section 3.** This act is effective July 1, 2002.

16

17

(END)