

SENATE FILE NO. SF0071

Murder in the first degree.

Sponsored by: Senator(s) Sessions, Job, Meier and Schiffer
and Representative(s) Johnson, L. and Rose

A BILL

for

1 AN ACT relating to crimes and offenses; amending the
2 elements of the crime of murder in the first degree; and
3 providing for an effective date.

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

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7 **Section 1.** W.S. 6-2-101 is amended to read:

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9 **6-2-101. Murder in the first degree; penalty.**

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11 (a) Whoever purposely and with premeditated malice,
12 or in the perpetration of, or attempt to perpetrate, any
13 sexual assault, arson, robbery, burglary, escape, resisting
14 arrest, or kidnapping, ~~or abuse of a child under the age of~~
15 ~~sixteen (16) years,~~ kills any human being is guilty of
16 murder in the first degree.

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2 (b) Whoever intentionally or knowingly shakes or
3 inflicts bodily injury upon a child under the age of
4 eighteen (18) years resulting in the child's death is
5 guilty of murder in the first degree, if the actor is an
6 adult and is at least four (4) years older than the victim.

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8 ~~(b)~~(c) A person convicted of murder in the first
9 degree shall be punished by death, life imprisonment
10 without parole or life imprisonment according to law,
11 except that no person shall be subject to the penalty of
12 death for any murder committed before the defendant
13 attained the age of sixteen (16) years.

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15 ~~(e)~~(d) A person convicted of murder in the first
16 degree in a case in which the state seeks the death penalty
17 shall be sentenced in accordance with the provisions of
18 W.S. 6-2-102. In all other cases, including any case in
19 which the state has determined not to seek the death
20 penalty at any stage of the proceeding, the judge shall
21 determine the sentence of life imprisonment without parole
22 or life imprisonment taking into consideration any
23 negotiated plea agreement and any evidence relevant to a

1 determination of sentence which the court deems to have
2 probative value.

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4 **Section 2.** This act is effective July 1, 2002.

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(END)