

HOUSE BILL NO. HB0036

Sex offenses-age of victim.

Sponsored by: Representative(s) Meuli, Tipton and Warren
and Senator(s) Boggs and Job

A BILL

for

1 AN ACT relating to crimes and offenses; redefining elements
2 for specified sex crimes involving child victims;
3 conforming related provisions; and providing for an
4 effective date.

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

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8 **Section 1.** W.S. 6-2-304(a)(i), 6-2-306(d)(iii),
9 6-2-308(a), 7-19-301(a)(ii) and (xiii), 14-3-104 and
10 14-3-105(b)(i) and (ii)(C) are amended to read:

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12 **6-2-304. Sexual assault in the third degree.**

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14 (a) An actor commits sexual assault in the third
15 degree if, under circumstances not constituting sexual
16 assault in the first or second degree:

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6-2-306. Penalties for sexual assault.

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6-2-308. Criminality of conduct; victim's age.

(i) The actor is at least four (4) years older than the victim and inflicts sexual intrusion on a victim ~~under the age of sixteen (16)~~ seventeen (17) years of age or younger; or

(d) An actor who is convicted of sexual assault shall be punished by life imprisonment without parole if the actor has two (2) or more previous convictions for any of the following designated offenses, which convictions resulted from charges separately brought and which arose out of separate occurrences in this state or elsewhere:

(iii) A conviction under W.S. 14-3-105(a), or a criminal statute containing the same or similar elements as the crime defined by W.S. 14-3-105(a), if the circumstances of the crime involved a victim who was ~~under the~~ seventeen (17) years of age ~~of sixteen (16) or younger~~ at the time of the offense and an actor who was at least four (4) years older than the victim.

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2 (a) Except as provided by subsection (b) of this
3 section, if criminality of conduct in this article depends
4 on a victim being ~~under sixteen (16)~~ seventeen (17) years
5 of age or younger, it is an affirmative defense that the
6 actor reasonably believed that the victim was ~~sixteen (16)~~
7 eighteen (18) years of age or older.

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9 **7-19-301. Definitions.**

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11 (a) For purposes of this act:

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13 (ii) "Aggravated sex offense" means sexual
14 assault under W.S. 6-2-302 regardless of the age of the
15 victim, W.S. 6-2-303 regardless of the age of the victim,
16 W.S. 6-2-304(a)(ii), or an offense under W.S.
17 6-2-304(a)(iii) if the victim was ~~under the~~ seventeen (17)
18 years of age ~~of sixteen (16)~~ or younger, incest under W.S.
19 6-4-402, or an offense under W.S. 14-3-105 provided the
20 victim was under the age of sixteen (16) years and the
21 offender was at least four (4) years older than the victim,
22 or an attempt to commit an offense enumerated in this
23 paragraph. "Aggravated sex offense" includes an offense
24 committed in another jurisdiction, including a federal

1 court or courts martial, which, if committed in this state,
2 would constitute an "aggravated sex offense" as defined in
3 this paragraph;

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5 (xiii) "Sex offense" means the offenses of
6 sexual assault under W.S. 6-2-304(a)(i) or ~~6-2-304(a)(iii)~~
7 (iii) if the victim is ~~sixteen (16)~~ eighteen (18) years of
8 age or older, conspiracy to commit sexual assault as
9 defined by W.S. 6-2-301(a)(v), indecent liberties under
10 W.S. 14-3-105 provided the victim was at least sixteen (16)
11 years and less than eighteen (18) years of age and the
12 offender was at least four (4) years older than the victim,
13 or an attempt to commit an offense enumerated in this
14 paragraph. "Sex offense" includes an offense committed in
15 another jurisdiction, including a federal court or courts
16 martial, which, if committed in this state, would
17 constitute a "sex offense" as defined in this paragraph;

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19 **14-3-104. Soliciting to engage in illicit sexual**
20 **relations; penalty.**

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22 Except under circumstance constituting sexual assault in
23 the first, second or third degree as defined by W.S.
24 6-2-302 through 6-2-304, anyone who solicits, procures or

1 knowingly encourages anyone ~~under the~~ seventeen (17) years
2 of age ~~of sixteen (16) years or younger~~ to engage in
3 illicit sexual penetration or sexual intrusion as defined
4 in W.S. 6-2-301 is guilty of a felony, and upon conviction
5 shall be imprisoned for a term not more than five (5)
6 years.

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8 **14-3-105. Immoral or indecent acts; penalty.**

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10 (b) An actor convicted under subsection (a) of this
11 section shall be punished by life imprisonment without
12 parole if:

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14 (i) The circumstances of the crime involve ~~a~~
15 ~~victim who was under the age of sixteen (16) at the time of~~
16 ~~the offense and~~ an actor who was at least four (4) years
17 older than the victim at the time of the offense; and

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19 (ii) The actor has two (2) or more previous
20 convictions for any of the following designated offenses,
21 which convictions resulted from charges separately brought
22 and which arose out of separate occurrences in this state
23 or elsewhere:

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1 (C) A conviction under W.S. 14-3-105(a), or
2 a criminal statute containing the same or similar elements
3 as the crime defined by W.S. 14-3-105(a), if the
4 circumstances of the crime involved a victim who was ~~under~~
5 ~~the age of sixteen (16)~~ a child at the time of the offense
6 and an actor who was at least four (4) years older than the
7 victim.

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9 **Section 2.** This act is effective July 1, 2004.

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(END)