

HOUSE BILL NO. HB0260

DUI-child endangerment.

Sponsored by: Representative(s) Hinckley, Berger, Brown,  
Harshman, Harvey, Iekel, Jorgensen,  
Pedersen, Warren, Watt and White and  
Senator(s) Boggs, Johnson and Massie

A BILL

for

1 AN ACT relating to driving under the influence; providing  
2 additional penalties for driving under the influence with a  
3 child in the vehicle; providing for investigation by child  
4 protective services; and providing for an 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. 14-3-202(a)(ii)(D), 31-5-233(a) by  
9 creating a new paragraph (vi) and by creating a new  
10 subsection (m) and 31-5-234(a) by creating a new paragraph  
11 (v) and by creating a new subsection (j) are amended to  
12 read:

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14 **14-3-202. Definitions.**

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1 (a) As used in W.S. 14-3-201 through 14-3-215:

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3 (ii) "Abuse" means inflicting or causing  
4 physical or mental injury, harm or imminent danger to the  
5 physical or mental health or welfare of a child other than  
6 by accidental means, including abandonment, unless the  
7 abandonment is a relinquishment substantially in accordance  
8 with W.S. 14-11-101 through 14-11-109, excessive or  
9 unreasonable corporal punishment, malnutrition or  
10 substantial risk thereof by reason of intentional or  
11 unintentional neglect, and the commission or allowing the  
12 commission of a sexual offense against a child as defined  
13 by law:

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15 (D) "Imminent danger" includes threatened  
16 harm and means a statement, overt act, condition or status  
17 which represents an immediate and substantial risk of  
18 sexual abuse or physical or mental injury. "Imminent  
19 danger" includes violation of W.S. 31-5-233(m) or  
20 31-5-234(j).

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22 **31-5-233. Driving or having control of vehicle while**  
23 **under influence of intoxicating liquor or controlled**  
24 **substances; penalties.**

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2 (a) As used in this section:

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4 (vi) "Child passenger" means a person traveling  
5 in a vehicle who is under sixteen (16) years of age.

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7 (m) Any person over the age of seventeen (17) who has  
8 a child passenger in the vehicle during a violation of this  
9 section shall be punished upon conviction as follows:

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11 (i) If previously convicted and sentenced under  
12 this section, or any other law substantially conforming to  
13 the provisions of this subsection, by imprisonment for not  
14 more than five (5) years; and

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16 (ii) For purposes of calculating if an  
17 individual has a second or subsequent conviction for a  
18 violation of this section or other law prohibiting driving  
19 while under the influence with a child passenger in the  
20 vehicle, any dismissal of a charge pursuant to W.S.  
21 7-13-301 for a violation of this section or other law  
22 prohibiting driving under the influence with a child  
23 passenger in the vehicle shall be counted as a conviction  
24 for purposes of this section.

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**31-5-234. Unlawful operation of vehicle by youthful driver with detectable alcohol concentration; penalty.**

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(a) As used in this section:

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(v) "Child passenger" means a person traveling in a vehicle who is under sixteen (16) years of age.

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(j) Any person over the age of seventeen (17) who has a child passenger in the vehicle during a violation of this section shall be punished upon conviction as follows:

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(i) If previously convicted and sentenced under this section, or any other law substantially conforming to the provisions of this section, by imprisonment for not more than five (5) years; and

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(ii) For purposes of calculating if an individual has a second or subsequent conviction for a violation of this section or other law prohibiting driving while under the influence with a child passenger in the vehicle, any dismissal of a charge pursuant to W.S. 7-13-301 for a violation of this section or other law

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1 prohibiting driving under the influence with a child  
2 passenger in the vehicle shall be counted as a conviction  
3 for purposes of this section.

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5       **Section 2.** This act is effective immediately upon  
6 completion of all acts necessary for a bill to become law  
7 as provided by Article 4, Section 8 of the Wyoming  
8 Constitution.

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(END)