

SENATE FILE NO. SF0173

Assault upon corrections or detention officer.

Sponsored by: Senator(s) Meier and Vasey

A BILL

for

1 AN ACT relating to crimes and offenses; creating the crime
2 of assault and battery on a corrections or detention
3 officer; providing penalties; providing definitions; and
4 providing for an effective date.

5

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

7

8 **Section 1.** W.S. 6-2-508 is created to read:

9

10 **6-2-508. Assault and battery on corrections or**
11 **detention officer; penalties; definitions.**

12

13 (a) A person is guilty of assault and battery on a
14 corrections or detention officer if he recklessly:

15

16 (i) Propels any dangerous substance at the
17 corrections officer, detention officer or staff member

1 while the corrections officer, detention officer or staff
2 member is acting in the course of his official duty, or as
3 a result of the corrections officer's, detention officer's
4 or staff member's official duties; or

5

6 (ii) Tamper with or alters any item by
7 contaminating the item with any dangerous substance, if the
8 item may be handled or consumed by the corrections officer,
9 detention officer or staff member while the corrections
10 officer, detention officer or staff member is acting in the
11 course of his official duty, or as a result of the
12 corrections officer's, detention officer's or staff
13 member's official duties.

14

15 (b) A person is guilty of aggravated assault and
16 battery on a corrections or detention officer if he
17 intentionally or knowingly:

18

19 (i) Propels any dangerous substance at the
20 corrections officer, detention officer or staff member
21 while the corrections officer, detention officer or staff
22 member is acting in the course of his official duty, or as
23 a result of the corrections officer's, detention officer's
24 or staff member's official duties; or

1

2 (ii) Tamper with or alters any item by
3 contaminating the item with any dangerous substance, if the
4 item may be handled or consumed by the corrections officer,
5 detention officer or staff member while the corrections
6 officer, detention officer or staff member is acting in the
7 course of his official duty, or as a result of the
8 corrections officer's, detention officer's or staff
9 member's official duties.

10

11 (c) A violation of subsection (a) of this section is
12 a misdemeanor punishable by a fine of not more than seven
13 hundred fifty dollars (\$750.00), imprisonment for not more
14 than six (6) months, or both.

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16 (d) A violation of subsection (b) of this section is
17 a felony punishable by a fine of not more than five
18 thousand dollars (\$5,000.000), imprisonment for not more
19 than five (5) years, or both.

20

21 (e) A violation of either subsection (a) or (b) of
22 this section, if that violation results in a corrections
23 officer, detention officer or staff member contracting a
24 life threatening disease, shall result in the enhancement

1 of the sentence entered under subsection (c) or (d) of this
2 section by a period of imprisonment for not more than ten
3 (10) years.

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5 (f) As used in this section:

6

7 (i) "Dangerous substance" includes, but is not
8 limited to, blood, urine, saliva, semen and feces;

9

10 (ii) "Corrections officer" means a person who is
11 employed by the department of corrections and works at a
12 department of corrections facility to care for, supervise
13 and control persons in the custody of the department of
14 corrections;

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16 (iii) "Detention officer" means a person who is
17 employed by a county or municipality on a full-time basis
18 to care for, supervise and control persons detained in a
19 jail or holding facility;

20

21 (iv) "Staff member" means:

22

23 (A) A department of corrections or
24 department of family services staff member, or a person

1 employed pursuant to a contract with the department of
2 corrections or department of family services, who works
3 with, or in the vicinity of, inmates or youth offenders;
4 and

5

6 (B) A volunteer authorized by the
7 department of corrections or other entity in charge of a
8 corrections facility to work with, or in the vicinity of,
9 inmates or youth offenders.

10

11 **Section 2.** This act is effective July 1, 2005.

12

13 (END)