

## HOUSE BILL NO. HB0036

Rape shield law.

Sponsored by: Representative(s) Gingery, Petersen and  
Quarberg and Senator(s) Decaria

A BILL

for

1 AN ACT relating to crimes and offenses; specifying evidence  
2 that is admissible and is not admissible with respect to  
3 the victim's sexual conduct or communications in a sexual  
4 assault trial; providing exceptions; repealing procedures  
5 for the admission of evidence relating to the victim's  
6 prior sexual conduct, reputation and character; and  
7 providing for an effective date.

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

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11 **Section 1.** W.S. 6-2-312 by creating new subsections  
12 (d) and (e) is amended to read:

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14 **6-2-312. Evidence of victim's prior sexual conduct or**  
15 **reputation; procedure for introduction.**

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1       (d) In any prosecution under W.S. 6-2-302 through  
2 6-2-304 or for any lesser included offense, evidence of the  
3 victim's sexual conduct and the victim's sexual  
4 communication with the defendant on the occurrence at issue  
5 is admissible. Direct or opinion evidence of the victim's  
6 sexual conduct and sexual communication prior or subsequent  
7 to the occurrence at issue is inadmissible, subject to the  
8 following exceptions under which said evidence may be  
9 admissible:

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11       (i) Evidence of an alternative source for the  
12 semen, pregnancy, disease or injury that the victim  
13 suffered as a result of the act charged;

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15       (ii) Evidence of negotiations between the victim  
16 and the actor to convey consent in a specific way or to  
17 engage in a specific sexual act at issue;

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19       (iii) Evidence of the victim's bias or motive to  
20 fabricate the act charged;

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22       (iv) Evidence of the victim's prior false  
23 allegations of sexual assault.

1           (e) A written motion shall be made by the  
2 defendant to the court at least ten (10) days prior to  
3 trial stating the defendant intends to introduce evidence  
4 pursuant to paragraphs (d)(i) through (iv) of this section.  
5 The court shall order a hearing in chambers and shall issue  
6 an order stating what evidence shall be admissible pursuant  
7 to paragraphs (d)(i) through (iv) of this section. Any  
8 motion submitted pursuant to this subsection is privileged  
9 information and shall not be released or made available for  
10 public use or scrutiny in any manner, including post-trial  
11 proceedings.

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13       **Section 2.** W.S. 6-2-312(a) through (c) is repealed.

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15       **Section 3.** This act is effective July 1, 2007.

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17                               (END)