

HOUSE BILL NO. HB0134

Death penalty repeal.

Sponsored by: Representative(s) Watt

A BILL

for

1 AN ACT relating to crimes and offenses and criminal
2 procedure; repealing the death penalty; repealing
3 procedures related to imposition and execution of death
4 sentences; amending related provisions; providing
5 applicability; and providing for an effective date.

6

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

8

9 **Section 1.** W.S. 6-1-304, 6-2-101(b) and (c),
10 6-10-101, 7-6-104(c)(ii), 7-10-101(a), 7-11-202,
11 7-13-107(a)(intro), 7-13-302(a)(intro), 7-13-424(a)(intro),
12 7-13-1003(b)(i), 7-16-205(a)(i), 7-16-305(a)(ii) and (iii)
13 and 7-18-102(a)(iii)(B), (C), (v)(B) and (C) are amended to
14 read:

15

16 **6-1-304. Grading.**

17

1 The penalty for attempt, solicitation or conspiracy is the
2 same as the penalty for the most serious crime which is
3 attempted, solicited or is an object of the conspiracy.

4 ~~except that an attempt, solicitation or conspiracy to~~
5 ~~commit a capital crime is not punishable by the death~~
6 ~~penalty if the capital crime is not committed.~~

7
8 **6-2-101. Murder in the first degree; penalty.**

9
10 (b) A person convicted of murder in the first degree
11 shall be punished by ~~death,~~ life imprisonment without
12 parole or life imprisonment according to law, except that a
13 person convicted of murder in the first degree who was
14 under the age of eighteen (18) years at the time of the
15 offense shall be punished by life imprisonment.

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

1 negotiated plea agreement and any evidence relevant to a
2 determination of sentence which the court deems to have
3 probative value.

4
5 **6-10-101. "Felony" and "misdemeanor" defined.**

6
7 Crimes which may be punished ~~by death or~~ by imprisonment
8 for more than one (1) year are felonies. All other crimes
9 are misdemeanors.

10
11 **7-6-104. Representation of needy persons.**

12
13 (c) A needy person who is entitled to be represented
14 by an attorney under subsection (a) of this section is
15 entitled:

16
17 (ii) To be represented in any appeal to a
18 Wyoming court, and in cases ~~in which the death penalty has~~
19 ~~been imposed or in such other cases as~~ the state public
20 defender deems appropriate, in a writ of certiorari to the
21 United States supreme court, and in proceedings under W.S.
22 7-14-101 through 7-14-108;

23
24 **7-10-101. Right of defendant.**

1

2 (a) A person arrested for an offense ~~not punishable~~
3 ~~by death~~ may be admitted to bail.

4

5 **7-11-202. Presence of defendant.**

6

7 Except as otherwise provided by this section, the defendant
8 shall be present at the arraignment, at every stage of the
9 trial, including the impaneling of the jury, and the return
10 of the verdict and at the imposition of sentence. In
11 prosecution for offenses , ~~not punishable by death,~~ the
12 defendant's voluntary absence after the trial has been
13 commenced in his presence shall not prevent continuing the
14 trial to and including the return of the verdict. A
15 corporation may appear by counsel for all purposes. In
16 prosecutions of all misdemeanor cases, the court, with the
17 written consent of the defendant, may permit arraignment,
18 plea, and imposition of sentence in a defendant's
19 absence. The defendant's presence is not required at a
20 reduction of sentence hearing.

21

22 **7-13-107. Split sentence of incarceration in county**
23 **jail followed by probation; civil liability of county**
24 **officers and employees.**

1

2 (a) Following a defendant's conviction of, or his
3 plea of guilty to any felony, other than a felony
4 punishable by ~~death or~~ life imprisonment, the court may
5 impose any sentence of imprisonment authorized by law and
6 except as provided in subsection (g) of this section, may
7 in addition provide:

8

9 7-13-302. Placing person convicted on probation;
10 suspension of imposition or execution of sentence;
11 imposition of fine.

12

13 (a) After conviction or plea of guilty for any
14 offense, except crimes punishable by ~~death or~~ life
15 imprisonment, and following entry of the judgment of
16 conviction, the court may:

17

18 7-13-424. Medical parole; conditions.

19

20 (a) Notwithstanding any other provision of law
21 restricting the grant of parole, except for inmates
22 sentenced to ~~death or~~ life imprisonment without parole, the
23 board may grant a medical parole to any inmate meeting the
24 conditions specified in this section. The board shall

1 consider a medical parole upon receipt of written
2 certification by a licensed treating physician that, within
3 a reasonable degree of certainty, one (1) of the following
4 circumstances exist:

5

6 **7-13-1003. Establishment of program; eligibility;**
7 **rulemaking authority.**

8

9 (b) In addition to any other eligibility requirements
10 adopted by the department, an inmate is eligible for
11 placement in the youthful offender program only if he:

12

13 (i) Is serving a sentence of imprisonment at a
14 state penal institution for any offense other than a felony
15 punishable by ~~death or~~ life imprisonment;

16

17 **7-16-205. Disposition of earnings; confidentiality of**
18 **amount.**

19

20 (a) Payment for services performed by any prisoner
21 under W.S. 7-16-202 shall be deposited in the trust and
22 agency account at the institution and shall be disbursed
23 for the purposes provided in this subsection and in the
24 order specified:

1

2

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

7-16-305. Eligibility.

18

19

20

21

22

23

24

(i) Unless the prisoner is serving a sentence of ~~death or~~ life without the possibility of parole or is subject to mandatory savings under W.S. 25-13-107(b)(i), ten percent (10%) shall be credited to the prisoner's personal savings account within the correctional facility's trust and agency account, until the prisoner's account has a balance of one thousand dollars (\$1,000.00). Once the prisoner's personal savings account balance reaches one thousand dollars (\$1,000.00), the income otherwise distributed to the prisoner's savings account under this paragraph shall be distributed to the prisoner as provided by paragraphs (ii) through (vi) of this subsection. Funds in the prisoner's personal savings account shall be paid to the prisoner upon parole or final discharge;

(a) No inmate is eligible for work release consideration who:

(ii) Has been convicted of first degree murder;
or

1 (iii) Is serving a term of life imprisonment. ~~+~~
2 ~~or~~

3

4 **7-18-102. Definitions.**

5

6 (a) As used in this act:

7

8 (iii) "Inmate" means an adult serving a felony
9 sentence in any state penal institution or any correctional
10 facility operated pursuant to a contract under W.S.
11 7-22-102, excluding any inmate who:

12

13 (B) Has been convicted of first degree
14 murder; or

15

16 (C) Is serving a term of life
17 imprisonment. ~~+~~ ~~or~~

18

19 (v) "Offender" means an adult who has entered a
20 plea of guilty or has been convicted of a misdemeanor
21 punishable by imprisonment or a felony, excluding any
22 person who:

23

1 (B) Has been convicted of, or pled guilty
2 to, first degree murder; or

3

4 (C) Has been convicted of, or pled guilty
5 to, a crime punishable by life imprisonment. ~~or~~

6

7 **Section 2.** W.S. 6-2-102, 6-2-103, 6-5-203(c)(iii),
8 6-10-202(a)(i), 7-10-101(b), 7-11-105(a)(iii), 7-13-807,
9 7-13-901 through 7-13-915, 7-16-305(a)(iv) and
10 7-18-102(a)(iii)(D) and (v)(D) are repealed.

11

12 **Section 3.** This act does not apply to crimes
13 committed prior to the effective date of this
14 act. Prosecutions for a crime shall be governed by the law
15 in effect on the date when the crime occurred. A crime was
16 committed prior to the effective date of this act if any of
17 the elements of the crime occurred prior to the effective
18 date of this act.

19

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

5

6

(END)