

HOUSE BILL NO. HB0017

Sexual assault protection orders.

Sponsored by: Joint Judiciary Interim Committee

A BILL

for

1 AN ACT relating to criminal procedure; modifying provisions
 2 relating to stalking protection orders; providing for
 3 protection orders for victims of sexual assault; providing
 4 definitions; specifying confidentiality requirements; and
 5 providing for an effective date.

6

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

8

9 **Section 1.** W.S. 7-3-512 is created to read:

10

11 **7-3-512. Confidentiality in court proceedings.**

12

13 The petitioner may file a motion with the court for entry
 14 of an order providing for the confidentiality of the
 15 address, city and state of residence or any other
 16 information identifying the residence of the victim of

1 sexual assault. The motion may be accompanied with all
2 relevant affidavits or documents to establish that the
3 victim has a reasonable fear of sexual assault or serious
4 adverse consequences if confidentiality is not maintained.

5
6 **Section 2.** W.S. 6-2-319(a), 7-3-506(a), 7-3-507(a),
7 (b) and (e), 7-3-508(b), (c) and by creating a new
8 subsection (d), 7-3-509(a)(intro), (ii), (b) and by
9 creating a new subsection (c), 7-3-510(d) and 7-3-511(a),
10 (b)(i), (ii) and (c) are amended to read:

11
12 **6-2-319. Names not to be released; restrictions on**
13 **disclosures or publication of information; violations;**
14 **penalties.**

15
16 (a) Prior to the filing of an information or
17 indictment in district court charging a violation of an
18 offense under this article, neither the names of the
19 alleged actor or the victim of the charged offense nor any
20 other information reasonably likely to disclose the
21 identity of the victim shall be released or negligently
22 allowed to be released to the public by any public employee
23 except as authorized by the judge with jurisdiction over

1 the criminal charges. The actor's name may be released to
2 the public to aid or facilitate an arrest. This subsection
3 shall not apply if release of the name or information is
4 necessary to enforce an injunction for protection against
5 the alleged actor.

6
7 **7-3-506. Definitions.**

8
9 (a) As used in W.S. 7-3-506 through ~~7-3-511~~ 7-3-512:

10
11 (i) "Court" means the circuit court ~~or the~~
12 ~~district court~~ in the county where an alleged victim of
13 stalking or sexual assault resides, or where the alleged
14 perpetrator of the stalking or sexual assault is found;

15
16 (ii) "Order of protection" means a court order
17 granted for the protection of a victim of stalking or a
18 victim of sexual assault;

19
20 (iii) "Sexual assault" means any act made
21 criminal pursuant to W.S. 6-2-302 through 6-2-304 and
22 6-2-314 through 6-2-318 or an attempt or conspiracy to
23 commit such act;

1

2

~~(iii)~~ (iv) "Stalking" means conduct as defined by
W.S. 6-2-506(b).

4

5

**7-3-507. Petition for order of protection; contents;
requisites; indigent petitioners.**

7

8

(a) A petition for an order of protection may be
filed by a victim of stalking, or the district attorney on
behalf of the alleged victim, ~~may file with the court a
petition for an order of protection.~~ A petition for an
order of protection for a victim of sexual assault may be
filed by:

14

15

(i) The victim;

16

17

(ii) If the victim consents, the district
attorney on behalf of the victim; or

19

20

(iii) Any person with legal authority to act on
behalf of the victim if the victim is:

22

23

(A) A minor;

1

2

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

(B) A vulnerable adult as defined in W.S. 35-20-102(a) (xviii);

(C) Any other adult who, because of age, disability, health or inaccessibility, cannot file the petition.

(b) The petition shall be accompanied or supplemented by one (1) or more sworn affidavits setting out specific facts showing the alleged stalking or sexual assault and the identity of the alleged ~~stalker~~ perpetrator.

(e) A petition may be filed under this section whether or not the individual who is alleged to have engaged in a course of conduct prohibited under W.S. 6-2-506 or engaged in the conduct specified in W.S. 7-3-506(a) (iii) has been charged or convicted ~~under W.S. 6-2-506~~ for the alleged crime.

7-3-508. Temporary order of protection; setting hearing.

1 (b) If the court determines from the specific facts
2 shown by the petition and supporting affidavits that there
3 exists a clear and present danger of further stalking,
4 sexual assault or of serious adverse consequences to any
5 person, the court may grant ex parte a temporary order of
6 protection pending the hearing, and shall cause a copy of
7 the temporary order of protection to be served on each
8 party, either within or outside of this state. The court
9 may prescribe terms in the temporary order of protection
10 which it deems sufficient to protect the victim and any
11 other person pending the hearing, including but not limited
12 to the elements described in W.S. 7-3-509(a).

13

14 (c) A temporary order of protection issued under
15 paragraph (b) of this section shall contain a notice that
16 willful violation of any provision of the order constitutes
17 a crime as defined by W.S. 7-3-510(c), and can result in
18 immediate arrest. ~~and~~ Orders involving stalking shall also
19 state that a violation may in some cases subject the
20 perpetrator to enhanced penalties for felony stalking under
21 W.S. 6-2-506(e).

22

1 (d) An ex parte temporary order of protection issued
2 under this section shall not be admissible as evidence in
3 any subsequent criminal proceeding or civil action for
4 damages arising from the conduct alleged in the petition or
5 the order.

6
7 **7-3-509. Order of protection; contents; remedies;**
8 **order not to affect title to property.**

9
10 (a) Following a hearing under W.S. 7-3-508(a) and
11 upon a finding that conduct constituting stalking or sexual
12 assault has been committed, the court shall enter an order
13 of protection ordering the respondent to refrain from any
14 further acts of stalking or sexual assault involving the
15 victim or any other person. As a part of any order of
16 protection, the court may direct that the respondent:

17
18 (ii) Refrain from contacting, intimidating,
19 threatening or otherwise interfering with the victim of the
20 alleged offense and any other persons, including but not
21 limited to members of the family or household of the
22 victim, as the court may describe in the order. Prohibited
23 contact under this paragraph includes telephone calls,

1 mail, e-mail, texting, fax, contacting through social media
2 using the internet or similar technology and any other form
3 of communication.

4
5 (b) The order shall contain a notice that willful
6 violation of any provision of the order constitutes a crime
7 as defined by W.S. 7-3-510(c) ~~and~~ and can result in immediate
8 arrest. ~~and~~ Orders involving stalking shall also state that
9 a violation may in some cases subject the perpetrator to
10 enhanced penalties for felony stalking under W.S.
11 6-2-506(e).

12
13 (c) A request by the victim for the perpetrator to
14 violate an order of protection issued under this section or
15 a temporary order of protection issued under W.S. 7-3-508
16 shall constitute an affirmative defense to a charge of
17 violation of the order by the perpetrator.

18
19 **7-3-510. Service of order; duration and extension of**
20 **order; violation; remedies not exclusive.**

21

1 (d) The remedies provided by W.S. 7-3-506 through
2 ~~7-3-511~~7-3-512 are in addition to any other civil or
3 criminal remedy available under the law.

4
5 **7-3-511. Emergency assistance by law enforcement**
6 **officers; limited liability.**

7
8 (a) A person who allegedly has been a victim of
9 stalking or sexual assault may request the assistance of a
10 law enforcement agency, which shall respond to the request
11 in a manner appropriate to the circumstances.

12
13 (b) A law enforcement officer or agency responding to
14 the request for assistance may take whatever steps are
15 reasonably necessary to protect the victim, including:

16
17 (i) Advising the victim of the remedies
18 available under W.S. 7-3-506 through ~~7-3-511~~7-3-512 and
19 the availability of shelter, medical care, counseling,
20 safety planning, victim's rights counseling and other
21 services;

22

