

**Bill No.:** HB0017 **Effective:** 7/1/2015  
**LSO No.:** 15LSO-0036  
**Enrolled Act No.:** HEA 83  
**Chapter No.:** 144  
**Prime Sponsor:** Joint Judiciary Interim Committee  
**Catch Title:** Sexual assault protection orders.  
**Subject:** Procedures and requirements for obtaining a sexual assault protection order

**Summary/Major Elements:**

- This bill modifies the provisions relating to stalking protection orders to allow victims of sexual assault to obtain a protection order.
- The bill creates a new provision requiring confidentiality of the name, address, city and state of residence or any other information identifying the residence of all parties involved in the sexual assault.
- For purposes of obtaining a sexual assault protection order, “sexual assault” means any act made criminal pursuant to W.S. 6-2-302 and 6-2-303 and 6-2-314 through 6-2-318 or an attempt or conspiracy to commit such act.
- A petition for a sexual assault protection order may be filed by:
  - The victim
  - If the victim consents, the district attorney on behalf of the victim; or
  - Any person with legal authority to act on behalf of the victim if the victim is:
    - A minor;
    - A vulnerable adult as defined in W.S. 35-20-102(a)(xviii);
    - Any other adult who, because of age, disability, health or inaccessibility, cannot file the petition.
- The petition must be accompanied by one or more sworn affidavits setting out specific facts showing the alleged sexual assault and the identity of the alleged perpetrator.
- If the court determines from the specific facts shown by the petition and supporting affidavits that there exists a clear and present danger of sexual assault or of serious physical adverse consequences to any person, the court may grant *ex parte* a temporary order of protection.

- An *ex parte* protection order is not admissible as evidence in any subsequent criminal proceeding or civil action for damages arising from the conduct alleged in the petition or the order.
- This bill provides no testimony or evidence of the alleged actor in a hearing to obtain a sexual assault protection order is admissible, including for impeachment purposes, or is a waiver of any protection against self-incrimination unless, prior to the hearing, an information or indictment has been filed in a district court charging the alleged actor with a violation of sexual assault.
- The bill clarifies the court may order the alleged actor not to contact the victim through telephone calls, mail, e-mail, texting, fax, contacting through social media using the internet or similar technology and any other form of communication.
- The bill provides that a request by the victim for the perpetrator to violate a protection order is an affirmative defense to a charge that the perpetrator violated the order.
- The duration of a protection order for stalking and sexual assault:
  - For conduct constituting stalking, the order of protection shall not exceed one (1) year;
  - For conduct constituting sexual assault, the order of protection shall not exceed the longer of:
    - Six (6) months; or
    - The point in time the respondent is charged with sexual assault or a related criminal offense and the court ordered bond conditions for pre-trial release are at least as restrictive as the original order of protection.
  - A protection order for sexual assault or stalking may be extended for additional periods of time, not to exceed one year, if the court finds from specific facts that a clear and present danger to the victim continues to exist.

The above summary is not an official publication of the Wyoming Legislature and is not an official statement of legislative intent. While the Legislative Service Office endeavored to provide accurate information in this summary, it should not be relied upon as a comprehensive abstract of the bill.