

HOUSE BILL NO. HB0008

Stalking revisions.

Sponsored by: Joint Judiciary Interim Committee

A BILL

for

1 AN ACT relating to stalking crimes, offenses and protective
2 orders; amending elements for the crime of stalking;
3 amending penalties for the crime of stalking; clarifying
4 jurisdiction for prosecution of the crime of stalking;
5 amending the definition of stalking in relation to
6 protective orders; modifying provisions relating to orders
7 of protection as specified; and providing for an effective
8 date.

9

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

11

12 **Section 1.** W.S. 6-2-506(a)(ii), (d), (e)(i), (iv) and
13 by creating new subsections (f) and (g), 35-21-104(b) and
14 35-21-105(c) are amended to read:

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16 **6-2-506. Stalking; penalty.**

1

2 (a) As used in this section:

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4 (ii) "Harass" means to engage in a course of
5 conduct, including but not limited to verbal threats,
6 written threats, lewd or obscene statements or images,
7 vandalism or nonconsensual physical contact, directed at a
8 specific person ~~or the family of a specific person, which~~
9 that the defendant knew or should have known would cause:

10

11 (A) A reasonable person to suffer
12 substantial emotional distress, and which does in fact
13 seriously alarm the person toward whom it is directed;

14

15 (B) A reasonable person to suffer
16 substantial fear for their safety or the safety of another
17 person and which in fact causes such substantial fear; or

18

19 (C) A reasonable person to suffer
20 substantial fear for the destruction of their property and
21 which in fact causes such substantial fear.

22

1 (d) Except as provided under subsection (e) of this
2 section, stalking is a misdemeanor punishable by
3 imprisonment for not more than ~~six (6) months~~ one (1) year,
4 a fine of not more than seven hundred fifty dollars
5 (\$750.00), or both. If a person sentenced under this
6 subsection is placed on probation, the court may,
7 notwithstanding any other provision of law, impose a term
8 of probation exceeding the maximum one (1) year
9 imprisonment, provided the term of probation, including
10 extensions, shall not exceed three (3) years.

11
12 (e) A person convicted of stalking under subsection
13 (b) of this section is guilty of felony stalking punishable
14 by imprisonment for not more than ten (10) years, if:

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16 (i) The act or acts leading to the conviction
17 occurred within five (5) years of the completion of the
18 sentence, including all incarceration, parole and
19 probation, of a prior conviction under this subsection, or
20 under subsection (b) of this section, or under a
21 substantially similar law of another jurisdiction;

22

1 (iv) The defendant committed the offense of
2 stalking in violation of a temporary or permanent order of
3 protection issued pursuant to W.S. 7-3-508, ~~or 7-3-509,~~
4 35-21-104 or 35-21-105 or pursuant to a substantially
5 similar law of another jurisdiction.

6
7 (f) An offense under this section may be deemed to
8 have been committed at the place where any:

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10 (i) Act within the course of conduct that
11 constitutes stalking was initiated; or

12
13 (ii) Communication within the course of conduct
14 that constitutes stalking was received by the victim then
15 present in Wyoming; or

16
17 (iii) Act within the course of conduct that
18 constitutes stalking caused an effect on the victim then
19 present in Wyoming.

20
21 (g) An act that indicates a course of conduct but
22 occurs in more than one (1) jurisdiction may be used by any

1 jurisdiction in which the act occurred as evidence of a
2 continuing course of conduct.

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4 **35-21-104. Temporary order of protection; setting**
5 **hearing.**

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7 (b) An order of protection issued under this section
8 shall contain a notice that willful violation of any
9 provision of the order constitutes a crime as defined by
10 W.S. 6-4-404, can result in immediate arrest and may result
11 in further punishment. Orders shall also contain notice
12 that a violation that constitutes the offense of stalking
13 as defined by W.S. 6-2-506(b) may subject the perpetrator
14 to enhanced penalties for felony stalking under W.S.
15 6-2-506(e).

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17 **35-21-105. Order of protection; contents; remedies;**
18 **order not to affect title to property; conditions.**

19
20 (c) The order shall contain a notice that willful
21 violation of any provision of the order constitutes a crime
22 as defined by W.S. 6-4-404, can result in immediate arrest
23 and may result in further punishment. Orders shall also

1 contain notice that a violation that constitutes the
2 offense of stalking as defined by W.S. 6-2-506(b) may
3 subject the perpetrator to enhanced penalties for felony
4 stalking under W.S. 6-2-506(e).

5

6 **Section 2.** This act is effective July 1, 2018.

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(END)