

ENROLLED ACT NO. 28, HOUSE OF REPRESENTATIVES

SIXTY-FOURTH LEGISLATURE OF THE STATE OF WYOMING  
2018 BUDGET SESSION

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

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

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

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

(a) As used in this section:

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

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

(B) A reasonable person to suffer substantial fear for their safety or the safety of another person; or

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(C) A reasonable person to suffer substantial fear for the destruction of their property.

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

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

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

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

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

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

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

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

(g) An act that indicates a course of conduct but occurs in more than one (1) jurisdiction may be used by any jurisdiction in which the act occurred as evidence of a continuing course of conduct.

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

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

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

(c) The order shall contain a notice that willful violation of any provision of the order constitutes a crime as defined by W.S. 6-4-404, can result in immediate arrest

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and may result in further punishment. Orders shall also contain notice that a violation that constitutes the offense of stalking as defined by W.S. 6-2-506(b) may subject the perpetrator to enhanced penalties for felony stalking under W.S. 6-2-506(e).

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

(END)

\_\_\_\_\_  
Speaker of the House

\_\_\_\_\_  
President of the Senate

\_\_\_\_\_  
Governor

TIME APPROVED: \_\_\_\_\_

DATE APPROVED: \_\_\_\_\_

I hereby certify that this act originated in the House.

\_\_\_\_\_  
Chief Clerk