

## HOUSE BILL NO. HB0016

Consolidation of theft crimes.

Sponsored by: Joint Judiciary Interim Committee

A BILL

for

1 AN ACT relating to crimes and offenses; amending the  
 2 elements of theft to incorporate various methods of  
 3 stealing into one crime; modifying penalties for stealing  
 4 related offenses; providing a statement of intent; making  
 5 conforming amendments; repealing provisions incorporated  
 6 into the offense of theft; and providing for an effective  
 7 date.

8

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

10

11       **Section 1.** W.S. 1-1-116(a) and (c),  
 12 1-1-127(a)(intro), (b) and (c), 6-1-104(a)(vi)(F)(I),  
 13 6-2-401(a)(intro), 6-3-401(a) by creating new paragraphs  
 14 (iv) and (v), 6-3-402(a), (c)(intro), (i) and by creating  
 15 new subsections (g) and (h), 6-3-405, 7-2-101(a)(iv)(E)(I),

1 7-3-705(a)(ii)(G) and 31-7-128(n)(intro) are amended to  
2 read:

3

4 **1-1-116. Civil liability for theft of services.**

5

6 (a) Notwithstanding any criminal penalties which may  
7 apply, an owner or operator of a franchised or otherwise  
8 duly licensed provider of services may bring a civil action  
9 to enjoin or restrain any violation of W.S. ~~6-3-408~~6-3-402  
10 when the violation involves theft of services and may in  
11 the same action seek damages from the person violating W.S.  
12 ~~6-3-408~~6-3-402.

13

14 (c) As used in this section, "services" has the same  
15 meaning as specified in W.S. ~~6-3-408~~6-3-401(a)(v).

16

17 **1-1-127. Civil liability for shoplifting.**

18

19 (a) A person over ten (10) years of age who violates  
20 W.S. ~~6-3-404(a) or (b)~~6-3-402 with regard to property  
21 offered for sale by a wholesale or retail store is civilly  
22 liable to the merchant of the property in an amount  
23 consisting of:

1

2 (b) If an unemancipated minor violates W.S.  
3 ~~6-3-404(a) or (b)~~ 6-3-402 with regard to property offered  
4 for sale by a wholesale or retail store, the parents or  
5 guardian of the child shall be civilly liable as provided  
6 by subsection (a) of this section, provided liability under  
7 this subsection shall not apply to foster parents, to  
8 parents whose parental custody and control of the child  
9 have been terminated by court order prior to the violation  
10 or to any governmental or private agency that has been  
11 appointed guardian for the minor child pursuant to court  
12 order or action of the department of family services.  
13 Civil liability under this subsection is not subject to the  
14 limitation on liability provided by W.S. 14-2-203 or any  
15 other law that limits the liability of parents for damages  
16 caused by an unemancipated minor.

17

18 (c) A conviction or a plea of guilty to a violation  
19 of W.S. ~~6-3-404(a) or (b)~~ 6-3-402 with regard to property  
20 offered for sale by a wholesale or retail store is not a  
21 prerequisite to the bringing of a civil suit under this  
22 section.

23

1           **6-1-104. Definitions.**

2

3           (a) As used in this act, unless otherwise defined:

4

5                   (vi) "Peace officer" includes the following  
6 officers assigned to duty in the state of Wyoming:

7

8                           (F) Investigators and brand inspectors of  
9 the Wyoming livestock board who have qualified pursuant to  
10 W.S. 9-1-701 through 9-1-707 when:

11

12                                   (I) Enforcing W.S. 6-3-201, 6-3-203,  
13 6-3-401, ~~through 6-3-403, 6-3-407, 6-3-402,~~ 6-3-410,  
14 6-3-601 through 6-3-603, 6-3-607, 6-3-610 through 6-3-612,  
15 6-9-202, 35-10-101, 35-10-102 and 35-10-104, the provisions  
16 of title 11 and any laws prohibiting theft or mutilation of  
17 livestock or any part thereof and any rule or regulation  
18 promulgated by the Wyoming livestock board or any other law  
19 for which they are granted statutory enforcement authority;

20

21           **6-2-401. Robbery; aggravated robbery; penalties.**

22

1 (a) A person is guilty of robbery if in the course of  
2 committing a crime defined by W.S. 6-3-402, ~~6-3-412~~ or  
3 ~~6-3-413~~ he:

4

5 **6-3-401. Definitions.**

6

7 (a) As used in this article:

8

9 (iv) "Property" means as defined in W.S.  
10 6-1-104(a)(viii) and also includes services;

11

12 (v) "Services" includes, but is not limited to,  
13 electric, telephone, cable television, gas, water or sewer  
14 services.

15

16 **6-3-402. Theft; penalties.**

17

18 (a) A person is guilty of theft if he knowingly  
19 takes, obtains, procures, retains or exercises ~~unauthorized~~  
20 control over or makes an unauthorized transfer of an  
21 interest in the property of another person ~~with the purpose~~  
22 of depriving without authorization or by threat or by  
23 deception, or he receives, loans money by pawn or pledge on

1 or disposes of the property of another person that he knew  
2 or reasonably should have known was stolen, and he:

3  
4 (i) Intends to deprive the other person of the  
5 use or benefit of the property;

6  
7 (ii) Knowingly uses, receives, conceals,  
8 abandons or disposes of the property in such manner as to  
9 deprive the other person of its use or benefit;

10  
11 (iii) Demands anything of value to which he has  
12 no legal claim as a condition for returning or otherwise  
13 restoring the property to the other person.

14  
15 (c) Except as provided in subsection (g) of this  
16 section, theft is:

17  
18 (i) A felony punishable by imprisonment for not  
19 more than ten (10) years, a fine of not more than ten  
20 thousand dollars (\$10,000.00), or both, if the value of the  
21 property is ~~one thousand dollars (\$1,000.00)~~ one thousand  
22 five hundred dollars (\$1,500.00) or more or if the property

1 is a firearm, horse, mule, sheep, cattle, buffalo or swine  
2 regardless of value; or

3  
4 (g) In addition to the penalties provided in  
5 subsection (c) of this section, any person convicted of a  
6 second or subsequent offense for theft of motor vehicle  
7 fuel offered for retail sale shall have his driver's  
8 license suspended pursuant to W.S. 31-7-128(n). The court  
9 shall forward to the department of transportation a copy of  
10 the record pertaining to disposition of the arrest or  
11 citation.

12  
13 (h) The amount of property involved in violations of  
14 this section committed pursuant to a common scheme or the  
15 same transaction, whether the property is taken from the  
16 same person or different persons, may be aggregated in  
17 determining the value of the property.

18  
19 **6-3-405. Reasonable detention and interrogation of**  
20 **persons suspected of shoplifting or altering price tag;**  
21 **defense in civil or criminal action.**

22

1           (a) A peace officer, merchant or merchant's employee  
2 who has reasonable cause to believe a person is violating  
3 W.S. ~~6-3-404~~6-3-402 with regard to property offered for  
4 sale by a wholesale or retail store may detain and  
5 interrogate the person in regard to the suspected violation  
6 in a reasonable manner and for a reasonable time.

7  
8           (b) In a civil or criminal action for slander, false  
9 arrest, false imprisonment, assault, battery or wrongful  
10 detention based upon a detention and interrogation pursuant  
11 to this section, it is a defense that the peace officer,  
12 merchant or merchant's employee had reasonable cause to  
13 believe the person was violating W.S. ~~6-3-404~~6-3-402 with  
14 regard to property offered for sale by a wholesale or  
15 retail store and the detention and interrogation were  
16 conducted in a reasonable manner and for a reasonable time.

17  
18           **7-2-101. Definitions.**

19  
20           (a) As used in W.S. 7-2-101 through 7-2-107:

21  
22                   (iv) "Peace officer" means:  
23



1                   (E) Investigators and brand inspectors of  
2 the Wyoming livestock board who have qualified pursuant to  
3 W.S. 9-1-701 through 9-1-707:

4  
5                   (I) When enforcing W.S. 6-3-201,  
6 6-3-203, 6-3-401, ~~through 6-3-403, 6-3-407, 6-3-402,~~  
7 6-3-410, 6-3-601 through 6-3-603, 6-3-607, 6-3-610 through  
8 6-3-612, 6-9-202, 35-10-101, 35-10-102 and 35-10-104, the  
9 provisions of title 11 and any laws prohibiting theft,  
10 killing or mutilation of livestock or any part thereof and  
11 any rule or regulation promulgated by the Wyoming livestock  
12 board or any other law for which they are granted statutory  
13 enforcement authority;

14

15           **7-3-705. Authorization for interception of wire, oral**  
16 **or electronic communications.**

17

18           (a) The attorney general or the district attorney  
19 within whose jurisdiction the order is sought in  
20 conjunction with the attorney general, may authorize an  
21 application to a judge of competent jurisdiction for an  
22 order authorizing the interception of wire, oral or  
23 electronic communications by the Wyoming division of

1 criminal investigation, federal criminal law enforcement  
2 agency or any law enforcement agency of the state having  
3 responsibility for investigation of the offense for which  
4 the application is made, if the interception may provide  
5 evidence of an attempt to commit, conspiracy to commit,  
6 solicitation to commit or the commission of any of the  
7 following felony offenses or comparable crimes in any other  
8 jurisdiction:

9

10 (ii) Any of the following, if incident to or  
11 discovered during investigation of a violation of the  
12 Wyoming Controlled Substances Act of 1971:

13

14 (G) Felony theft or related felony offense  
15 defined in W.S. ~~6-3-401 through 6-3-410 or 6-3-413~~ 6-3-402.

16

17 **31-7-128. Mandatory suspension of license or**  
18 **nonresident operating privilege for certain violations;**  
19 **suspension of registration.**

20

21 (n) The division shall suspend the license or  
22 nonresident operating privilege of any driver upon  
23 receiving a record of the driver's second or subsequent

1 conviction under W.S. ~~6-3-412~~ 6-3-402 with regard to motor  
2 vehicle fuel offered for retail sale, a similar local  
3 ordinance or a similar statute or ordinance in another  
4 jurisdiction for:

5

6       **Section 2.** With the amendments in Section 1 of this  
7 act, it is the intent of the legislature to define one (1)  
8 crime of theft and to incorporate therein the theft crimes  
9 previously listed in title 6, chapter 3, article 4 of the  
10 Wyoming statutes, thereby removing distinctions and  
11 technicalities that previously existed in the pleading and  
12 proof of such crimes.

13

14       **Section 3.** W.S. 6-1-104(a)(xv)(E), 6-3-403, 6-3-404,  
15 6-3-406 through 6-3-410, 6-3-412 and 6-3-413 are repealed.

16

17       **Section 4.** This act is effective July 1, 2020.

18

19

(END)