HOUSE BILL NO. HB0023

Juvenile parole eligibility.

Sponsored by: Joint Judiciary Interim Committee

A BILL

for

1 AN ACT relating to crimes and offenses; modifying

2 provisions relating to life sentences for juvenile

3 offenders generally; eliminating life sentences without

4 parole for juvenile offenders; and providing for an

5 effective date.

6

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

8

9   **Section 1.**   W.S. 6-2-101(b), 6-2-306(d)(intro), (e)

10 and by creating a new subsection (f), 6-10-201(b)(ii) and

11 6-10-301(c) are amended to read:

12

13   **6-2-101.   Murder in the first degree; penalty.**

14

15   (b)   A person convicted of murder in the first degree

16 shall be punished by death, life imprisonment without

17 parole or life imprisonment according to law, except that

1   no person shall be subject to the penalty of death for any

2   murder committed before the defendant attained the age of

3   eighteen (18) years a person convicted of murder in the

4   first degree who was under the age of eighteen (18) years

5   at the time of the offense shall be punished by life

6   imprisonment.

7

8   **6-2-306. Penalties for sexual assault.**

9

10   (d) Except as provided in subsection (f) of this

11   section, an actor who is convicted of sexual assault under

12   W.S. 6-2-302 through 6-2-304, or sexual abuse of a minor

13   under W.S. 6-2-316 through 6-2-317, shall be punished by

14   life imprisonment without parole if the actor has two (2)

15   or more previous convictions for any of the following

16   designated offenses, which convictions resulted from

17   charges separately brought and which arose out of separate

18   occurrences in this state or elsewhere:

19

20   (e) Except as provided in subsection (f) of this

21   section, an actor who is convicted of sexual abuse of a

22   minor under W.S. 6-2-314 or 6-2-315 shall be punished by

23   life imprisonment without parole if the actor has one (1)

24   or more previous convictions for a violation of W.S.

1 6-2-302 through 6-2-304, 6-2-314 or 6-2-315, or a criminal

2 statute containing the same or similar elements as the

3 crimes defined by W.S. 6-2-302 through 6-2-304, 6-2-314 or

4 6-2-315, which convictions resulted from charges separately

5 brought and which arose out of separate occurrences in this

6 state or elsewhere.

7

8   (f) An actor subject to sentencing under subsection

9 (d) or (e) of this section who was under the age of

10 eighteen (18) years at the time of the offense shall be

11 sentenced to life imprisonment.

12

13   **6-10-201. "Habitual criminal" defined; penalties.**

14

15   (b) An habitual criminal shall be punished by

16 imprisonment for:

17

18   (ii) Life, if he has three (3) or more previous

19 convictions for offenses committed after the person reached

20 the age of eighteen (18) years of age.

21

22   **6-10-301. Life imprisonment without parole; life**

23 **imprisonment.**

24

1   (c) Any sentence other than a sentence specifically

2   designated as a sentence of life imprisonment without

3   parole is ~~not~~ subject to commutation by the governor. ~~A~~

4   ~~sentence of life or life imprisonment which is not~~

5   ~~specifically designated as a sentence of life imprisonment~~

6   ~~without parole is subject to commutation by the governor.~~ A

7   person sentenced to ~~life or~~ life imprisonment for an

8   offense committed after the person reached the age of

9   eighteen (18) years is not eligible for parole unless the

10 governor has commuted the person's sentence to a term of

11 years. A person sentenced to life imprisonment for an

12 offense committed before the person reached the age of

13 eighteen (18) years shall be eligible for parole after

14 commutation of his sentence to a term of years or after

15 having served twenty-five (25) years of his sentence,

16 except that if the person committed any of the acts

17 specified in W.S. 7-13-402(b) after having reached the age

18 of eighteen (18) years the person shall not be eligible for

19 parole.

20

21   **Section 2.** This act is effective July 1, 2013.

22

23   (END)