

## HOUSE BILL NO. HB0198

Admissibility of evidence in sex offense cases.

Sponsored by: Representative(s) Burkhardt and Krone

A BILL

for

1 AN ACT relating to civil and criminal procedure; specifying  
2 circumstances under which evidence of similar acts and  
3 offenses may be admitted in criminal and civil cases  
4 involving sexual assault and child molestation; and  
5 providing for an effective date.

6

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

8

9 **Section 1.** W.S. 1-12-117, 7-11-409 and 7-11-410 are  
10 created to read:

11

12 **1-12-117. Evidence of similar acts in civil cases**  
13 **concerning sexual assault or child molestation.**

14

15 (a) In a civil case in which a claim for damages or  
16 other relief is predicated on a party's alleged commission  
17 of conduct constituting an offense of sexual assault or

1 child molestation as defined in W.S. 7-11-409 and 7-11-410,  
2 evidence of that party's commission of another offense or  
3 offenses of sexual assault or child molestation is  
4 admissible and may be considered as provided in W.S.  
5 7-11-409 and 7-11-410.

6

7 (b) A party who intends to offer evidence under this  
8 section shall disclose the evidence to the party against  
9 whom it will be offered, including statements of witnesses  
10 or a summary of the substance of any testimony that is  
11 expected to be offered, at least fifteen (15) days before  
12 the scheduled date of trial or at such later time as the  
13 court may allow for good cause.

14

15 (c) This section shall not be construed to limit the  
16 admission or consideration of evidence under any other  
17 section or court rule.

18

19 **7-11-409. Evidence of similar crimes in sexual**  
20 **assault cases.**

21

22 (a) In a criminal case in which the defendant is  
23 accused of an offense of sexual assault, evidence of the  
24 defendant's commission of another offense or offenses of

1 sexual assault is admissible, and may be considered for its  
2 bearing on any matter to which it is relevant.

3

4 (b) In a case in which the prosecution intends to  
5 offer evidence under this section, the attorney for the  
6 prosecution shall disclose the evidence to the defendant,  
7 including statements of witnesses or a summary of the  
8 substance of any testimony that is expected to be offered,  
9 at least fifteen (15) days before the scheduled date of  
10 trial or at such later time as the court may allow for good  
11 cause.

12

13 (c) This section shall not be construed to limit the  
14 admission or consideration of evidence under any other  
15 section or court rule.

16

17 (d) As used in this section "offense of sexual  
18 assault" means:

19

20 (i) Sexual assault as defined in W.S.  
21 6-2-301(a)(v);

22

1           (ii) An offense under a statute from another  
2 jurisdiction containing the same or similar elements as  
3 sexual assault as defined in W.S. 6-2-301(a)(v); or

4  
5           (iii) An attempt or conspiracy to engage in  
6 conduct described in paragraphs (i) and (ii) of this  
7 subsection.

8  
9           **7-11-410. Evidence of similar crimes in child**  
10 **molestation cases.**

11  
12           (a) In a criminal case in which the defendant is  
13 accused of an offense of child molestation, evidence of the  
14 defendant's commission of another offense or offenses of  
15 child molestation is admissible, and may be considered for  
16 its bearing on any matter to which it is relevant.

17  
18           (b) In a case in which the prosecution intends to  
19 offer evidence under this section, the attorney for the  
20 prosecution shall disclose the evidence to the defendant,  
21 including statements of witnesses or a summary of the  
22 substance of any testimony that is expected to be offered,  
23 at least fifteen (15) days before the scheduled date of

1 trial or at such later time as the court may allow for good  
2 cause.

3

4 (c) This section shall not be construed to limit the  
5 admission or consideration of evidence under any other  
6 section or court rule.

7

8 (d) As used in this section:

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10 (i) "Child" means a person less than the age of  
11 fourteen (14);

12

13 (ii) "Offense of child molestation" means:

14

15 (A) Sexual assault as defined in W.S.  
16 6-2-301(a)(v) that was committed in relation to a child; or

17

18 (B) An offense under a statute from another  
19 jurisdiction containing the same or similar elements as  
20 sexual assault as defined in W.S. 6-2-301(a)(v) if the  
21 offense from another jurisdiction was committed in relation  
22 to a child;

23

1                   (C) An attempt or conspiracy to engage in  
2 conduct described in subparagraphs (A) and (B) of this  
3 paragraph.

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5           **Section 2.** This act is effective July 1, 2011.

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7

(END)