

## HOUSE BILL NO. HB0241

Prohibiting sexual relations with persons in police custody.

Sponsored by: Representative(s) Yin, Andrew and Provenza

A BILL

for

1 AN ACT relating to crimes and offenses; prohibiting sexual  
2 intrusion or sexual contact by a peace officer with a  
3 victim that is in custody as specified; making conforming  
4 amendments; and providing for an effective date.

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

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8       **Section 1.** W.S. 6-2-303(a) by creating a new  
9 paragraph (x), 6-2-304(a)(iii) and 6-2-307 are amended to  
10 read:

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12       **6-2-303. Sexual assault in the second degree.**

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14       (a) Any actor who inflicts sexual intrusion on a  
15 victim commits sexual assault in the second degree if,

1 under circumstances not constituting sexual assault in the  
2 first degree:

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4 (x) The actor is a peace officer as defined by  
5 W.S. 6-1-104(a)(vi) or 7-2-101(a)(iv) and the victim is  
6 under arrest, being detained or is otherwise in the actual  
7 custody of law enforcement and the actor:

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9 (A) Is responsible for effecting the arrest  
10 of the victim, detaining the victim or maintaining the  
11 victim in actual custody; or

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13 (B) Knows, or reasonably should know, that  
14 the victim is under arrest, being detained or is in actual  
15 custody.

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17 **6-2-304. Sexual assault in the third degree.**

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19 (a) An actor commits sexual assault in the third  
20 degree if, under circumstances not constituting sexual  
21 assault in the first or second degree:

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1           (iii) The actor subjects a victim to sexual  
2 contact under any of the circumstances of W.S.  
3 6-2-302(a)(i) through (iv) or 6-2-303(a)(i) through (vii),  
4 ~~and~~-(ix) or (x) without inflicting sexual intrusion on the  
5 victim and without causing serious bodily injury to the  
6 victim.

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8           **6-2-307. Evidence of marriage as defense.**

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10          (a) The fact that the actor and the victim are  
11 married to each other is not by itself a defense to a  
12 violation of W.S. 6-2-302(a)(i), (ii) or (iii) or  
13 6-2-303(a)(i), (ii), (iii), (vi), ~~or~~-(vii) or (x).

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15          (b) Consent of the victim is not a defense to a  
16 violation of W.S. 6-2-303(a)(vii), (x) or 6-2-304(a)(iii).

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18           **Section 2.** This act is effective July 1, 2023.

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(END)