

SENATE FILE NO. SF0022

Orders of protection-revisions.

Sponsored by: Joint Judiciary Interim Committee

A BILL

for

1 AN ACT relating to criminal procedure and orders of  
 2 protection; amending the crime of felony stalking;  
 3 modifying provisions relating to orders of protection as  
 4 specified; making conforming amendments; repealing  
 5 provisions relating to orders of protection; providing  
 6 applicability; and providing for an effective date.

7

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

9

10           **Section**           **1.** 6-2-506(e) (iv),           6-4-404(a),  
 11 7-3-507(a) (intro),           7-3-508(c),           7-3-509(b),  
 12 7-3-510(b) (intro), 35-21-104(b) and 35-21-105(c) are  
 13 amended to read:

14

15           **6-2-506. Stalking; penalty.**

16

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

4  
5 (iv) The defendant committed the offense of  
6 stalking in violation of a temporary or permanent order of  
7 protection issued pursuant to W.S. 7-3-508, ~~or 7-3-509,~~  
8 35-21-104 or 35-21-105 or pursuant to a substantially  
9 similar law of another jurisdiction.

10  
11 **6-4-404. Violation of domestic violence order of**  
12 **protection; penalty.**

13  
14 (a) Any person who willfully violates a protection  
15 order issued pursuant to W.S. 35-21-104 or 35-21-105 or  
16 valid ~~foreign protection order~~ injunction or order for  
17 protection against domestic violence as defined in W.S.  
18 35-21-109(a), is guilty of a misdemeanor punishable by  
19 imprisonment for not more than six (6) months, a fine of  
20 not more than seven hundred fifty dollars (\$750.00), or  
21 both.

22

1           **7-3-507. Petition for order of protection; contents;**  
2 **requisites; indigent petitioners.**

3  
4           (a) ~~A petition for an order of protection may be~~  
5 ~~filed by a victim of stalking, or the district attorney on~~  
6 ~~behalf of the alleged victim.~~ A petition for an order of  
7 protection for a victim ~~of sexual assault~~ may be filed by:

8  
9           **7-3-508. Temporary order of protection; setting**  
10 **hearing.**

11  
12           (c) A temporary order of protection issued under  
13 paragraph (b) of this section shall contain a notice that  
14 willful violation of any provision of the order constitutes  
15 a crime as defined by W.S. 7-3-510(c),<sup>7</sup> and can result in  
16 immediate arrest. ~~Orders involving stalking~~ The order  
17 shall also state that a violation ~~may in some cases that~~  
18 constitutes the offense of stalking as defined by W.S.  
19 6-2-506(b) may subject the perpetrator to enhanced  
20 penalties for felony stalking under W.S. 6-2-506(e).

21  
22           **7-3-509. Order of protection; contents; remedies;**  
23 **order not to affect title to property.**

1

2 (b) The order shall contain a notice that willful  
3 violation of any provision of the order constitutes a crime  
4 as defined by W.S. 7-3-510(c) and can result in immediate  
5 arrest. ~~Orders involving stalking~~ The order shall also  
6 state that a violation ~~may in some cases~~ that constitutes  
7 the offense of stalking as defined by W.S. 6-2-506(b) may  
8 subject the perpetrator to enhanced penalties for felony  
9 stalking under W.S. 6-2-506(e).

10

11 **7-3-510. Service of order; duration and extension of**  
12 **order; violation; remedies not exclusive.**

13

14 (b) An order of protection granted by the court under  
15 W.S. 7-3-509 shall be effective for a fixed period of time  
16 ~~as provided in paragraphs (i) and (ii) of this subsection~~  
17 not to exceed one (1) year. Either party may move to  
18 modify, terminate or extend the order. The order may be  
19 extended repetitively upon a showing of good cause for  
20 additional periods of time, not to exceed one (1) year  
21 each, if the court finds from specific facts that a clear  
22 and present danger to the victim continues to exist. ~~The~~

1 ~~period of time for an original order of protection shall be~~  
2 ~~as follows:~~

3  
4 **35-21-104. Temporary order of protection; setting**  
5 **hearing.**

6  
7 (b) An order of protection issued under this section  
8 shall contain a notice that willful violation of any  
9 provision of the order constitutes a crime as defined by  
10 W.S. 6-4-404, can result in immediate arrest and may result  
11 in further punishment. The order shall also state that a  
12 violation that constitutes the offense of stalking as  
13 defined by W.S. 6-2-506(b) may subject the perpetrator to  
14 enhanced penalties for felony stalking under W.S.  
15 6-2-506(e).

16  
17 **35-21-105. Order of protection; contents; remedies;**  
18 **order not to affect title to property; conditions.**

19  
20 (c) The order shall contain a notice that willful  
21 violation of any provision of the order constitutes a crime  
22 as defined by W.S. 6-4-404, can result in immediate arrest  
23 and may result in further punishment. The order shall also

1 state that a violation that constitutes the offense of  
2 stalking as defined by W.S. 6-2-506(b) may subject the  
3 perpetrator to enhanced penalties for felony stalking under  
4 W.S. 6-2-506(e).

5

6       **Section 2.** W.S. 6-4-404(b) and 7-3-510(b)(i) and (ii)  
7 are repealed.

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9       **Section 3.** This act shall apply to crimes committed  
10 and orders of protection issued on or after the effective  
11 date of this act.

12

13       **Section 4.** This act is effective July 1, 2018.

14

15

(END)