

ENROLLED ACT NO. 49, SENATE

SIXTY-FOURTH LEGISLATURE OF THE STATE OF WYOMING
2018 BUDGET SESSION

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

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

Section 1. W.S. 6-2-506(e) (iv), 6-4-404(a), 7-3-507(a) (intro), 7-3-508(c), 7-3-509(b), 7-3-510(b) (intro), 35-21-104(b), 35-21-105(c) and 35-21-106(b) are amended to read:

6-2-506. Stalking; penalty.

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

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

6-4-404. Violation of domestic violence order of protection; penalty.

(a) Any person who willfully violates a protection order issued pursuant to W.S. 35-21-104 or 35-21-105 or valid ~~foreign protection order injunction or order for protection against domestic violence~~ as defined in W.S. 35-21-109(a), is guilty of a misdemeanor punishable by

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imprisonment for not more than six (6) months, a fine of not more than seven hundred fifty dollars (\$750.00), or both.

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

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

7-3-508. Temporary order of protection; setting hearing.

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

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

(b) The order shall contain a notice that willful violation of any provision of the order constitutes a crime as defined by W.S. 7-3-510(c) and can result in immediate arrest. ~~Orders involving stalking~~ The order shall also state that a violation may in some cases that constitutes the offense of stalking as defined by W.S. 6-2-506(b) may

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subject the perpetrator to enhanced penalties for felony stalking under W.S. 6-2-506(e).

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

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

35-21-104. Temporary order of protection; setting hearing.

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

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

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(c) The order shall contain a notice that willful violation of any provision of the order constitutes a crime as defined by W.S. 6-4-404, can result in immediate arrest and may result in further punishment. Orders shall also contain notice that a violation that constitutes the offense of stalking as defined by W.S. 6-2-506(b) may subject the perpetrator to enhanced penalties for felony stalking under W.S. 6-2-506(e).

35-21-106. Service of order; duration and extension of order; violation; remedies not exclusive.

(b) An order of protection granted by the court shall be effective for a fixed period of time not to exceed ~~one (1) year~~ three (3) years. Either party may move to modify, terminate or extend the order. The order may be extended repetitively upon a showing of good cause for additional periods of time not to exceed one (1) year each. The filing of an action for divorce shall not supersede an order of protection granted under this act.

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

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

ORIGINAL SENATE
FILE NO. SF0022

ENGROSSED

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

(END)

Speaker of the House

President of the Senate

Governor

TIME APPROVED: _____

DATE APPROVED: _____

I hereby certify that this act originated in the Senate.

Chief Clerk