

HOUSE BILL NO. HB0260

DUI-child endangerment.

Sponsored by: Representative(s) Hinckley, Berger, Brown,
Harshman, Harvey, Iekel, Jorgensen,
Pedersen, Warren, Watt and White and
Senator(s) Boggs, Johnson and Massie

A BILL

for

1 AN ACT relating to driving under the influence; providing
2 additional penalties for driving under the influence with a
3 child in the vehicle; providing for investigation by child
4 protective services; and providing for an effective date.

5

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

7

8 **Section 1.** W.S. 7-13-1302, 14-3-202(a)(ii)(D),
9 31-5-233(a) by creating a new paragraph (vi) and by
10 creating a new subsection (m) and 31-5-234(a) by creating a
11 new paragraph (v) and by creating a new subsection (j) are
12 amended to read:

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14 **7-13-1302. Substance abuse assessment required.**

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1 All persons convicted of a first misdemeanor under W.S.
2 31-5-233(m), third misdemeanor under W.S. 31-5-233(e) or a
3 felony shall receive, as a part of a presentence report, a
4 substance abuse assessment. The cost of the substance abuse
5 assessment shall be assessed to and paid by the offender. A
6 person who has undergone a substance abuse assessment
7 pursuant to W.S. 31-5-233(e) may receive a second
8 assessment under this section if the court finds that
9 enough time has passed to make the first assessment
10 inaccurate.

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12 **14-3-202. Definitions.**

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14 (a) As used in W.S. 14-3-201 through 14-3-215:

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16 (ii) "Abuse" means inflicting or causing
17 physical or mental injury, harm or imminent danger to the
18 physical or mental health or welfare of a child other than
19 by accidental means, including abandonment, unless the
20 abandonment is a relinquishment substantially in accordance
21 with W.S. 14-11-101 through 14-11-109, excessive or
22 unreasonable corporal punishment, malnutrition or
23 substantial risk thereof by reason of intentional or
24 unintentional neglect, and the commission or allowing the

1 commission of a sexual offense against a child as defined
2 by law:

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4 (D) "Imminent danger" includes threatened
5 harm and means a statement, overt act, condition or status
6 which represents an immediate and substantial risk of
7 sexual abuse or physical or mental injury. "Imminent
8 danger" includes violation of W.S. 31-5-233(m) or
9 31-5-234(j).

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11 **31-5-233. Driving or having control of vehicle while**
12 **under influence of intoxicating liquor or controlled**
13 **substances; penalties.**

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15 (a) As used in this section:

16

17 (vi) "Child passenger" means a person traveling
18 in a vehicle who is under sixteen (16) years of age.

19

20 (m) Any person over the age of seventeen (17) who has
21 a child passenger in the vehicle during a violation of this
22 section shall be punished upon conviction as follows:

23

1 (i) If previously convicted and sentenced under
2 this section, or any other law substantially conforming to
3 the provisions of this subsection, by imprisonment for not
4 more than twenty (20) years; and

5
6 (ii) For purposes of calculating if an
7 individual has a second or subsequent conviction for a
8 violation of this section or other law prohibiting driving
9 while under the influence with a child passenger in the
10 vehicle, any dismissal of a charge pursuant to W.S.
11 7-13-301 for a violation of this section or other law
12 prohibiting driving under the influence with a child
13 passenger in the vehicle shall be counted as a conviction
14 for purposes of this section.

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16 **31-5-234. Unlawful operation of vehicle by youthful**
17 **driver with detectable alcohol concentration; penalty.**

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19 (a) As used in this section:

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21 (v) "Child passenger" means a person traveling
22 in a vehicle who is under sixteen (16) years of age.

1 (j) Any person over the age of seventeen (17) who has
2 a child passenger in the vehicle during a violation of this
3 section shall be punished upon conviction as follows:

4
5 (i) If previously convicted and sentenced under
6 this section, or any other law substantially conforming to
7 the provisions of this section, by imprisonment for not
8 more than twenty (20) years; and

9
10 (ii) For purposes of calculating if an
11 individual has a second or subsequent conviction for a
12 violation of this section or other law prohibiting driving
13 while under the influence with a child passenger in the
14 vehicle, any dismissal of a charge pursuant to W.S.
15 7-13-301 for a violation of this section or other law
16 prohibiting driving under the influence with a child
17 passenger in the vehicle shall be counted as a conviction
18 for purposes of this section.

19

1 **Section 2.** This act is effective immediately upon
2 completion of all acts necessary for a bill to become law
3 as provided by Article 4, Section 8 of the Wyoming
4 Constitution.

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6

(END)