

SENATE FILE NO. _____

Sex offenses by corrections personnel.

Sponsored by: Joint Judiciary Interim Committee

A BILL

for

1 AN ACT relating to crimes and offenses; establishing a
 2 crime for sex offenses committed by corrections staff
 3 against persons under supervision by the corrections
 4 facility as specified; providing that consent by the victim
 5 is not a defense to specified offenses; and providing for
 6 an effective date.

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

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10 **Section 1.** W.S. 6-2-303(a)(vi), by creating a new
 11 paragraph (vii), by renumbering (vii) as (viii) and (b) and
 12 6-2-307 are amended to read:

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14 **6-2-303. Sexual assault in the second degree.**

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16 (a) Any actor who inflicts sexual intrusion on a
 17 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 (vi) The actor is in a position of authority
5 over the victim and uses this position of authority to
6 cause the victim to submit; ~~or~~

7

8 (vii) The actor is an employee, independent
9 contractor or volunteer of a state, county, city or town,
10 or privately operated adult or juvenile correctional
11 system, including but not limited to jails, penal
12 institutions, detention centers, adult community
13 correctional facilities, secure treatment facilities or
14 work release facilities, and the victim is a resident of
15 such facility or under supervision of the correctional
16 system; or

17

18 ~~(vii)~~ (viii) The actor inflicts sexual intrusion
19 in treatment or examination of a victim for purposes or in
20 a manner substantially inconsistent with reasonable medical
21 practices.

22

23 (b) A person is guilty of sexual assault in the
24 second degree if he subjects another person to sexual

1 contact and causes serious bodily injury to the victim
2 under any of the circumstances listed in W.S. 6-2-302(a)(i)
3 through (iv) or paragraphs (a)(i) through ~~(vi)~~ (vii) of
4 this section.

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

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

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13 (b) Consent of the victim is not a defense to a
14 violation of W.S. 6-2-303(a)(vii).

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16 **Section 2.** This act is effective July 1, 2007.

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(END)