

## HOUSE BILL NO. HB0043

Penalties for domestic violence.

Sponsored by: Representative(s) Berger, Bagby, Dockstader,  
Edmonds, Harvey, Millin, Wallis and Warren  
and Senator(s) Aullman, Fecht and Peterson

A BILL

for

1 AN ACT relating to crimes and offenses; increasing  
2 penalties for domestic violence offenses as specified;  
3 providing for calculation of time periods for purposes of  
4 penalties; 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. 6-2-501(f)(i), (ii) and by creating a  
9 new paragraph (iii) is amended to read:

10

11 **6-2-501. Simple assault; battery; penalties.**

12

13 (f) A household member as defined by W.S. 35-21-102  
14 who commits a second or subsequent battery against any  
15 other household member shall be punished as follows:

16

1           (i) A person convicted upon a plea of guilty or  
2 no contest or found guilty of a second offense under this  
3 subsection against any other household member, after having  
4 been convicted upon a plea of guilty or no contest or found  
5 guilty of a violation of W.S. 6-2-501(a), (b), (e) or (f),  
6 6-2-502, 6-2-503, 6-2-504 or other substantially similar  
7 law of this or any other state, tribe or territory against  
8 any other household member within the previous five (5)  
9 years is guilty of a misdemeanor punishable by imprisonment  
10 for not less than seven (7) days nor more than one (1)  
11 year, a fine of not more than one thousand dollars  
12 (\$1,000.00), or both, and shall not be eligible for  
13 probation except upon terms including mandatory anger  
14 management counseling, or suspension of sentence until he  
15 has served at least seven (7) days in jail.  
16 Notwithstanding any other provision of law, the term of  
17 probation imposed by a court under this paragraph may  
18 exceed the maximum term of imprisonment established for  
19 this offense under this paragraph provided the term of  
20 probation, together with any extension thereof, shall in no  
21 case exceed ~~two (2)~~ three (3) years;

22

23           (ii) A person convicted upon a plea of guilty or  
24 no contest or found guilty of a third or subsequent offense

1 under this subsection against any other household member,  
2 after having been convicted upon a plea of guilty or no  
3 contest or found guilty of a violation of W.S. 6-2-501(a),  
4 (b), (e) or (f), 6-2-502, 6-2-503, 6-2-504 or other  
5 substantially similar law of this or any other state, tribe  
6 or territory against any other household member within the  
7 previous ten (10) years is guilty of a felony punishable by  
8 imprisonment for not more than ~~five (5)~~ ten (10) years, a  
9 fine of not more than ~~two thousand dollars (\$2,000.00)~~ ten  
10 thousand dollars (\$10,000.00), or both; ~~;~~

11

12 (iii) For the purposes of calculating penalties  
13 under this subsection, the time periods shall be based on  
14 the dates that the charged offenses occurred, not on the  
15 dates of the convictions for those offenses.

16

17 **Section 2.** This act is effective July 1, 2008.

18

19

(END)