

## HOUSE BILL NO. HB0297

Simple assault.

Sponsored by: Representative(s) Lubnau and Senator(s) Case

A BILL

for

1 AN ACT relating to crimes and offenses; amending elements  
2 of simple battery to address the decision in *United States*  
3 *v. Hayes*, 526 F.3d 674, (10<sup>th</sup> Cir., 2008); providing  
4 legislative intent; and providing for an effective date.

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

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8 **Section 1.** W.S. 6-2-501(b) and by creating a new  
9 subsection (g) is amended to read:

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

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13 (b) A person is guilty of battery if he unlawfully  
14 touches another in a ~~rude, insolent or angry~~ manner ~~or~~  
15 that intentionally, knowingly or recklessly causes bodily  
16 injury. ~~to another.~~

17

1       (g) A person is guilty of an unlawful touching if he  
2 touches another person in a rude, insolent or angry manner  
3 without intentionally using sufficient physical force to  
4 cause bodily injury to another. An unlawful touching under  
5 this subsection is a misdemeanor punishable by a fine of  
6 not more than seven hundred fifty dollars (\$750.00).

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8       **Section 2.** The Wyoming legislature, cognizant of the  
9 decision of the United State Court of Appeals for the 10<sup>th</sup>  
10 Circuit in *United States v. Hayes*, 526 F.3d 674, (10<sup>th</sup> Cir.,  
11 2008), creates the offense of unlawful touching in W.S.  
12 6-2-501(g), to clarify the elements of the offense of  
13 simple battery for purposes of federal law, as addressed in  
14 the court's decision.

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16       **Section 3.** This act is effective July 1, 2009.

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(END)