

ORIGINAL HOUSE  
BILL NO. 0036

ENROLLED ACT NO. 110, HOUSE OF REPRESENTATIVES

SIXTY-SECOND LEGISLATURE OF THE STATE OF WYOMING  
2013 GENERAL SESSION

AN ACT relating to offenses against property; renaming the crime of larceny and modifying elements of the crime; removing offenses of rustling and unlawful taking of motor vehicle fuel from the renamed theft statute; modifying elements of rustling; clarifying and modifying penalties for certain offenses regarding failure to obtain a brand permit; repealing unnecessary provisions; conforming statutes; and providing for an effective date.

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

**Section 1.** W.S. 6-3-412 and 6-3-413 are created to read:

**6-3-412. Unlawful taking of motor vehicle fuel; penalties.**

(a) A person who causes a motor vehicle to leave the premises of an establishment at which motor vehicle fuel is offered for retail sale without the person making full payment for motor fuel that was dispensed into the fuel tank of a motor vehicle or into another container is guilty of unlawful taking of motor vehicle fuel. Any person convicted of a second or subsequent offense under this section shall have his driver's license suspended pursuant to W.S. 31-7-128. The court shall forward to the department of transportation a copy of the record pertaining to disposition of the arrest or citation. In addition:

(i) A first conviction under this section is punishable by a fine of not more than seven hundred fifty dollars (\$750.00), imprisonment for not more than six (6) months, or both;

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(ii) A second or subsequent conviction under this section is punishable by a fine of not more than one thousand dollars (\$1,000.00), imprisonment for not more than six (6) months, or both.

**6-3-413. Rustling; penalty.**

A person who knowingly takes or exercises unlawful control over or makes an unauthorized transfer of an interest in any horse, mule, sheep, cattle, buffalo or swine with the purpose of depriving the lawful owner or possessor of the same is guilty of livestock rustling. Livestock rustling is a felony punishable by imprisonment for not more than ten (10) years, a fine of not more than ten thousand dollars (\$10,000.00), or both.

**Section 2.** W.S. 6-1-104(a)(xv)(D), 6-2-401(a)(intro), 6-3-301(a), 6-3-305, 6-3-401(a)(iii), 6-3-402(a) and (c)(intro), 6-3-410, 7-3-705(a)(ii)(G), 7-8-101(a)(iii)(A), 11-31-102, 26-5-106(a)(iv)(A), 31-7-128(n)(intro), 31-16-103(c)(vii), 33-11-105(b)(iv)(C) and (D) and 33-18-105 are amended to read:

**6-1-104. Definitions.**

(a) As used in this act, unless otherwise defined:

(xv) "Pattern of criminal street gang activity" means the commission of, conviction or adjudication for or solicitation, conspiracy or attempt to commit two (2) or more of the offenses listed in this paragraph on separate occasions within a three (3) year period. Offenses that form a pattern of criminal street gang activity include:

(D) ~~Larceny~~Theft in violation of W.S. 6-3-402;

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**6-2-401. Robbery; aggravated robbery; penalties.**

(a) A person is guilty of robbery if in the course of committing a crime defined by W.S. 6-3-402, 6-3-412 or 6-3-413 he:

**6-3-301. Burglary; aggravated burglary; penalties.**

(a) A person is guilty of burglary if, without authority, he enters or remains in a building, occupied structure or vehicle, or separately secured or occupied portion thereof, with intent to commit ~~larceny~~theft or a felony therein.

**6-3-305. Breaking, opening or entering of coin machine with intent to commit theft; penalties.**

A person is guilty of a misdemeanor punishable by imprisonment for not more than one (1) year, a fine of not more than one thousand dollars (\$1,000.00), or both, if he breaks, opens or enters a coin machine with intent to commit ~~larceny~~theft.

**6-3-401. Definitions.**

(a) As used in this article:

(iii) "This article" means W.S. 6-3-401 through ~~6-3-411~~6-3-413.

**6-3-402. Theft; penalties.**

(a) A person ~~who steals, takes and carries, leads or drives away property of another with intent to deprive the owner or lawful possessor~~ is guilty of ~~larceny~~theft if he

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knowingly takes or exercises unauthorized control over or makes an unauthorized transfer of an interest in the property of another person with the purpose of depriving the other person of the property.

(c) ~~Except as provided by subsections (e) and (f) of this section, larceny~~ Theft is:

**6-3-410. Value of property may be aggregated in certain cases.**

The amount of property involved in violations of W.S. 6-3-402 through 6-3-404, ~~and~~ 6-3-406 through 6-3-408 and 6-3-412 committed pursuant to a common scheme or the same transaction, whether the property is taken from the same person or different persons, may be aggregated in determining the value of the property.

**7-3-705. Authorization for interception of wire, oral or electronic communications.**

(a) The attorney general or the district attorney within whose jurisdiction the order is sought in conjunction with the attorney general, may authorize an application to a judge of competent jurisdiction for an order authorizing the interception of wire, oral or electronic communications by the Wyoming division of criminal investigation, federal criminal law enforcement agency or any law enforcement agency of the state having responsibility for investigation of the offense for which the application is made, if the interception may provide evidence of an attempt to commit, conspiracy to commit, solicitation to commit or the commission of any of the following felony offenses or comparable crimes in any other jurisdiction:

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(ii) Any of the following, if incident to or discovered during investigation of a violation of the Wyoming Controlled Substances Act of 1971:

(G) Felony ~~larceny~~theft or related felony offense defined in W.S. 6-3-401 through 6-3-410 or 6-3-413.

**7-8-101. Arrest by private person.**

(a) A person who is not a peace officer may arrest another for:

(iii) The following misdemeanors committed in his presence:

(A) A misdemeanor ~~larceny~~theft offense defined by W.S. ~~6-3-402(a) or (c)~~6-3-402; or

**11-31-102. Deemed personalty.**

Dogs are personal property and the subject of ~~larceny~~theft the same as other personal property. The value in any criminal prosecution shall be determined as in other cases.

**26-5-106. "Casualty insurance" defined.**

(a) Casualty insurance includes:

(iv) Insurance against loss or damage:

(A) By actual or attempted burglary, theft, ~~larceny~~, robbery, forgery, fraud, vandalism, malicious mischief, confiscation, wrongful conversion, disposal or concealment, including supplemental coverage for medical, hospital, surgical and funeral expense incurred by the named insured or any other person as a result of bodily

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injury during the commission of a burglary, robbery or theft by another;

**31-7-128. Mandatory suspension of license or nonresident operating privilege for certain violations; suspension of registration.**

(n) The division shall suspend the license or nonresident operating privilege of any driver upon receiving a record of the driver's second or subsequent conviction under W.S. ~~6-3-402(f)~~ 6-3-412, a similar local ordinance or a similar statute or ordinance in another jurisdiction for:

**31-16-103. Licenses; applications; issuance, suspension and revocation; change in ownership; rulemaking.**

(c) The department may deny, suspend, revoke or refuse to renew a license or temporary permit issued under this act if it finds the person, applicant, vehicle dealer, salesperson, agent or Wyoming based manufacturer:

(vii) Has been convicted of a felony involving fraud, conspiracy to commit fraud, forgery, embezzlement, obtaining money under false pretenses, larceny, theft or extortion within the immediate ten (10) year period prior to the date of license application;

**33-11-105. Powers and duties of collection agency board.**

(b) The board shall refuse to issue or renew a license:

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(iv) If an applicant, or an owner, officer, director, partner or resident manager of an applicant or licensee:

(C) Has been convicted in any court of a felony involving forgery, embezzlement, obtaining money under false pretenses, larceny, theft, extortion, fraud or conspiracy to commit fraud;

(D) Has had a judgment entered against him in any civil action involving forgery, embezzlement, obtaining money under false pretenses, larceny, theft, extortion, fraud or conspiracy to commit fraud;

**33-18-105. Purchase from intoxicated persons.**

No person, firm or corporation engaged in the buying or selling of junk metals, rubber, rags or paper, shall purchase any articles from any person appearing to be intoxicated, nor from any person known to ~~be a thief, or to~~ have been convicted of larceny or theft, and when any person is found to be the owner of stolen property, which had been so sold, the property shall be returned to the owner thereof without the payment of any money on the part of the owner.

**Section 2.** W.S. 6-3-401(a)(i), 6-3-402(b), (d), (e) and (f) and 11-20-203(b) are repealed.

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**Section 3.** This act is effective July 1, 2013.

(END)

\_\_\_\_\_  
Speaker of the House

\_\_\_\_\_  
President of the Senate

\_\_\_\_\_  
Governor

TIME APPROVED: \_\_\_\_\_

DATE APPROVED: \_\_\_\_\_

I hereby certify that this act originated in the House.

\_\_\_\_\_  
Chief Clerk