

## HOUSE BILL NO. HB0185

Penalties for sexual offenses.

Sponsored by: Representative(s) Lubnau and Pedersen

A BILL

for

1 AN ACT relating to crimes and offenses; establishing  
2 enhanced penalties for sex offenses involving victims  
3 twelve (12) years of age or younger as specified;  
4 increasing penalties for second and subsequent offenses of  
5 immoral or indecent acts committed against children as  
6 specified; and providing for an effective date.

7

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

9

10 **Section 1.** W.S. 6-2-306(a)(intro), (b)(intro),  
11 (d)(intro) and by creating new subsections (e) and (f) and  
12 14-3-105(b)(intro), by creating a new subsection (c) and by  
13 renumbering (c) as (d) are amended to read:

14

15 **6-2-306. Penalties for sexual assault.**

16

1 (a) An actor convicted of sexual assault who does not  
2 qualify under the criteria of subsection (b), ~~or~~ (d), (e)  
3 or (f) of this section shall be punished as follows:

4  
5 (b) An actor who is convicted of sexual assault and  
6 who does not qualify under the criteria of subsection (d), (e) or (f)  
7 of this section shall be punished by the  
8 extended terms of subsection (c) of this section if:

9  
10 (d) An actor who is convicted of sexual assault and  
11 who does not qualify under subsection (e) or (f) of this  
12 section shall be punished by life imprisonment without  
13 parole if the actor has two (2) or more previous  
14 convictions for any of the following designated offenses,  
15 which convictions resulted from charges separately brought  
16 and which arose out of separate occurrences in this state  
17 or elsewhere:

18  
19 (e) An actor convicted of sexual assault involving a  
20 victim twelve (12) years of age or younger, who does not  
21 qualify under the criteria of subsection (f) of this  
22 section, shall be punished as follows:

1           (i) Sexual assault in the first degree is a  
2 felony punishable by imprisonment for not less than twenty-  
3 five (25) years nor more than fifty (50) years;

4  
5           (ii) Sexual assault in the second degree is a  
6 felony punishable by imprisonment for not less than fifteen  
7 (15) years nor more than twenty-five (25) years;

8  
9           (iii) Sexual assault in the third degree is a  
10 felony punishable by imprisonment for not less than five  
11 (5) years nor more than fifteen (15) years.

12  
13          (f) An actor who is convicted of sexual assault  
14 involving a victim twelve (12) years of age or younger  
15 shall be punished by life imprisonment without parole if  
16 the actor has one (1) or more previous convictions for a  
17 crime defined in W.S. 6-2-302 through 6-2-304 or a criminal  
18 statute containing the same or similar elements as a crime  
19 defined in W.S. 6-2-302 through 6-2-304, if the  
20 circumstances of the crime involve a victim who was twelve  
21 (12) years of age or younger, which conviction resulted  
22 from a charge separately brought and which arose out of a  
23 separate occurrence in this state or elsewhere.

24

1           **14-3-105. Immoral or indecent acts; penalty.**

2

3           (b) Except as provided in subsection (c) of this  
4 section, an actor convicted under subsection (a) of this  
5 section shall be punished by life imprisonment without  
6 parole if:

7

8           (c) An actor convicted under subsection (a) of this  
9 section shall be punished by life imprisonment without  
10 parole if:

11

12           (i) The circumstances of the crime involve a  
13 victim who was under the age of twelve (12) years at the  
14 time of the offense; and

15

16           (ii) The actor has one (1) or more previous  
17 convictions for a crime defined in W.S. 6-2-302 through  
18 6-2-304 or 14-3-105(a), or a criminal statute containing  
19 the same or similar elements as a crime defined in W.S.  
20 6-2-302 through 6-2-304 or 14-3-105(a), if the  
21 circumstances of the crime involved a victim who was twelve  
22 (12) years of age or younger at the time of the offense,  
23 which convictions resulted from charges separately brought

1 and which arose out of separate occurrences in this state  
2 or elsewhere.

3

4 ~~(e)~~(d) As used in this section, "child" means a  
5 person under the age of eighteen (18) years.

6

7 **Section 2.** This act is effective July 1, 2006.

8

9 (END)