

HOUSE BILL NO. HB0036

Rape shield law.

Sponsored by: Representative(s) Gingery, Petersen and
Quarberg and Senator(s) Decaria

A BILL

for

1 AN ACT relating to crimes and offenses; specifying evidence
2 that is admissible and is not admissible with respect to
3 the victim's sexual conduct or communications in a sexual
4 assault trial; providing exceptions; repealing procedures
5 for the admission of evidence relating to the victim's
6 prior sexual conduct, reputation and character; and
7 providing for an effective date.

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

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11 **Section 1.** W.S. 6-2-312 by creating a new subsection
12 (d) is amended to read:

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14 **6-2-312. Evidence of victim's prior sexual conduct or**
15 **reputation; procedure for introduction.**

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1 (d) In any prosecution under W.S. 6-2-302 through
2 6-2-304 or for any lesser included offense, evidence of the
3 sexual conduct of the victim and the victim's sexual
4 communication with the defendant on the occurrence at issue
5 is admissible. Direct or opinion evidence of the victim's
6 sexual conduct and sexual communication prior or subsequent
7 to the occurrence at issue is inadmissible, subject to the
8 following exceptions which may be admissible:

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10 (i) Evidence of an alternative source for the
11 semen, pregnancy, disease or injury that the victim
12 suffered as a result of the act charged;

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14 (ii) Evidence of negotiations between the victim
15 and the actor to convey consent in a specific way or to
16 engage in a specific sexual act at issue;

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18 (iii) Evidence of the victim's bias or motive to
19 fabricate the act charged.

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21 **Section 2.** W.S. 6-2-312(a) through (c) is repealed.
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