

HOUSE BILL NO. HB0036

Property offenses.

Sponsored by: Representative(s) Gingery, Brown, Greear and
Lubnau and Senator(s) Esquibel, F. and Ross

A BILL

for

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

9

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

11

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

14

15 **6-3-412. Unlawful taking of motor vehicle fuel;**
16 **penalties.**

1

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

13

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

18

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

23

24 **6-3-413. Rustling; penalty.**

1

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

10

11 **Section 2.** W.S. 6-1-104(a)(xv)(D), 6-2-401(a)(intro),
12 6-3-301(a), 6-3-305, 6-3-401(a)(iii), 6-3-402(a) and
13 (c)(intro), 6-3-410, 7-3-705(a)(ii)(G), 7-8-101(a)(iii)(A),
14 11-31-102, 26-5-106(a)(iv)(A), 31-7-128(n)(intro),
15 31-16-103(c)(vii), 33-11-105(b)(iv)(C) and (D) and
16 33-18-105 are amended to read:

17

18 **6-1-104. Definitions.**

19

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

21

22 (xv) "Pattern of criminal street gang activity"
23 means the commission of, conviction or adjudication for or
24 solicitation, conspiracy or attempt to commit two (2) or

1 more of the offenses listed in this paragraph on separate
2 occasions within a three (3) year period. Offenses that
3 form a pattern of criminal street gang activity include:

4
5 (D) ~~Larceny~~Theft in violation of W.S.
6 6-3-402;

7
8 **6-2-401. Robbery; aggravated robbery; penalties.**

9
10 (a) A person is guilty of robbery if in the course of
11 committing a crime defined by W.S. 6-3-402, 6-3-412 or
12 6-3-413 he:

13
14 **6-3-301. Burglary; aggravated burglary; penalties.**

15
16 (a) A person is guilty of burglary if, without
17 authority, he enters or remains in a building, occupied
18 structure or vehicle, or separately secured or occupied
19 portion thereof, with intent to commit ~~larceny~~theft or a
20 felony therein.

21
22 **6-3-305. Breaking, opening or entering of coin**
23 **machine with intent to commit theft; penalties.**

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

6
7 **6-3-401. Definitions.**

8
9 (a) As used in this article:

10
11 (iii) "This article" means W.S. 6-3-401 through
12 ~~6-3-411~~ 6-3-413.

13
14 **6-3-402. Theft; penalties.**

15
16 (a) A person ~~who steals, takes and carries, leads or~~
17 ~~drives away property of another with intent to deprive the~~
18 ~~owner or lawful possessor~~ is guilty of ~~larceny~~ theft if he
19 knowingly takes or exercises unlawful control over or makes
20 an unauthorized transfer of an interest in the property of
21 another person with the purpose of depriving the other
22 person of the property.

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

3

4 **6-3-410. Value of property may be aggregated in**
5 **certain cases.**

6

7 The amount of property involved in violations of W.S.
8 6-3-402 through 6-3-404, ~~and~~ 6-3-406 through 6-3-408 and
9 6-3-412 committed pursuant to a common scheme or the same
10 transaction, whether the property is taken from the same
11 person or different persons, may be aggregated in
12 determining the value of the property.

13

14 **7-3-705. Authorization for interception of wire, oral**
15 **or electronic communications.**

16

17 (a) The attorney general or the district attorney
18 within whose jurisdiction the order is sought in
19 conjunction with the attorney general, may authorize an
20 application to a judge of competent jurisdiction for an
21 order authorizing the interception of wire, oral or
22 electronic communications by the Wyoming division of
23 criminal investigation, federal criminal law enforcement
24 agency or any law enforcement agency of the state having

1 responsibility for investigation of the offense for which
2 the application is made, if the interception may provide
3 evidence of an attempt to commit, conspiracy to commit,
4 solicitation to commit or the commission of any of the
5 following felony offenses or comparable crimes in any other
6 jurisdiction:

7
8 (ii) Any of the following, if incident to or
9 discovered during investigation of a violation of the
10 Wyoming Controlled Substances Act of 1971:

11
12 (G) Felony ~~larceny~~theft or related felony
13 offense defined in W.S. 6-3-401 through 6-3-410 or 6-3-413.

14
15 **7-8-101. Arrest by private person.**

16
17 (a) A person who is not a peace officer may arrest
18 another for:

19
20 (iii) The following misdemeanors committed in
21 his presence:

22
23 (A) A misdemeanor ~~larceny~~theft offense
24 defined by W.S. ~~6-3-402(a) or (c)~~6-3-402; or

1

2 **11-31-102. Deemed personalty.**

3

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

7

8 **26-5-106. "Casualty insurance" defined.**

9

10 (a) Casualty insurance includes:

11

12 (iv) Insurance against loss or damage:

13

14 (A) By actual or attempted burglary, theft,
15 ~~larceny,~~ robbery, forgery, fraud, vandalism, malicious
16 mischief, confiscation, wrongful conversion, disposal or
17 concealment, including supplemental coverage for medical,
18 hospital, surgical and funeral expense incurred by the
19 named insured or any other person as a result of bodily
20 injury during the commission of a burglary, robbery or
21 theft by another;

22

1 **31-7-128. Mandatory suspension of license or**
2 **nonresident operating privilege for certain violations;**
3 **suspension of registration.**

4
5 (n) The division shall suspend the license or
6 nonresident operating privilege of any driver upon
7 receiving a record of the driver's second or subsequent
8 conviction under W.S. ~~6-3-402(f)~~ 6-3-412, a similar local
9 ordinance or a similar statute or ordinance in another
10 jurisdiction for:

11
12 **31-16-103. Licenses; applications; issuance,**
13 **suspension and revocation; change in ownership; rulemaking.**

14
15 (c) The department may deny, suspend, revoke or
16 refuse to renew a license or temporary permit issued under
17 this act if it finds the person, applicant, vehicle dealer,
18 salesperson, agent or Wyoming based manufacturer:

19
20 (vii) Has been convicted of a felony involving
21 fraud, conspiracy to commit fraud, forgery, embezzlement,
22 obtaining money under false pretenses, larceny, theft or
23 extortion within the immediate ten (10) year period prior
24 to the date of license application;

1

2 **33-11-105. Powers and duties of collection agency**
3 **board.**

4

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

7

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

11

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

16

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

21

22 **33-18-105. Purchase from intoxicated persons.**

23

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

10

11 **Section 2.** W.S. 6-3-401(a)(i), 6-3-402(b) and (d) and
12 11-20-203(b) are repealed.

13

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

15

16 (END)