

H.B. No. 0017	Sexual assault protection orders.
---------------	-----------------------------------

Sponsored By: Joint Judiciary Interim Committee

AN ACT relating to criminal procedure; modifying provisions relating to stalking protection orders; providing for protection orders for victims of sexual assault; providing definitions; specifying confidentiality requirements; providing for extensions of orders; and providing for an effective date.

12/16/2014 Bill Number Assigned
1/13/2015 H Received for Introduction
1/13/2015 H Introduced and Referred to H01 - Judiciary
1/15/2015 Judiciary:Recommend Do Pass 9-0-0-0-0

ROLL CALL

Ayes: Representative(s) Baker, Esquibel, K., Halverson, Kroeker, Krone, Miller, Pelkey, Pownall, Winters

Ayes 9 **Nays** 0 **Excused** 0 **Absent** 0 **Conflicts** 0

1/15/2015 H Placed on General File
1/15/2015 H COW Passed
1/16/2015 H 2nd Reading:Passed

HB0017H3001/ADOPTED

Page 1-line 4 After "requirements;" insert "providing for extensions of orders;".
Page 1-line 13 Delete.
Page 1-line 14 Before "an order" delete "of" and insert "The court shall enter".
Page 1-line 15 Before "address" insert "name,".
Page 1-line 16 After " residence of" delete the balance of the line.
Page 2-lines 1 through 4 Delete entirely and insert: "all parties involved in the sexual assault for all orders issued under W.S. 7-3-508 and 7-3-509."
Page 2-line 9 Delete "7-3-510(d)" and insert "7-3-510(b) and (d)".
Page 2-line 21 Strike "identity" insert "identities"; strike "victim" insert "parties".
Page 3-line 4 Delete "injunction" insert "order".
Page 3-line 21 Delete "through 6-2-304" insert "and 6-2-303".
Page 6-line 4 After "serious" insert "physical".
Page 8-After line 20 Insert:

"(b) An order of protection granted by the court under W.S. 7-3-509 shall be effective for a fixed period of time not to exceed ~~one (1) year~~ three (3) months. The original order of protection will terminate three (3) months after issuance unless the respondent is charged or convicted of stalking or sexual assault within that period. Either party may move to modify, terminate or extend the order. The order may be extended repetitively upon a showing of good cause for additional periods of time not to exceed ~~one (1) year~~ three (3) months each upon the court finding from specific facts that a clear and present danger to the victim continues to exist.". GREEAR, NICHOLAS

HB0017H3002/FAILED

Page 1-line 4 Delete the Greear, et al. third reading amendment (HB0017H3001/A) to this line.
Page 2-line 9 Delete the Greear, et al. third reading amendment (HB0017H3001/A) to this line.
Page 6-line 4 Delete the Greear, et al. third reading amendment (HB0017H3001/A) to this line.
Page 8-After line 20 Delete the Greear, et al. third reading amendment (HB0017H3001/A) to these lines.
CONNOLLY, THRONE

1/19/2015 H 3rd Reading:Passed 58-2-0-0-0

ROLL CALL

Ayes: Representative(s) Allen, Baker, Baldwin, Barlow, Berger, Blackburn, Blake, Brown Speaker, Burkhart, Byrd, Campbell, Cannady, Clem, Connolly, Dayton, Edmonds, Edwards, Eklund, Esquibel, Freeman, Greear, Halverson, Harshman, Harvey, Hunt, Jaggi, Jennings, Kasperik, Kirkbride, Kroeker, Krone, Larsen Lloyd, Laursen Dan, Lindholm, Lockhart, Loucks, Madden, McKim, Miller, Moniz, Nicholas, Northrup, Patton, Paxton, Pelkey, Petroff, Piiparinen, Pownall, Reeder, Schwartz, Sommers, Steinmetz, Stubson, Throne, Walters, Wilson, Winters, Zwonitzer,Dv

Nays: Representative(s) Gay, Zwonitzer,Dn

Ayes 58 **Nays** 2 **Excused** 0 **Absent** 0 **Conflicts** 0

1/22/2015 S Received for Introduction

2/4/2015 S Introduced and Referred to S01 - Judiciary

2/9/2015 Judiciary:Recommend Amend and Do Pass 5-0-0-0-0

ROLL CALL

Ayes: Senator(s) Christensen, Esquibel, F., Hicks, Kinskey, Von Flatern

Ayes 5 **Nays** 0 **Excused** 0 **Absent** 0 **Conflicts** 0

2/9/2015 S Placed on General File

HB0017SS001/ADOPTED

(TO ENGROSSED COPY)

Page 9-line 1 Reinsert stricken "one (1) year" and delete "three (3) months".

Page 9-line 7 Reinsert stricken "one (1)".

Page 9-line 8 Reinsert stricken "year" and delete "three (3) months". CHRISTENSEN, CHAIRMAN

HB0017SW001/ADOPTED

(TO ENGROSSED COPY)

Page 1-line 5 Delete line through "orders;".

Page 9-line 1 Delete "The original".

Page 9-lines 2 through 4 Delete new language. PERKINS, HASTERT

2/18/2015 S COW Passed

HB0017S2001/ADOPTED

(TO ENGROSSED COPY)

Page 7-after line 5 Insert:

"(e) No testimony or evidence of the alleged actor in a hearing pursuant to subsection (a) of this section shall be admissible, including for impeachment purposes, or be deemed a waiver of any protection against self-incrimination under the constitution of the

United States or of the state of Wyoming unless, prior to the hearing, an information or indictment has been filed in a district court charging the alleged actor of a violation of sexual assault as defined by W.S. 7-3-506(a)(iii).". PERKINS, ROSS

2/19/2015 S 2nd Reading:Passed
2/20/2015 S 3rd Reading:Passed 29-0-1-0-0

ROLL CALL

Ayes: Senator(s) Anderson, J.D. (SD02), Anderson, J.L. (SD28), Barnard, Bebout, Burns, Case, Christensen, Coe, Cooper, Craft, Dockstader, Driskill, Emerich, Esquibel, Geis, Hastert, Hicks, Johnson, Kinsky, Landen, Nicholas Pres, Pappas, Perkins, Peterson, Ross, Rothfuss, Scott, Von Flatern, Wasserburger

Excused: Senator Meier

Ayes 29 **Nays** 0 **Excused** 1 **Absent** 0 **Conflicts** 0

2/20/2015 H Received for Concurrence
2/23/2015 H Concur:Failed 27-32-1-0-0

ROLL CALL

Ayes: Representative(s) Baldwin, Berger, Blake, Byrd, Campbell, Connolly, Dayton, Edmonds, Esquibel, Harshman, Harvey, Hunt, Jaggi, Kroeker, Krone, Lindholm, Loucks, Madden, Miller, Paxton, Pelkey, Petroff, Pownall, Schwartz, Stubson, Throne, Zwonitzer,Dn

Nays: Representative(s) Allen, Baker, Barlow, Blackburn, Brown Speaker, Burkhart, Cannady, Clem, Edwards, Eklund, Freeman, Gay, Greear, Halverson, Jennings, Kasperik, Kirkbride, Larsen Lloyd, Laursen Dan, Lockhart, McKim, Moniz, Nicholas, Northrup, Piiparinen, Reeder, Sommers, Steinmetz, Walters, Wilson, Winters, Zwonitzer,Dv

Excused: Representative Patton

Ayes 27 **Nays** 32 **Excused** 1 **Absent** 0 **Conflicts** 0

2/23/2015 H Appointed JCC01 Members
Representative(s) Miller, Connolly, Greear
2/23/2015 S Appointed JCC01 Members
Senator(s) Hastert, Perkins, Ross
2/26/2015 H Adopted HB0017JC001: 55-1-4-0-0

HB0017JC001/HADOPTED (TO ENGROSSED COPY)

Adopt the following Senate amendments:

HB0017S2001/AE

Delete the following Senate amendments:

HB0017SS001/AE

HB0017SW001/AE

Further amend the ENGROSSED COPY as follows:

Page 8-lines 22 and 23 Delete entirely and insert:

"(b) An order of protection granted by the court under W.S. 7-3-509 shall be effective for a fixed period of time ~~not to exceed one (1) year~~ as provided in paragraphs (i) and (ii) of this subsection. Either party may move to modify, terminate or extend the order. The order may be extended repetitively upon a showing of good cause for additional periods of time, not to exceed one (1) year each, if the court finds from specific facts that a clear and present danger to the victim

continues to exist. The period of time for an original order of protection shall be as follows:

(i) For conduct constituting stalking, the order of protection shall not exceed one (1) year;

(ii) For conduct constituting sexual assault the order of protection shall not exceed the longer of:

(A) Six (6) months; or

(B) The point in time the respondent is charged with sexual assault or a related criminal offense and the court ordered bond conditions for pre-trial release are at least as restrictive as the original order of protection."

Page 9-lines 1 through 10 Delete entirely. MILLER, CONNOLLY, GREEAR, HASTERT, PERKINS, ROSS

ROLL CALL

Ayes: Representative(s) Allen, Baker, Baldwin, Barlow, Berger, Blackburn, Blake, Brown Speaker, Burkhart, Byrd, Campbell, Cannady, Clem, Connolly, Dayton, Edmonds, Edwards, Eklund, Esquibel, Freeman, Gay, Greear, Halverson, Harshman, Harvey, Hunt, Jaggi, Jennings, Kirkbride, Kroeker, Larsen Lloyd, Laursen Dan, Lindholm, Lockhart, Loucks, Madden, McKim, Miller, Moniz, Northrup, Paxton, Pelkey, Petroff, Piiparinen, Pownall, Reeder, Schwartz, Sommers, Steinmetz, Stubson, Throne, Walters, Wilson, Zwonitzer, Dn, Zwonitzer, Dv

Nays: Representative Nicholas

Excused: Representative(s) Kasperik, Krone, Patton, Winters

Ayes 55 **Nays** 1 **Excused** 4 **Absent** 0 **Conflicts** 0

2/27/2015 S Adopted HB0017JC001: 29-1-0-0-0

HB0017JC001/HADOPTEDSADOPTED (TO ENGROSSED COPY)

Adopt the following Senate amendments:

HB0017S2001/AE

Delete the following Senate amendments:

HB0017SS001/AE

HB0017SW001/AE

Further amend the ENGROSSED COPY as follows:

Page 8-lines 22 and 23 Delete entirely and insert:

"(b) An order of protection granted by the court under W.S. 7-3-509 shall be effective for a fixed period of time ~~not to exceed one (1) year~~ as provided in paragraphs (i) and (ii) of this subsection. Either party may move to modify, terminate or extend the order. The order may be extended repetitively upon a showing of good cause for additional periods of time, not to exceed one (1) year each, if the court finds from specific facts that a clear and present danger to the victim continues to exist. The period of time for an original order of protection shall be as follows:

(i) For conduct constituting stalking, the order of protection shall not exceed one (1) year;

(ii) For conduct constituting sexual assault the order of protection shall not exceed the longer of:

(A) Six (6) months; or

(B) The point in time the respondent is charged with sexual assault or a related criminal offense and the court ordered bond conditions for pre-trial release are at least as restrictive as the original order of protection."

Page 9-lines 1 through 10 Delete entirely. MILLER, CONNOLLY, GREEAR, HASTERT, PERKINS, ROSS

ROLL CALL

Ayes: Senator(s) Anderson, J.D. (SD02), Anderson, J.L. (SD28), Barnard, Bebout, Burns, Christensen, Coe, Cooper, Craft, Dockstader, Driskill, Emerich, Esquibel, Geis, Hastert, Hicks, Johnson, Kinskey, Landen, Meier, Nicholas Pres, Pappas, Perkins, Peterson, Ross, Rothfuss, Scott, Von Flatern, Wasserburger

Nays: Senator Case

Ayes 29 **Nays** 1 **Excused** 0 **Absent** 0 **Conflicts** 0

2/27/2015 Assigned Number HEA No. 0083

3/2/2015 H Speaker Signed HEA No. 0083

3/3/2015 S President Signed HEA No. 0083

3/10/2015 Governor Signed HEA No. 0083

3/10/2015 Assigned Chapter Number

Chapter No. 144 Session Laws of Wyoming 2015