

SENATE FILE NO. SF0115

Order of protection-tolling during imprisonment.

Sponsored by: Senator(s) Anselmi-Dalton, Ellis, Kost and
Nethercott and Representative(s) Pelkey and
Zwonitzer

A BILL

for

1 AN ACT relating to orders of protection; providing for the
2 tolling of the effective period of an order of protection as
3 specified; amending the duration of an extension; and
4 providing for an effective date.

5

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

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8 **Section 1.** W.S. 7-3-510(b) and 35-21-106(b) are amended
9 to read:

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11 **7-3-510. Service of order; duration and extension of**
12 **order; violation; remedies not exclusive.**

13

14 (b) Except as otherwise provided by this subsection, an
15 order of protection granted by the court under W.S. 7-3-509

1 shall be effective for a fixed period of time not to exceed
2 three (3) years. Either party may move to modify, terminate
3 or extend the order. The order may be extended repetitively
4 upon a showing of good cause for additional periods of time,
5 not to exceed ~~one (1) year~~ three (3) years each, if the court
6 finds from specific facts that a clear and present danger to
7 the victim continues to exist. If a party subject to an order
8 of protection is incarcerated or becomes imprisoned, the
9 running of the time remaining for the order of protection
10 shall be tolled during the term of incarceration or
11 imprisonment. The conditions and provisions of an order of
12 protection shall remain in effect during any period of tolling
13 under this subsection. Upon release from incarceration or
14 imprisonment the effective period of the order of protection
15 shall be the amount of time remaining as of the first day of
16 the term of incarceration or imprisonment or one (1) year
17 from the date of release, whichever is greater.

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19 **35-21-106. Service of order; duration and extension of**
20 **order; violation; remedies not exclusive.**

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22 (b) Except as otherwise provided by this subsection, an
23 order of protection granted by the court shall be effective

1 for a fixed period of time not to exceed three (3) years.
2 Either party may move to modify, terminate or extend the
3 order. The order may be extended repetitively upon a showing
4 of good cause for additional periods of time not to exceed
5 ~~one (1) year~~ three (3) years each. If a party subject to an
6 order of protection is incarcerated or becomes imprisoned the
7 running of the time remaining for the order of protection
8 shall be tolled during the term of incarceration or
9 imprisonment. The conditions and provisions of an order of
10 protection shall remain in effect during any period of tolling
11 under this subsection. Upon release from incarceration or
12 imprisonment the effective period of the order of protection
13 shall be the amount of time remaining as of the first day of
14 the term of incarceration or imprisonment or one (1) year
15 from the date of release, whichever is greater. The filing
16 of an action for divorce shall not supersede an order of
17 protection granted under this act.

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19 **Section 2.** This act applies to orders of protection
20 granted, modified or extended on or after July 1, 2019.

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1 **Section 3.** This act is effective July 1, 2019.

2

3 (END)