

ENROLLED ACT NO. 58, HOUSE OF REPRESENTATIVES

SIXTY-FIFTH LEGISLATURE OF THE STATE OF WYOMING  
2020 BUDGET SESSION

AN ACT relating to crimes and offenses; amending the elements of theft to incorporate various methods of stealing into one crime; modifying penalties for stealing related offenses; providing a statement of intent; making conforming amendments; repealing provisions incorporated into the offense of theft; and providing for an effective date.

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

**Section 1.** W.S. 1-1-116(a) and (c), 1-1-127(a)(intro), (b) and (c), 6-1-104(a)(vi)(F)(I), 6-2-401(a)(intro), 6-3-401(a) by creating new paragraphs (iv) and (v), 6-3-402(a), (c)(intro), (i) and by creating new subsections (g) and (h), 6-3-405, 7-2-101(a)(iv)(E)(I), 7-3-705(a)(ii)(G) and 31-7-128(n)(intro) are amended to read:

**1-1-116. Civil liability for theft of services.**

(a) Notwithstanding any criminal penalties which may apply, an owner or operator of a franchised or otherwise duly licensed provider of services may bring a civil action to enjoin or restrain any violation of W.S. ~~6-3-408-6-3-402~~ when the violation involves theft of services and may in the same action seek damages from the person violating W.S. ~~6-3-408-6-3-402~~.

(c) As used in this section, "services" has the same meaning as specified in W.S. ~~6-3-408-6-3-401(a)(v)~~.

**1-1-127. Civil liability for shoplifting.**

ENROLLED ACT NO. 58, HOUSE OF REPRESENTATIVES

SIXTY-FIFTH LEGISLATURE OF THE STATE OF WYOMING  
2020 BUDGET SESSION

(a) A person over ten (10) years of age who violates W.S. ~~6-3-404(a) or (b)~~ 6-3-402 with regard to property offered for sale by a wholesale or retail store is civilly liable to the merchant of the property in an amount consisting of:

(b) If an unemancipated minor violates W.S. ~~6-3-404(a) or (b)~~ 6-3-402 with regard to property offered for sale by a wholesale or retail store, the parents or guardian of the child shall be civilly liable as provided by subsection (a) of this section, provided liability under this subsection shall not apply to foster parents, to parents whose parental custody and control of the child have been terminated by court order prior to the violation or to any governmental or private agency that has been appointed guardian for the minor child pursuant to court order or action of the department of family services. Civil liability under this subsection is not subject to the limitation on liability provided by W.S. 14-2-203 or any other law that limits the liability of parents for damages caused by an unemancipated minor.

(c) A conviction or a plea of guilty to a violation of W.S. ~~6-3-404(a) or (b)~~ 6-3-402 with regard to property offered for sale by a wholesale or retail store is not a prerequisite to the bringing of a civil suit under this section.

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

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

(vi) "Peace officer" includes the following officers assigned to duty in the state of Wyoming:

ENROLLED ACT NO. 58, HOUSE OF REPRESENTATIVES

SIXTY-FIFTH LEGISLATURE OF THE STATE OF WYOMING  
2020 BUDGET SESSION

(F) Investigators and brand inspectors of the Wyoming livestock board who have qualified pursuant to W.S. 9-1-701 through 9-1-707 when:

(I) Enforcing W.S. 6-3-201, 6-3-203, 6-3-401, ~~through 6-3-403, 6-3-407, 6-3-402,~~ 6-3-410, 6-3-601 through 6-3-603, 6-3-607, 6-3-610 through 6-3-612, 6-9-202, 35-10-101, 35-10-102 and 35-10-104, the provisions of title 11 and any laws prohibiting theft or mutilation of livestock or any part thereof and any rule or regulation promulgated by the Wyoming livestock board or any other law for which they are granted statutory enforcement authority;

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

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

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

(a) As used in this article:

(iv) "Property" means as defined in W.S. 6-1-104(a)(viii) and also includes services;

(v) "Services" includes, but is not limited to, electric, telephone, cable television, gas, water or sewer services.

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

(a) A person is guilty of theft if he knowingly takes, obtains, procures, retains or exercises ~~unauthorized~~ control over or makes an unauthorized transfer of an

ENROLLED ACT NO. 58, HOUSE OF REPRESENTATIVES

SIXTY-FIFTH LEGISLATURE OF THE STATE OF WYOMING  
2020 BUDGET SESSION

interest in the property of another person ~~with the purpose of depriving~~ without authorization or by threat or by deception, or he receives, loans money by pawn or pledge on or disposes of the property of another person that he knew or reasonably should have known was stolen, and he:

(i) Intends to deprive the other person of the use or benefit of the property;

(ii) Knowingly uses, receives, conceals, abandons or disposes of the property in such manner as to deprive the other person of its use or benefit;

(iii) Demands anything of value to which he has no legal claim as a condition for returning or otherwise restoring the property to the other person.

(c) Except as provided in subsection (g) of this section, theft is:

(i) A felony punishable by imprisonment for not more than ten (10) years, a fine of not more than ten thousand dollars (\$10,000.00), or both, if the value of the property is one thousand dollars (\$1,000.00) or more or if the property is a firearm, horse, mule, sheep, cattle, buffalo or swine regardless of value; or

(g) In addition to the penalties provided in subsection (c) of this section, any person convicted of a second or subsequent offense for theft of motor vehicle fuel offered for retail sale shall have his driver's license suspended pursuant to W.S. 31-7-128(n). The court shall forward to the department of transportation a copy of the record pertaining to disposition of the arrest or citation.

ENROLLED ACT NO. 58, HOUSE OF REPRESENTATIVES

SIXTY-FIFTH LEGISLATURE OF THE STATE OF WYOMING  
2020 BUDGET SESSION

(h) The amount of property involved in violations of this section committed pursuant to a common scheme or the same transaction, whether the property is taken from the same person or different persons, may be aggregated in determining the value of the property.

**6-3-405. Reasonable detention and interrogation of persons suspected of shoplifting or altering price tag; defense in civil or criminal action.**

(a) A peace officer, merchant or merchant's employee who has reasonable cause to believe a person is violating W.S. ~~6-3-404~~ 6-3-402 with regard to property offered for sale by a wholesale or retail store may detain and interrogate the person in regard to the suspected violation in a reasonable manner and for a reasonable time.

(b) In a civil or criminal action for slander, false arrest, false imprisonment, assault, battery or wrongful detention based upon a detention and interrogation pursuant to this section, it is a defense that the peace officer, merchant or merchant's employee had reasonable cause to believe the person was violating W.S. ~~6-3-404~~ 6-3-402 with regard to property offered for sale by a wholesale or retail store and the detention and interrogation were conducted in a reasonable manner and for a reasonable time.

**7-2-101. Definitions.**

(a) As used in W.S. 7-2-101 through 7-2-107:

(iv) "Peace officer" means:

ENROLLED ACT NO. 58, HOUSE OF REPRESENTATIVES

SIXTY-FIFTH LEGISLATURE OF THE STATE OF WYOMING  
2020 BUDGET SESSION

(E) Investigators and brand inspectors of the Wyoming livestock board who have qualified pursuant to W.S. 9-1-701 through 9-1-707:

(I) When enforcing W.S. 6-3-201, 6-3-203, 6-3-401, ~~through 6-3-403, 6-3-407, 6-3-402,~~ 6-3-410, 6-3-601 through 6-3-603, 6-3-607, 6-3-610 through 6-3-612, 6-9-202, 35-10-101, 35-10-102 and 35-10-104, the provisions of title 11 and any laws prohibiting theft, killing or mutilation of livestock or any part thereof and any rule or regulation promulgated by the Wyoming livestock board or any other law for which they are granted statutory enforcement authority;

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

(a) The attorney general or the district attorney within whose jurisdiction the order is sought in conjunction with the attorney general, may authorize an application to a judge of competent jurisdiction for an order authorizing the interception of wire, oral or electronic communications by the Wyoming division of criminal investigation, federal criminal law enforcement agency or any law enforcement agency of the state having responsibility for investigation of the offense for which the application is made, if the interception may provide evidence of an attempt to commit, conspiracy to commit, solicitation to commit or the commission of any of the following felony offenses or comparable crimes in any other jurisdiction:

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

ENROLLED ACT NO. 58, HOUSE OF REPRESENTATIVES

SIXTY-FIFTH LEGISLATURE OF THE STATE OF WYOMING  
2020 BUDGET SESSION

(G) Felony theft or related felony offense defined in W.S. ~~6-3-401 through 6-3-410 or 6-3-413~~ 6-3-402.

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

(n) The division shall suspend the license or nonresident operating privilege of any driver upon receiving a record of the driver's second or subsequent conviction under W.S. ~~6-3-412~~ 6-3-402 with regard to motor vehicle fuel offered for retail sale, a similar local ordinance or a similar statute or ordinance in another jurisdiction for:

**Section 2.** With the amendments in Section 1 of this act, it is the intent of the legislature to define one (1) crime of theft and to incorporate therein the theft crimes previously listed in title 6, chapter 3, article 4 of the Wyoming statutes, thereby removing distinctions and technicalities that previously existed in the pleading and proof of such crimes.

**Section 3.** W.S. 6-1-104(a)(xv)(E), 6-3-403, 6-3-404, 6-3-406 through 6-3-410, 6-3-412 and 6-3-413 are repealed.

ORIGINAL HOUSE  
BILL NO. HB0016

ENGROSSED

ENROLLED ACT NO. 58, HOUSE OF REPRESENTATIVES

SIXTY-FIFTH LEGISLATURE OF THE STATE OF WYOMING  
2020 BUDGET SESSION

**Section 4.** This act is effective July 1, 2020.

(END)

\_\_\_\_\_  
Speaker of the House

\_\_\_\_\_  
President of the Senate

\_\_\_\_\_  
Governor

TIME APPROVED: \_\_\_\_\_

DATE APPROVED: \_\_\_\_\_

I hereby certify that this act originated in the House.

\_\_\_\_\_  
Chief Clerk