

SENATE FILE NO. SF0105

Permanent protection orders-8.

Sponsored by: Senator(s) Case

A BILL

for

1 AN ACT relating to criminal procedure; providing for
2 permanent protection orders for victims of sexual assault,
3 stalking and domestic violence; specifying requirements,
4 procedures and conditions for permanent protection orders;
5 making conforming amendments; specifying applicability; and
6 providing for an effective date.

7

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

9

10 **Section 1.** W.S. 7-3-513 and 35-21-113 are created to
11 read:

12

13 **7-3-513. Permanent orders of protection;**
14 **requirements; procedures.**

15

1 (a) The court may, if it wants, upon petition by a
2 victim or a person specified in W.S. 7-3-507(a), enter a
3 permanent order of protection or extend an order previously
4 issued under W.S. 7-3-508 or 7-3-509 on a permanent basis.
5 A permanent order of protection shall order the respondent
6 to refrain from any contact or further acts of stalking or
7 sexual assault involving the victim or any other person.
8 Before entering a permanent order of protection under this
9 section, the court shall:

10
11 (i) Consider the respondent's history of
12 violence, the severity of the offense at issue and any
13 evidence presented;

14
15 (ii) Determine that, to avoid further injury or
16 harm to the victim, the victim needs permanent protection.

17
18 (b) Upon conviction, the court may enter a permanent
19 order of protection under this section in favor of the
20 victim against a person convicted of a violent felony as
21 defined by W.S. 6-1-104(a)(xii).

22

1 (c) The court may, in any permanent order of
2 protection, specify any of the directions or conditions
3 specified in W.S. 7-3-509(a).

4

5 (d) A permanent order of protection shall include the
6 notice required under W.S. 7-3-509(b). A hearing shall be
7 held before a permanent order of protection is entered,
8 provided that the petitioner or another party to the
9 hearing may petition the court to appear remotely as
10 provided by W.S. 7-3-507(f).

11

12 (e) A permanent order of protection issued under this
13 section may be terminated upon the victim's request that
14 the order be dismissed or upon motion by the respondent and
15 upon good cause shown by the respondent.

16

17 **35-21-113. Permanent orders of protection;**
18 **requirements; procedures.**

19

20 (a) The court may, upon petition by a victim or a
21 person specified in W.S. 35-21-103(a), enter a permanent
22 order of protection or extend an order previously issued
23 under W.S. 35-21-103 or 35-21-104 on a permanent basis. A

1 permanent order of protection shall order the respondent
2 household member to refrain from having contact with or
3 abusing the petitioner or any other household member.
4 Before entering a permanent order of protection under this
5 section, the court shall:

6

7 (i) Consider the respondent's history of
8 violence, the severity of the offense at issue and any
9 evidence presented;

10

11 (ii) Determine that, to avoid further injury or
12 harm to the victim, the victim needs permanent protection.

13

14 (b) Upon conviction, the court may enter a permanent
15 order of protection under this section in favor of the
16 victim against a person convicted of a violent felony as
17 defined by W.S. 6-1-104(a)(xii).

18

19 (c) In any permanent order of protection, the court:

20

21 (i) May specify any of the directions or
22 conditions specified in W.S. 35-21-105(a);

23

1 (ii) Shall order any of the conditions or
2 requirements specified in W.S. 35-21-105(b) in accordance
3 with W.S. 35-21-105(b).

4

5 (d) A permanent order of protection shall include the
6 notice required under W.S. 35-21-105(c). A hearing shall be
7 held before a permanent order of protection is entered,
8 provided that the petitioner or another party to the
9 hearing may petition the court to appear remotely as
10 provided by W.S. 35-21-103(j).

11

12 (e) A permanent order of protection issued under this
13 section may be terminated upon the victim's request that
14 the order be dismissed or upon motion by the respondent and
15 upon good cause shown by the respondent.

16

17 **Section 2.** W.S. 7-3-506(a)(intro), 7-3-507(f),
18 7-3-509(a)(intro) and (c), 7-3-510, 7-3-511(b)(i), (ii) and
19 (c), 7-3-512, 35-21-102(a)(viii) and 35-21-106(b) and (c)
20 is amended to read:

21

22 **7-3-506. Definitions.**

23

1 (a) As used in W.S. 7-3-506 through ~~7-3-512~~7-3-513:

2

3 **7-3-507. Petition for order of protection; contents;**
4 **requisites; indigent petitioners; remote appearance at**
5 **hearings.**

6

7 (f) For any hearing required or authorized for
8 proceedings under W.S. 7-3-506 through ~~7-3-512~~7-3-513, the
9 petitioner or other party to the hearing may petition the
10 court to appear at the hearing by remote means. The court
11 may, in its discretion, grant the petition for remote
12 appearance at the hearing, provided that the court is
13 equipped with appropriate audio or video technology to
14 allow the petitioner or other party to fully participate in
15 the hearing.

16

17 **7-3-509. Order of protection; contents; remedies;**
18 **order not to affect title to property.**

19

20 (a) Following a hearing under W.S. 7-3-508(a) and
21 upon a finding that conduct constituting stalking or sexual
22 assault has been committed, the court shall enter an order
23 of protection ordering the respondent to refrain from any

1 further acts of stalking or sexual assault involving the
2 victim or any other person. As a part of any order of
3 protection issued under this section or W.S. 7-3-513, the
4 court may direct that the respondent:

5

6 (c) A request by the victim for the perpetrator to
7 violate an order of protection issued under this section, a
8 permanent order of protection issued under W.S. 7-3-513 or
9 a temporary order of protection issued under W.S. 7-3-508
10 shall constitute an affirmative defense to a charge of
11 violation of the order by the perpetrator.

12

13 **7-3-510. Service of order; duration and extension of**
14 **order; violation; remedies not exclusive.**

15

16 (a) An order of protection granted under W.S. 7-3-509
17 or 7-3-513 shall be served upon the respondent pursuant to
18 the Wyoming Rules of Civil Procedure. A copy of the order
19 of protection shall be filed with the sheriff of the
20 county.

21

22 (b) Except as otherwise provided by this subsection
23 and W.S. 7-3-513, an order of protection granted by the

1 court under W.S. 7-3-509 shall be effective for a fixed
2 period of time not to exceed three (3) years. Either party
3 may move to modify, terminate or extend the order. The
4 order may be extended repetitively upon a showing of good
5 cause for additional periods of time, not to exceed three
6 (3) years each, if the court finds from specific facts that
7 a clear and present danger to the victim continues to
8 exist. ~~If a party subject to an order of protection is
9 sentenced and incarcerated or becomes imprisoned, the
10 running of the time remaining for the order of protection
11 shall be tolled during the term of incarceration or
12 imprisonment. The conditions and provisions of an order of
13 protection shall remain in effect during any period of
14 tolling under this subsection. Upon release from
15 incarceration or imprisonment the effective period of the
16 order of protection shall be the amount of time remaining
17 as of the first day of the term of incarceration or
18 imprisonment or one (1) year from the date of release,
19 whichever is greater.~~

20

21 (c) Willful violation of a temporary order of
22 protection issued under W.S. 7-3-508, of a permanent order
23 of protection issued under W.S. 7-3-513 or of an order of

1 protection issued under W.S. 7-3-509 is a misdemeanor
2 punishable by imprisonment for not more than six (6)
3 months, a fine of not more than seven hundred fifty dollars
4 (\$750.00), or both. A temporary order of protection issued
5 under W.S. 7-3-508, a permanent order of protection issued
6 under W.S. 7-3-513 and an order of protection issued under
7 W.S. 7-3-509 shall have statewide applicability and a
8 criminal prosecution under this subsection may be commenced
9 in any county in which the respondent commits an act in
10 violation of the order.

11

12 (d) The remedies provided by W.S. 7-3-506 through
13 ~~7-3-512~~ 7-3-513 are in addition to any other civil or
14 criminal remedy available under the law.

15

16 **7-3-511. Emergency assistance by law enforcement**
17 **officers; limited liability.**

18

19 (b) A law enforcement officer or agency responding to
20 the request for assistance may take whatever steps are
21 reasonably necessary to protect the victim, including:

22

1 (i) Advising the victim of the remedies
2 available under W.S. 7-3-506 through ~~7-3-512~~7-3-513 and
3 the availability of shelter, medical care, counseling,
4 safety planning, victim's rights counseling and other
5 services;

6

7 (ii) Advising the victim, when appropriate, of
8 the procedure for initiating proceedings under W.S. 7-3-506
9 through ~~7-3-512~~7-3-513 or criminal proceedings and the
10 importance of preserving evidence; and

11

12 (c) Any law enforcement agency or officer responding
13 to a request for assistance under W.S. 7-3-506 through
14 ~~7-3-512~~7-3-513 is immune from civil liability when
15 complying with the request, provided that the agency or
16 officer acts in good faith and in a reasonable manner.

17

18 **7-3-512. Confidentiality in court proceedings.**

19

20 The court shall enter an order providing for the
21 confidentiality of the name, address, city and state of
22 residence or any other information identifying residence of

1 all parties involved in the sexual assault for all orders
2 issued under W.S. 7-3-508, ~~and 7-3-509~~ and 7-3-513.

3

4 **35-21-102. Definitions.**

5

6 (a) As used in this act:

7

8 (viii) "This act" means W.S. 35-21-101 through
9 ~~35-21-111~~ 35-21-113.

10

11 **35-21-106. Service of order; duration and extension**
12 **of order; violation; remedies not exclusive.**

13

14 (b) Except as otherwise provided by this subsection
15 and W.S. 35-21-113, an order of protection granted by the
16 court under W.S. 35-21-105 shall be effective for a fixed
17 period of time not to exceed three (3) years. Either party
18 may move to modify, terminate or extend the order. The
19 order may be extended repetitively upon a showing of good
20 cause for additional periods of time not to exceed three
21 (3) years each. ~~If a party subject to an order of~~

22 ~~protection is sentenced and incarcerated or becomes~~
23 ~~imprisoned the running of the time remaining for the order~~

1 ~~of protection shall be tolled during the term of~~
2 ~~incarceration or imprisonment. The conditions and~~
3 ~~provisions of an order of protection shall remain in effect~~
4 ~~during any period of tolling under this subsection. Upon~~
5 ~~release from incarceration or imprisonment the effective~~
6 ~~period of the order of protection shall be the amount of~~
7 ~~time remaining as of the first day of the term of~~
8 ~~incarceration or imprisonment or one (1) year from the date~~
9 ~~of release, whichever is greater.~~ The filing of an action
10 for divorce shall not supersede an order of protection
11 granted under this act.

12

13 (c) Willful violation of an order of protection
14 granted under this act is a crime as defined by W.S.
15 6-4-404. An order of protection granted under this act has
16 statewide applicability and a criminal prosecution under
17 this subsection may be commenced in any county in which the
18 respondent commits an act in violation of the order of
19 protection.

20

21 **Section 3.**

22

1 (a) Nothing in this act shall be construed to alter,
2 amend or abrogate any order of protection entered or
3 granted before July 1, 2025.

4

5 (b) Orders of protection that are tolled under the
6 provisions of W.S. 7-3-510(b) or 35-21-106(b) on July 1,
7 2025 shall be tolled and shall have their duration
8 calculated in accordance with W.S. 7-3-510(b) or
9 35-21-106(b) as those provisions existed on June 30, 2025.

10

11 **Section 4.** This act is effective July 1, 2025.

12

13

(END)