



New Laws 2019 – Passed priority bills

<p>1 p. 2</p>	<p>Sexual Assault Biological Evidence Reporting – <u>SF0072</u> All sexual assault kits and medical exams will be paid for by the Attorney General's Division of Victim Services. No longer will local law enforcement have to use local funds. The bill also requires a log be kept of when the kits are submitted and when they're completed. If they aren't submitted, why. Usually they are sent to another faster lab, or a survivor doesn't want to make a law enforcement report. They are stored until statute of limitations are up or a court order. Sponsor: Senator Ellis, Co-Sponsor: Senator(s) Anselmi-Dalton, Biteman, Driskill, Gierau, Landen Representative(s) Duncan, Greear, Kinner, Lindholm, Newsome, Olsen, Salazar, Schwartz</p>
<p>2 p. 3</p>	<p>Sexual Assault Parental Rights - <u>HB0107</u> Allows survivors to petition the court to terminate the parental rights of a rapist when a child is conceived. The bill originally did not require a criminal conviction, however, an amendment was successful to require a conviction before a survivor could even ask the court to terminate parental rights of the rapist. It's a first step. Sponsor: Representative Blackburn Co-Sponsor: Representative(s) Clem, Clifford, Henderson, Miller, Newsome, Pelkey, Senator(s) Case, Nethercott</p>
<p>3 p. 4</p>	<p>Crime victim compensation eligibility clarification - <u>HB0045</u> This bill will provide the ability for a victim to request a 12 month extension to the current 24 months to have mental health counseling and care, for a total of 36 months. Sponsor: Joint Judiciary Committee</p>
<p>4 p. 4</p>	<p>Order of protection-tolling during imprisonment - <u>SF0115</u> If a party to an order of protection becomes imprisoned, the effective period for the order shall be tolled during the term of imprisonment. Also, anyone can renew for 3 year period! Sponsor: Senator Anselmi-Dalton, Co-Sponsor: Senator(s) Ellis, Kost, Nethercott, Representative(s) Pelkey, Zwonitzer</p>
<p>5 p. 5</p>	<p>Equal Pay - Penalties – <u>HB0071</u> Increases penalties under WY's Equal Pay Act from "not less than \$25, nor more than \$200" to "not more than \$500". Sponsor: Joint Labor, Health & Social Services Committee</p>
<p>6 p. 6</p>	<p>Care of Animals – <u>HB0235</u> Provides for penalties for animal abuse and relief for petitioner of protection order to seek custody of household pet. Sponsor: Representative Zwonitzer, Co-Sponsor: Representative(s) Brown, Furphy, Paxton, Yin</p>
<p>p. 8</p>	<p>Other Bills: Criminal Justice Reinvestment, Family Law, Failed Bills</p>
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SF0072 Sexual Assault Biological Evidence Reporting

AN ACT relating to criminal history records; requiring statistical reports relating to sexual assault biological evidence and the status of laboratory analysis; providing for publication; amending payment obligations for examination costs; prohibiting the destruction of evidence as specified; providing definition; making conforming amendments; and providing for effective dates.

Section 1. W.S. 7-19-407 is created to read:

7-19-407. Sexual assault biological evidence reports.

(a) Beginning January 1, 2020, each criminal justice agency shall report to the division all investigations in which sexual assault biological evidence is gathered. The report shall include the type of crime involved, whether the evidence was submitted to a laboratory for analysis, the name of the lab, whether lab analysis has been completed, and if not submitted, the reasons for nonsubmission and any other information required by the division. Reports shall not include the names of any of the persons involved in an incident or any information which would serve to identify any individual person.

(b) At least annually, the division shall compile a statistical report that shall include the information received pursuant to subsection (a) of this section. Copies of the statistical report shall be published in the "Uniform Crime Reporting, Crime in Wyoming" publication and shall be made available to the public upon request.

Section 2. W.S. 6-2-309(g) (intro) and by creating a new subsection (n) and 7-19-401(a) by creating a new paragraph (xii) and by amending and renumbering (xii) as (xiii) are amended to read:

6-2-309. Medical examination of victim; costs; use of report; minors; rights of victims; reimbursement.

(g) Except as provided by subsection (j) of this section, the costs of any examination relating to the investigation or prosecution of a sexual assault shall be billed to and paid by the victim services division of the office of the attorney general contingent upon available funding. The victim services division shall promulgate any rules necessary to effectuate payments required under this subsection. If victim services division funds are no longer available to meet the purposes of this subsection, the cost of any examination relating to the investigation or prosecution of sexual assault shall be billed to and paid by the investigating law enforcement agency. These examination costs shall include the following:

(n) No evidence collected under subsection (a) of this section shall be destroyed until all applicable statutes of limitation have expired or a court orders the destruction.

7-19-401. Definitions.

(a) For purposes of this act:

(xii) "Sexual assault biological evidence" includes DNA samples and evidence gathered during an examination conducted under W.S. 6-2-309;

~~(xii)~~(xiii) "This act" means W.S. 7-19-401 through ~~7-19-406~~7-19-407.

Section 3. On or before September 1, 2019, the division shall prescribe a form for the report required by W.S. 7-19-407(a) and promulgate any rules necessary to effectuate the reporting required by this act.

Section 4.

(a) Except as provided in subsection (b) of this section, this act is effective July 1, 2019.

(b) Sections 3 and 4 of this act are effective immediately upon completion of all acts necessary for a bill to become law as provided by Article 4, Section 8 of the Wyoming Constitution.

HB0107 Sexual Assault Parental Rights

AN ACT relating to termination of parental rights; including sexual assault as a factor that a court may consider to terminate parental rights as specified; specifying no reunification effort is required; and providing for an effective date.

Section 1. W.S. 14-2-309(a) by creating a new paragraph (ix) is amended to read:

14-2-309. Grounds for termination of parent-child relationship; clear and convincing evidence.

(a) The parent-child legal relationship may be terminated if any one (1) or more of the following facts is established by clear and convincing evidence:

(ix) The parent committed sexual assault and the child was conceived as a result of the sexual assault. For the purposes of this paragraph, the following shall apply:

(A) A person committed sexual assault if the person was convicted of an offense under W.S. 6-2-302, 6-2-303, 6-2-314 through 6-2-316 or other similar law of another jurisdiction;

(B) Reasonable effort to reunify the family is not required to terminate parental rights;

(C) This paragraph shall not apply if the parent seeking termination was married to or cohabiting with the parent committing the sexual assault resulting in the birth of the child for not less than two (2) years immediately after the birth of the child. Nothing in this subparagraph shall be construed as limiting a parent from seeking termination under another provision of this section or from seeking sole custody under title 20, chapter 5 of the Wyoming statutes.

Section 2. This act is effective July 1, 2019.

HB0045 - Crime Victim compensation eligibility clarification

AN ACT relating to crime victims compensation; providing time limits for compensation awards; authorizing the division of victim compensation to extend compensation time limits for mental health counseling and care; amending the date compensation becomes available as specified; and providing for an effective date.

Section 1. W.S. 1-40-109(d) and (e) is amended to read:

1-40-109. Standards for compensation.

(d) Except as provided in subsection (e) of this section, the maximum individual award of compensation paid to any victim or dependent shall not exceed fifteen thousand dollars (\$15,000.00). Compensation shall only be awarded for economic losses occurring within a twenty-four (24) month period from the date of the injury or discovery of the crime. However, the division may extend the twenty-four (24) month period to allow compensation for mental health counseling and care occurring within an additional twelve (12) month period for a total of thirty-six (36) months.

(e) In addition to the maximum award authorized in subsection (d) of this section, in the case of catastrophic injury the division may award an additional amount not to exceed ten thousand dollars (\$10,000.00) to the victim to cover future lost wages, special medical needs and any other special assistance needed as a result of the injury. The additional award may be made only for ~~losses and expenses~~ economic losses occurring within twenty-four (24) months after the date of the injury or discovery of the crime.

Section 2. This act is effective July 1, 2019.

SF0115 Order of Protection - tolling during imprisonment

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

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

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

(b) Except as otherwise provided by this subsection, 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 three (3) years. 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) years each, if the court finds from specific facts that a clear and present danger to the victim continues to exist. If a party subject to an order of protection is sentenced and incarcerated or becomes imprisoned, the running of the time remaining for the order of protection shall be tolled during the term of incarceration or imprisonment. The conditions and provisions of an order of protection shall remain in effect during any period of tolling

under this subsection. Upon release from incarceration or imprisonment the effective period of the order of protection shall be the amount of time remaining as of the first day of the term of incarceration or imprisonment or one (1) year from the date of release, whichever is greater.

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

(b) Except as otherwise provided by this subsection, an order of protection granted by the court under W.S. 35-21-105 shall be effective for a fixed period of time not to exceed three (3) years. 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) years each. If a party subject to an order of protection is sentenced and incarcerated or becomes imprisoned the running of the time remaining for the order of protection shall be tolled during the term of incarceration or imprisonment. The conditions and provisions of an order of protection shall remain in effect during any period of tolling under this subsection. Upon release from incarceration or imprisonment the effective period of the order of protection shall be the amount of time remaining as of the first day of the term of incarceration or imprisonment or one (1) year from the date of release, whichever is greater. The filing of an action for divorce shall not supersede an order of protection granted under this act.

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

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

HB0071 Equal Pay - Penalties

AN ACT relating to labor and employment; amending penalties for violations of equal pay provisions; and providing for an effective date.

Section 1. W.S. 27-4-304 is amended to read:

27-4-304. Penalty for violations.

Any employer who willfully violates any provision of this act, or who discharges or in any other manner discriminates against any employee because the employee has made any complaint to his employer, the director or any other person, or instituted, or caused to be instituted any proceeding under or related to this act, or has testified or is about to testify in the proceedings, shall, upon conviction by a court of competent jurisdiction, be punished by a fine of not ~~less than twenty five dollars (\$25.00), nor more than two hundred dollars (\$200.00)~~ more than five hundred dollars (\$500.00), ~~or by imprisonment for not less than ten (10) days nor more than one hundred eighty (180) days, or by both the fine and imprisonment. Each day a violation continues shall constitute a separate offense~~ not more than six (6) months, or both.

Section 2. This act is effective July 1, 2019.

HB0235 Care of Animals

AN ACT relating to animals; modifying provisions governing the treatment of animals; modifying penalties; authorizing conditions a court may require as part of an order of protection in a domestic abuse case related to animal protection; and providing for an effective date.

Section 1. W.S. 6-3-203(a) (intro) and (ii), (m) (i) through (iv) and (n) and 35-21-105(a) by creating new paragraphs (ix) and (x) are amended to read:

6-3-203. Cruelty to animals; penalties; limitation on manner of destruction.

(a) A person commits cruelty to animals if he knowingly: ~~and with intent to cause death, injury or undue suffering:~~

(ii) Unnecessarily ~~or cruelly beats, tortures, torments, injures, mutilates or attempts to kill~~ beats or injures an animal; or

(m) Nothing in subsection (a), (b), (c) (vii) or (n) of this section shall be construed to prohibit:

(i) A person from humanely destroying an animal, including livestock;

(ii) The use of industry accepted agricultural and livestock practices on livestock or other animal used in the practice of agriculture;

(iii) Rodeo events, whether the event is performed in a rodeo, fair, jackpot, agricultural exhibition or otherwise; or

(iv) The hunting, capture, killing or destruction of any predatory animal or other wildlife in any manner not otherwise prohibited by law.

(n) A person commits a felony ~~if he commits aggravated cruelty to animals as defined in subsection (c) of this section or knowingly and with intent to cause death, injury or undue suffering, cruelly beats, tortures, torments, injures or mutilates an animal resulting in the death or required euthanasia of the animal. A felony under this subsection or subsection (c) of this section is punishable by not more than two (2) years imprisonment, a fine of not more than five thousand dollars (\$5,000.00), or both.~~ punishable by not more than two (2) years imprisonment, a fine of not more than five thousand dollars (\$5,000.00) or both, if the person:

(i) Commits aggravated cruelty to animals as defined in subsection (c) of this section, resulting in the death or required euthanasia of the animal; or

(ii) Knowingly, and with intent to cause death or undue suffering, cruelly beats, tortures, torments or mutilates an animal.

35-21-105. Order of protection; contents; remedies; order not to affect title to property; conditions.

(a) Upon finding that an act of domestic abuse has occurred, the court shall enter an order of protection ordering the respondent household member to refrain from abusing the petitioner or any other household member. The order

shall specifically describe the behavior that the court has ordered the respondent to do or refrain from doing. As a part of any order of protection, the court may:

(ix) Grant sole possession of any household pet, as defined in W.S. 6-3-203(o), owned, possessed or kept by the petitioner, the respondent or a minor child residing in the residence or household of either the petitioner or the respondent to the petitioner during the period the order of protection is effective if the order is for the purpose of protecting the household pet;

(x) Order that the respondent shall not have contact with any household pet, as defined in W.S. 6-3-203(o), in the custody of the petitioner and prohibit the respondent from abducting, removing, concealing or disposing of the household pet if the order is for the purpose of protecting the household pet.

Section 2. This act is effective July 1, 2019.

Criminal Justice Reinvestment passed:

1. HB0044 Expungement of juvenile court records
2. HB0053 Probation and Parole – incentives and sanctions
3. SF0010 Modification of Probation
4. SF0038 Limitation on length of Probation
5. HB0143 discretionary presentence investigation
6. HB0173 Court supervised treatment account
7. HB0177 Court supervised treatment programs prosecutors consent
8. SF0096 Court supervised treatment programs record confidentiality

Other bills of note that passed:

1. SF0060 – Child Endangerment
2. HB0155 – Guardianships Reintegration planning
3. HB0157 – Termination of Parental Rights - standing
4. HB0211 MH & SA health coverage parity

Failed Bills We Monitored:

1. Gender Wage Gap and Economic Justice:
 - a. Wage Transparency HB0072
 - b. Wage Equality HB0084
 - c. Wage history HB0178
 - d. Pregnant Workers Fairness HB0200
 - e. Minimum Wage HB0273
 - f. Medicaid/SNAP work requirement SF0144
2. Shared Parenting HB0114
3. Underage marriage HB0060
4. Codification of Marriage Rights HB0289
5. Female genital mutilation HB0160
6. Safe Child Act SF0139, Child Sexual Abuse Protection Division HB0227
7. Unborn Victims of Violence Act SF0128
8. Enhancing LGBTQ employment HB0230

HB0060 - Underage marriage-exceptions repeal. (Failed 26-31-3 in House*)

Sponsored by: Representative(s) Pelkey, Barlow, Blackburn, Connolly, Freeman and Zwonitzer and Senator(s) Case and Rothfuss

AN ACT relating to the marriageable age; amending the minimum marriageable age; providing conforming amendments; providing applicability; and providing for an effective date.

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

Section 1. W.S. 20-1-102(a) and (b), 20-1-103(c) (ii) and 20-1-105(a) are amended to read:

20-1-102. Minimum marriageable age.

(a) At the time of marriage the parties shall be at least ~~sixteen~~ ~~(16)~~ eighteen (18) years of age. ~~except as otherwise provided.~~

(b) All marriages involving a person under ~~sixteen (16)~~ eighteen (18) years of age are prohibited and ~~voidable, unless before contracting the marriage a judge of a court of record in Wyoming approves the marriage and authorizes the county clerk to issue a license therefor~~ void.

20-1-103. License; required.

(c) Unless there is an order to waive the requirements of this section by a judge of a court of record in the county pursuant to W.S. 20-1-105, the clerk shall refuse to issue a license if:

(ii) There is any legal impediment. ~~;~~ ~~or~~

20-1-105. Judge may order license issued.

(a) If any county clerk refuses to issue a license to marry, or in case of circumstances arising which would necessitate the waiver of any one (1) or more of the requirements of W.S. ~~20-1-102 and~~ 20-1-103(b) and (c), either applicant for the license may apply to the district court of the county for the issuance of a license without compliance with one (1) or more of those requirements. If the judge finds that a license should be issued, or such circumstances exist that it is proper that any one (1) or more of the requirements should be waived, the judge may order in writing the issuance of the license. Upon the order of the judge being filed with the county clerk, the county clerk shall issue the license at the time specified in the order. No fee or court costs shall be charged or taxed for the order.

Section 2. W.S. 20-1-102(c), 20-1-103(c) (iii), 20-1-105(b) and 20-2-101(b) are repealed.

*(See next page, final 3rd reading amendment, adopted but bill failed.)

HB0060H3001/ADOPTED

"(a) At the time of marriage the parties shall be at least ~~sixteen (16)~~ eighteen (18) years of age except as otherwise provided. No person shall marry who is under the age of sixteen (16) years.

(b) All marriages involving a person ~~under sixteen (16)~~ or seventeen (17) years of age are prohibited and voidable, unless before contracting the marriage a judge of a court of record in Wyoming approves the marriage and authorizes the county clerk to issue a license therefor. All marriages involving a person under sixteen (16) years of age are void.

(c) When either party is ~~a minor sixteen (16) or seventeen (17) years of age~~, no license shall be granted without the verbal consent, if present, and written consent, if absent, of the father, mother, guardian or person having the care and control of the minor. Written consent shall be proved by the testimony of at least one (1) competent witness."

Page 2-line 14 Delete entirely and insert:

"(iii) Either party is ~~a minor sixteen (16) or seventeen (17) years of age~~ and the consent of a parent or guardian has not been given."

Page 2-lines 16 through 23 Delete entirely.

Page 3-lines 1 through 8 Delete entirely and insert:

"20-2-101. Void and voidable marriages defined; annulments.

(a) Marriages contracted in Wyoming are void without any decree of divorce:

(ii) When either party is mentally incompetent or under sixteen (16) years of age at the time of contracting the marriage;

(b) A marriage is voidable if solemnized when either party was ~~under the age of legal consent~~ sixteen (16) or seventeen (17) years of age unless a judge gave consent, if they separated during nonage and did not cohabit together afterwards, or if the consent of one (1) of the parties was obtained by force or fraud and there was no subsequent voluntary cohabitation of the parties."