

Arney

88 ISO - 0466

SENATE FILE 0104

SENATE FILE 0104

SF0104FT03

AN ACT to create W.S. 6-4-404; and to amend W.S. 7-20-102(b)(i), (ii), (iv) and (v), 7-20-103(a) introductory paragraph and (iii), 7-20-105(a)(i) and (ii), 35-21-102(a)(iv), 35-21-104 by creating a new subsection (b), 35-21-105(c) and 35-21-106(c) relating to family violence; providing that violation of an order of protection under the Family Violence Protection Act is a crime; providing a penalty; specifying notice to be contained in order of protection; providing when arrests can be made without warrant; providing procedures; reducing the number of hours of training relating to family abuse required for peace officers; providing definitions; conforming related statutes; and providing for an effective date.

Introduced by: *[Signature]*

DATE	ACTION	DATE	ACTION
FEB 23 1988	INTRODUCED	MAR 8 1988	CONSIDERED IN COM. OF WHOLE
	READ FIRST TIME		Com. of Whole Amendment <i>SF 04H11/AE</i>
	REFERRED TO COM. NO. <u>1</u>		ADOPTED
	DELIVERED TO COM. NO. <u>1</u>		Recommended to pass
FEB 25 1988	STANDING COMM. REPORT		
	<i>Rec'd</i> AMEND AND DO PASS	MAR 9 1988	READ SECOND TIME
FEB 29 1988	CONSIDERED IN COM. OF WHOLE		Amended as follows <i>SF 104H22/AE</i>
	STANDING COM. AMDT ADOPTED		ADOPTED
	<i>SF 0104551/A</i>	MAR 10 1988	READ THIRD TIME
	DO PASS		Amended as follows <i>SF 104H32/AE</i>
MAR 1 1988	READ SECOND TIME		ADOPTED
	AMENDED AS FOLLOWS <i>SF 0104521/A</i>		PASSED
	DO PASS		Ayes <u>52</u> Noes <u>0</u> Excused <u>0</u> Absent <u>0</u>
			Sent to Senate
MAR 1 1988	<i>Suspension of Rules</i>	MAR 10 1988	Received Amended
	PASSED AYES <u>26</u> NOES <u>4</u> EXCUSED <u>0</u> ABSENT <u>0</u>		Senate did not occur on House Amendments
	READ THIRD TIME		<u>23-5-0-2</u>
			Joint Conf. Comm. Appointed
			Hold pending House and Senate Report
	<i>Consent List</i>		<i>Sen Arney, Kenney & Perry</i>
	PASSED AYES <u>27</u> NOES <u>3</u> EXCUSED <u>0</u> ABSENT <u>0</u>		<i>Rep. Lipton, Maldonado, Chaudhri</i>
	SENT TO HOUSE	MAR 11 1988	House did <u> </u> adopt Joint Conf. Comm. Report
3-1-88	ENGROSSED		Ayes <u>54</u> Noes <u>9</u> Excused <u>6</u> Absent <u>0</u>
3-2-88	<i>Sent to House</i>		Senate did <u> </u> adopt Joint Conf. Comm. Report
MAR 2 1988	READ FIRST TIME		Ayes <u>46</u> Noes <u>0</u> Excused <u>4</u> Absent <u>0</u>
	REFERRED TO COM. NO. <u>1</u>		<i>SF 0104TC1/A</i>
	DELIVERED TO COM. NO. <u>1</u>		<i>Sent to Enrolling</i>
MAR 3 1988	RETURNED		Delivered to Enrolling Section
			<u>311</u> Ayes <u>58</u> Noes <u>28</u> Excused <u> </u> Absent <u> </u>
			<u>312</u> Signed by Speaker

Debate
Debate

Recommended to pass *Pass*

3-16 Approved by Governor

CONTINUED ON BACK

Susp. of Rules / Consent list

SF104 3rd Date 3/1/88

SENATE ROLL CALL
FORTY-NINTH WYOMING LEGISLATURE

	Ayes	Noes	Excused	Absent
ARNEY	✓			
BURNETT	✓			
CUNDALL		✓		
DIXON	✓			
DUSL	✓			
EDDINS	✓			
FANOS	✓			
FRISBY	✓			
GRIEVE	✓			
HEALY	✓			
HERBST		✓		
HICKEY	✓			
HINCKLEY	✓			
KINNEY	✓			
LARSON	✓			
MADER	✓			
NORRIS	✓			
PERRY		✓		
PREVEDEL	✓			
REESE	✓			
SCHMIDT	✓			
SCOTT	✓			
STROOCK	✓			
SULLIVAN	✓			
TRUE	✓			
TURNER				
TWIFORD	✓			
VINICH	✓			
WIEDERSPAHN	✓			
ZIMMER	✓			
MR. PRESIDENT	✓			

PRESENT _____

AYES 27

NOES 3

EXCUSED _____

ABSENT _____

TOTAL 30

Adopt

SF104 JCI/ Date 3/11/88

SENATE ROLL CALL

FORTY-NINTH WYOMING LEGISLATURE

	Ayes	Noes	Excused	Absent
ARNEY	✓		✓	
BURNETT	✓			
CUNDALL	✓			
DIXON	✓			
DUSL	✓			
EDDINS	✓			
FANOS	✓		✓	
FRISBY	✓			
GRIEVE	✓			
HEALY	✓			
HERBST	✓			
HICKEY	✓			
HINCKLEY	✓			
KINNEY	✓			
LARSON	✓			
MADER	✓		✓	
NORRIS	✓			
PERRY	✓			
PREVEDEL	✓			
REESE	✓			
SCHMIDT	✓			
SCOTT	✓			
STROOCK	✓			
SULLIVAN	✓			
TRUE	✓		✓	
TURNER				
TWIFORD	✓			
VINICH	✓			
WIEDERSPAHN	✓			
ZIMMER	✓			
MR. PRESIDENT	✓			

PRESENT _____

AYES 26

NOES _____

EXCUSED 4

ABSENT _____

TOTAL 30

Do Not

SF 104 Concurrent

Date 3/10/88

SENATE ROLL CALL

FORTY-NINTH WYOMING LEGISLATURE

	Ayes	Noes	Excused	Absent
ARNEY	✓	✓		
BURNETT	✓			
CUNDALL	✓			
DIXON	✓			
DUSL	✓			
EDDINS	✓			
FANOS	✓			
FRISBY		✓		
GRIEVE	✓			
HEALY	✓			
HERBST	✓	✓		
HICKEY	✓			
HINCKLEY	✓			
KINNEY		✓		
LARSON	✓			
MADER	✓			
NORRIS	-			✓
PERRY	✓			
PREVEDEL	✓			
REESE		✓		
SCHMIDT	✓			
SCOTT	✓			
STROOCK	✓			
SULLIVAN	✓			
TRUE	✓			
TURNER	<hr/>			
TWIFORD	-			✓
VINICH	✓			
WIEDERSPAHN	✓			
ZIMMER	✓			
MR. PRESIDENT	✓			

PRESENT _____

AYES 23
 NOES 5
 EXCUSED _____
 ABSENT 2
 TOTAL 30

SF 104 Introd. Date 2/23/88

SENATE ROLL CALL

FORTY-NINTH WYOMING LEGISLATURE

	Ayes	Noes	Excused	Absent
ARNEY	✓			
BURNETT	✓			
CUNDALL		✓		
DIXON	✓			
DUSL	✓			
EDDINS	✓			
FANOS	✓			
FRISBY	✓			
GRIEVE	✓			
HEALY	✓			
HERBST	✓			
HICKEY	✓			
HINCKLEY	✓			
KINNEY	✓			
LARSON	✓			
MADER	✓			
NORRIS	✓			
PERRY	✓			
PREVEDEL	✓			
REESE	✓			
SCHMIDT	✓			
SCOTT		✓		
STROOCK	✓			
SULLIVAN	✓			
TRUE	✓			
TURNER				
TWIFORD	✓			
VINICH	✓			
WIEDERSPAHN	✓			
ZIMMER	✓			
MR. PRESIDENT			✓	

PRESENT _____

AYES 27
 NOES 3
 EXCUSED _____
 ABSENT _____
 TOTAL 30

Bill 104 / *AA* / *Bill* / *3/11/88* / *House* / *Roll* / *Call*

HOUSE ROLL CALL

FORTY-NINTH WYOMING LEGISLATURE

	Ayes	Noes	Excused	Absent		Ayes	Noes	Excused	Absent
ARNOLD	✓				O'TOOLE	✓			
BEBOUT	✓				PARKER	✓			
BEHRENS	✓				PERKINS, D.	✓			
BIRLEFFI	✓				PERKINS, J.	✓			
BLACKWELL	✓				PLANT	✓			
BUDD	✓				RANKINE	✓			
BURTON	✓				RATLIFF	✓			
BYRD	✓				ROBERTSON	✓			
CAMERON	✓				ROHRBACH	✓			
CHAMBERLAIN	✓	✓			RYCKMAN	✓			
CROSS	✓				SCHWOPE	✓			
CUBIN	✓				SHREVE	✓			
DICKEY	✓				SIMONS	✓			
ENZI	✓				STAUFFER	✓			
FREUDENTHAL	✓				TATE	✓			
GERINGER	✓				TEMPEST	✓			
GRANT	✓				THOMAS	✓			
GUICE	✓				TIBBS	✓			
HAGEMAN	✓				TIPPETS	✓			
HANSEN	✓				TIPTON	✓			
HARRISON	✓				TYSDAL	✓			
HINES	✓				WALLIS	✓		✓	⓪
HONAKER	✓	✓			WEAVER	✓			
HOWARD	✓				WILLFORD	✓			
HUMPHREY	✓				WOLFLEY	✓			
JENSEN	✓	✓			YORDY	✓			
LUMMIS	✓				ZIMMERMAN	✓			
MACMILLAN	✓				ZUMBRUNNEN	✓			
MALDONADO	✓				MR. SPEAKER	✓			
MARTON	✓				PRESENT				
MCILVAIN	✓								
MEENAN	✓								
MICHELI	✓								
MILLER	✓								
MURPHY	✓								
ODDE	✓								

PRESENT _____ AYES 54
 NOES 9
 ABSENT _____
 EXCUSED 1
 TOTAL 64
 LESS _____

S. G. 104 Fred Perkins Date 3/10/88

HOUSE ROLL CALL

FORTY-NINTH WYOMING LEGISLATURE

	Ayes	Noes	Excused	Absent		Ayes	Noes	Excused	Absent
ARNOLD	✓				OTOOLE	✓			
BEBOUT	✓				PARKER	✓			
BEHRENS	✓	✓			PERKINS, D.	✓			
BIRLEFFI	✓				PERKINS, J.	✓			
BLACKWELL	✓				PLANT	✓			
BUDD	✓				RANKINE	✓			
BURTON	✓	✓			RATLIFF	✓			
BYRD	✓				ROBERTSON	✓			
CAMERON	✓				ROHRBACH	✓			
CHAMBERLAIN	✓	✓			RYCKMAN	✓			
CROSS	✓				SCHWOPE	✓			
CUBIN	✓	✓			SHREVE	✓			
DICKEY	✓				SIMONS	✓	✓		
ENZI	✓				STAUFFER	✓			
FREUDENTHAL	✓				TATE	✓			
GERINGER	✓				TEMPEST	✓			
GRANT	✓				THOMAS	✓			
GUICE	✓				TIBBS	✓	✓		
HAGEMAN	✓				TIPPETS	✓			
HANSEN	✓				TIPTON	✓			
HARRISON	✓				TYSDAL	✓	✓		
HINES	✓				WALLIS	✓	✓		
HONAKER	✓				WEAVER	✓			
HOWARD	✓	✓			WILLFORD	✓			
HUMPHREY	✓				WOLFLEY	✓			
JENSEN	✓	✓			YORDY	✓			
LUMMIS	✓				ZIMMERMAN	✓			
MACMILLAN	✓				ZUMBRUNNEN	✓	✓		
MALDONADO	✓				MR. SPEAKER	✓			
MARTON	✓				PRESENT				
MCILVAIN	✓								
MEEHAN									
MICHELI	✓	✓							
MILLER	✓								
MURPHY	✓								
ODDE	✓								

AYES	52
NOES	12
ABSENT	_____
EXCUSED	_____
TOTAL	64
LESS	12
	52

SF 5, 35, 40, 81, 82, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99
 99A. Susp. of Rules 101A, 104, 109, 111, 112, 118
 # SF _____ 3rd Date 3/1/88

SENATE ROLL CALL

FORTY-NINTH WYOMING LEGISLATURE

	Ayes	Noes	Excused	Absent
ARNEY	✓			
BURNETT	✓			
CUNDALL	✓			
DIXON	✓			
DUSL	✓			
EDDINS	✓			
FANOS	✓			
FRISBY	✓			
GRIEVE	✓			
HEALY	✓			
HERBST	✓			
HICKEY	✓			
HINCKLEY	✓			
KINNEY	✓			
LARSON	✓			
MADER	✓			
NORRIS	✓			
PERRY	✓			
PREVEDEL	✓			
REESE		✓		
SCHMIDT	✓			
SCOTT	✓			
STROOCK		✓		
SULLIVAN	✓			
TRUE	✓			
TURNER				
TWIFORD	✓			
VINICH		✓		
WIEDERSPAHN	✓			
ZIMMER		✓		
MR. PRESIDENT	✓			

PRESENT _____

AYES 26
 NOES 4
 EXCUSED _____
 ABSENT _____
 TOTAL 30

JOINT CONFERENCE REPORT

Cheyenne, Wyoming

March 11, 1988

To the Honorable President of the Senate, and the Honorable Speaker of the House of Representatives:

We, your Joint Conference Committee appointed to confer on Senate File No. 0104, respectfully recommend as follows:

SF0104JC1/AA TO ENGROSSED COPY

Adopt the following House amendment:

SF0104HW1/AE

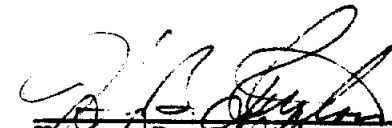
Delete the following House amendments:


SF0104H22/AE

SF0104H32/AE

Further amend the ENGROSSED COPY as follows:


- ✓ Page 1-line 4 Delete "7-20-106,".
- ✓ Page 2-line 1 After ";" delete balance of line.
- ✓ Page 2-line 2 Delete line through ";".
- ✓ Page 2-line 15 Delete "7-20-106,".
- ✓ Page 6-lines 1 through 5 Delete entirely.

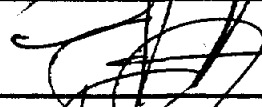



 Harry B. Tipton


 Carl A. Maldonado

 Douglas Chamberlain
 HOUSE



 Rex O. Arney


 Lisa Kinney


 John Perry
 SENATE

- 1 ✓ SF0104HW1/AE TO ENGROSSED COPY
- 2 ✓ Page 3-line 18 After "THE" delete balance of line.
- 3 ✓ Page 3-line 19 Delete.
- 4 ✓ Page 3-line 20 Delete "SATISFIED" insert "PEACE OFFICER
- 5 HAS PROBABLE CAUSE TO BELIEVE THAT THE PER-
- 6 SON VIOLATED THE ORDER WITHIN THE PRECEDING
- 7 TWENTY FOUR (24) HOURS". JENSEN *DN*

Adopted

Deleted by JC/AA

- 1 ✓ SF0104H22/AE TO ENGROSSED COPY
- 2 Page 6-line 4 Reinsert stricken "upon--probable--cause";
- 3 delete "WITH GOOD".
- 4 Page 6-line 5 Delete "FAITH". CHAMBERLAIN *DN*

Adopted

- 1 ✓ SF0104H32/AE TO ENGROSSED COPY
- 2 Delete the Chamberlain second reading amendment
- 3 (SF0104H22/AE).
- 4 Further amend as follows:
- 5 Page 6-line 4 Delete "WITH" insert "IN".
- 6 Page 6-line 5 Delete "IN A REASONABLE MANNER" insert
- 7 "UPON A REASONABLE BELIEF THAT PROBABLE
- 8 CAUSE EXISTED FOR THE ARREST". HONAKER,
- 9 HARRISON, ROHRBACH *A 1*

Adopted

House of Intro
 _____ To Com. No. _____
 _____ Stand Report Do ___ Amd ___ Not ___
 _____ Com Whole Do ___ Amd ___ Not ___
 _____ 2nd Reading Amd ___
 _____ 3rd Reading Amd ___ Pass ___ Fail ___

Second House
 _____ To Com No. _____
 _____ Stand Report Do ___ Amd ___ Not ___
 _____ Com Whole Do ___ Amd ___ Not ___
 _____ 2nd Reading Amd ___
 _____ 3rd Reading Amd ___ Pass ___ Fail ___

ENGROSSED

1988

STATE OF WYOMING

88LSO-0466/eng

SENATE FILE NO. 0104

Family violence - amendments.

Sponsored by: Senator(s) ARNEY

A BILL

for

1 AN ACT to create W.S. 6-4-404; and to amend W.S.
 2 7-20-102(b)(i), (ii), (iv) and (v), 7-20-103(a) introduc-
 3 tory paragraph and (iii), 7-20-105(a)(i) and (ii),
 4 7-20-106, 35-21-102(a)(iv), 35-21-104 by creating a new
 5 subsection (b), 35-21-105(c) and 35-21-106(c) relating to
 6 family violence; providing that violation of an order of
 7 protection under the Family Violence Protection Act is a
 8 crime; providing a penalty; specifying notice to be con-
 9 tained in order of protection; providing when arrests can
 10 be made without warrant; providing procedures; reducing
 11 the number of hours of training relating to family abuse

1 required for peace officers; providing immunity for offi-
2 cers making arrests subject to certain conditions; provid-
3 ing definitions; conforming related statutes; and provid-
4 ing for an effective date.

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

6 Section 1. W.S. 6-4-404 is created to read:

7 6-4-404. Violation of order of protection; penalty.

8 Any person who willfully violates an order of protection
9 issued pursuant to W.S. 35-21-104 or 35-21-105 is guilty
10 of a misdemeanor punishable by imprisonment for not more
11 than ninety (90) days, a fine of not more than five hun-
12 dred dollars (\$500.00), or both.

13 Section 2. W.S. 7-20-102(b)(i), (ii), (iv) and (v),
14 7-20-103(a) introductory paragraph and (iii),
15 7-20-105(a)(i) and (ii), 7-20-106, 35-21-102(a)(iv),
16 35-21-104 by creating a new subsection (b), 35-21-105(c)
17 and 35-21-106(c) are amended to read:

18 7-20-102. Arrests without warrant.

19 (b) A peace officer, without a warrant, may arrest
20 and take into custody a person if:

21 (i) An order of protection has been issued by

1 a county or district court as authorized by W.S. 35-21-104
2 OR 35-21-105 stating on its face the period of time for
3 which the order is valid and specifically restraining or
4 enjoining a household member, as defined by W.S.
5 35-21-102(a)(iv), from entering onto premises, from physi-
6 cal abuse, threats of personal abuse or acts which
7 unreasonably restrain the personal liberty of any house-
8 hold member, or from abducting, removing or concealing any
9 child in the custody of another household member or from
10 transferring, concealing, encumbering or otherwise dispos-
11 ing of petitioner's property or the joint property of the
12 parties;

13 (ii) A true copy and proof of service of the
14 order has been filed with ~~law-enforcement-agencies~~ THE
15 SHERIFF'S OFFICE having jurisdiction of the area in which
16 the moving party resides;

17 (iv) The person named in the order is acting
18 in violation of the order OR THE CONDITIONS FOR AN ARREST
19 WITHOUT WARRANT SET FORTH IN W.S. 7-2-103(a) ARE
20 SATISFIED; and

21 (v) The order states on its face that a viola-
22 tion of its terms subjects the person to ~~contempt-of-court~~
23 A CRIMINAL PENALTY PURSUANT TO W.S. 6-4-404.

1 7-20-103. Appearance in court; hearing; probation.

2 (a) Any person arrested pursuant to W.S. 7-20-102
3 shall be brought before the court having jurisdiction in
4 the cause ~~within-seventy-two-(72)-hours--after--arrest--if~~
5 ~~the-person-is-arrested-on-a-Saturday,-Sunday-or-legal-hol-~~
6 ~~iday--or-within-twenty-four-(24)-hours-after-arrest-in-all~~
7 ~~other-cases,-to-answer--to-a-charge-of-contempt-for-viola-~~
8 ~~tion-of-the-order-of-protection,--at--which--time~~ WITHOUT
9 UNNECESSARY DELAY. AT THE INITIAL APPEARANCE UNDER THIS
10 SECTION the court shall:

11 (iii) IF THE ARREST IS PURSUANT TO W.S.
12 7-20-102(b), notify the party who procured the order of
13 protection and direct ~~the~~ THAT party to appear at the
14 hearing and give evidence on the alleged ~~contempt~~
15 VIOLATION; and

16 7-20-105. Peace officer education and training.

17 (a) Law enforcement agencies and the Wyoming law
18 enforcement academy shall provide peace officers with a
19 uniform education and training program approved by the
20 peace officer standards and training commission designed
21 to inform the officers of the problems of family and
22 household abuse, procedures to deal with these problems,

1 the provisions of this chapter and the services and facil-
2 ities available to abused family and household members.
3 The amount and degree of peace officer training shall
4 include the following:

5 (i) Officers who are currently employed by a
6 law enforcement agency and have already completed and been
7 certified through ~~the Wyoming~~ A state basic skills course
8 shall be provided ~~twenty-four--(24)~~ EIGHT (8) hours of
9 training through the local law enforcement agency at which
10 the officer is employed. The law enforcement agency may
11 contact the family violence program in the county to
12 assist in designing and implementing this training; ~~7~~
13 ~~which shall be completed by January 1, 1988;~~

14 (ii) Officers who have not yet completed and
15 been certified through the Wyoming state basic skills
16 course shall be provided ~~twenty-four--(24)~~ TWELVE (12)
17 hours of training as part of the basic skills course at
18 the Wyoming law enforcement academy. The state office on
19 family violence and sexual assault within the division of
20 community programs, department of health and social ser-
21 vices, may be contacted to assist in designing and imple-
22 menting this training. ~~7--which shall become a part of--the~~
23 ~~basic skills course as of January 1, 1988.~~

1 7-20-106. Civil or criminal liability of peace offi-
2 cer. A peace officer making an arrest pursuant to this
3 chapter is not civilly or criminally liable for that
4 arrest if the officer acts ~~upon-probable-cause~~ WITH GOOD
5 FAITH and ~~without-malice~~ IN A REASONABLE MANNER.

6 35-21-102. Definitions.

7 (a) As used in this act:

8 (iv) "Household member" means: ~~spouses,--per-~~
9 ~~sens--living-together-as-spouses,--former-spouses,--parents,~~
10 ~~adult-children-and-other-adults-sharing--a--common--house-~~
11 ~~hold,~~

12 (A) PERSONS MARRIED TO EACH OTHER;

13 (B) PERSONS LIVING WITH EACH OTHER AS IF
14 MARRIED;

15 (C) PERSONS FORMERLY MARRIED TO EACH
16 OTHER;

17 (D) PERSONS FORMERLY LIVING WITH EACH
18 OTHER AS IF MARRIED;

19 (E) PARENTS AND THEIR ADULT CHILDREN;

20 AND

1 (F) OTHER ADULTS SHARING COMMON LIVING
2 QUARTERS.

3 35-21-104. Temporary order of protection; setting
4 hearing.

5 (b) AN ORDER OF PROTECTION ISSUED UNDER THIS SECTION
6 SHALL CONTAIN A NOTICE THAT WILLFUL VIOLATION OF ANY PRO-
7 VISION OF THE ORDER CONSTITUTES A CRIME AS DEFINED BY W.S.
8 6-4-404, CAN RESULT IN IMMEDIATE ARREST AND MAY RESULT IN
9 FURTHER PUNISHMENT.

10 35-21-105. Order of protection; contents; remedies;
11 order not to affect title to property.

12 (c) The order shall contain a notice that willful
13 violation of any provision of the order constitutes ~~con-~~
14 ~~tempt--of--court~~ A CRIME AS DEFINED BY W.S. 6-4-404, can
15 result in immediate arrest and may result in further pun-
16 ishment.

17 35-21-106. Service of order; duration and extension
18 of order; violation constitutes contempt; remedies not
19 exclusive.

20 (c) ~~Any--person--who--is--found--to--be--in--contempt--of~~
21 ~~court--for--a~~ Willful violation of an order of protection

House of Intro
To Com. No. _____
Stand Report Do ___ Amd ___ Not ___
Com Whole Do ___ Amd ___ Not ___
2nd Reading Amd ___
3rd Reading Amd ___ Pass ___ Fail ___

Second House
To Com No. _____
Stand Report Do ___ Amd ___ Not ___
Com Whole Do ___ Amd ___ Not ___
2nd Reading Amd ___
3rd Reading Amd ___ Pass ___ Fail ___

INTRODUCED

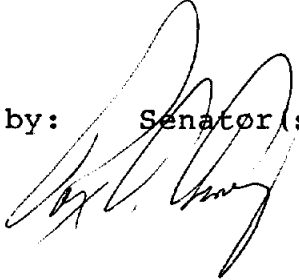
1988

STATE OF WYOMING

88LSO-0466.01

SENATE FILE NO. 0104

Family violence - amendments.

Sponsored by:  Senator(s) ARNEY

A BILL

for

1 AN ACT to create W.S. 6-4-404; and to amend W.S.
2 7-20-102(b)(i), (ii), (iv) and (v), 7-20-103(a) introduc-
3 tory paragraph and (iii), 7-20-105(a)(i) and (ii),
4 7-20-106, 35-21-102(a)(iv), 35-21-104 by creating a new
5 subsection (b), 35-21-105(c) and 35-21-106(c) relating to
6 family violence; providing that violation of an order of
7 protection under the Family Violence Protection Act is a
8 crime; providing a penalty; specifying notice to be con-
9 tained in order of protection; providing when arrests can
10 be made without warrant; providing procedures; reducing
11 the number of hours of training relating to family abuse

- 1 -

NO SIGNIFICANT FISCAL IMPACT

SF 0104

1 required for peace officers; providing immunity for offi-
2 cers making arrests subject to certain conditions; provid-
3 ing definitions; conforming related statutes; and provid-
4 ing for an effective date.

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

6 Section 1. W.S. 6-4-404 is created to read:

7 6-4-404. Violation of order of protection; penalty.

8 Any person who willfully violates an order of protection
9 issued pursuant to W.S. 35-21-104 or 35-21-105 is guilty
10 of a misdemeanor punishable by imprisonment for not more
11 than ninety (90) days, a fine of not more than five hun-
12 dred dollars (\$500.00), or both.

13 Section 2. W.S. 7-20-102(b)(i), (ii), (iv) and (v),
14 7-20-103(a) introductory paragraph and (iii),
15 7-20-105(a)(i) and (ii), 7-20-106, 35-21-102(a)(iv),
16 35-21-104 by creating a new subsection (b), 35-21-105(c)
17 and 35-21-106(c) are amended to read:

18 7-20-102. Arrests without warrant.

19 (b) A peace officer, without a warrant, may arrest
20 and take into custody a person if:

21 (i) An order of protection has been issued by

1 a county or district court as authorized by W.S. 35-21-104
2 OR 35-21-105 stating on its face the period of time for
3 which the order is valid and specifically restraining or
4 enjoining a household member, as defined by W.S.
5 35-21-102(a)(iv), from entering onto premises, from physi-
6 cal abuse, threats of personal abuse or acts which
7 unreasonably restrain the personal liberty of any house-
8 hold member, or from abducting, removing or concealing any
9 child in the custody of another household member or from
10 transferring, concealing, encumbering or otherwise dispos-
11 ing of petitioner's property or the joint property of the
12 parties;

13 (ii) A true copy and proof of service of the
14 order has been filed with ~~law-enforcement-agencies~~ THE
15 SHERIFF'S OFFICE having jurisdiction of the area in which
16 the moving party resides;

17 (iv) The person named in the order is acting
18 in violation of the order OR THE PEACE OFFICER HAS PROBA-
19 BLE CAUSE TO BELIEVE THAT THE PERSON VIOLATED THE ORDER
20 WITHIN THE PRECEDING TWENTY-FOUR (24) HOURS; and

21 (v) The order states on its face that a viola-
22 tion of its terms subjects the person to ~~eentempt-of-court~~
23 A CRIMINAL PENALTY PURSUANT TO W.S. 6-4-404.

1 7-20-103. Appearance in court; hearing; probation.

2 (a) Any person arrested pursuant to W.S. 7-20-102
3 shall be brought before the court having jurisdiction in
4 the cause ~~within--seventy-two-(72)-hours-after-arrest-if~~
5 ~~the-person-is-arrested-on-a-Saturday,-Sunday-or-legal-hol-~~
6 ~~iday-or-within-twenty-four-(24)-hours-after-arrest-in--all~~
7 ~~other-cases,-to-answer--to-a-charge-of-contempt-for-viola-~~
8 ~~tion--of--the--order--of-protection,-at-which-time~~ WITHOUT
9 UNNECESSARY DELAY. THE DISTRICT ATTORNEY SHALL REPRESENT
10 THE STATE IN ALL PROCEEDINGS RELATING TO THE OFFENSE FOR
11 WHICH THE ARREST IS MADE. AT THE INITIAL APPEARANCE UNDER
12 THIS SECTION the court shall:

13 (iii) IF THE ARREST IS PURSUANT TO W.S.
14 7-20-102(b), notify the party who procured the order of
15 protection and direct ~~the~~ THAT party to appear at the
16 hearing and give evidence on the alleged ~~contempt~~
17 VIOLATION; and

18 7-20-105. Peace officer education and training.

19 (a) Law enforcement agencies and the Wyoming law
20 enforcement academy shall provide peace officers with a
21 uniform education and training program approved by the
22 peace officer standards and training commission designed

1 to inform the officers of the problems of family and
2 household abuse, procedures to deal with these problems,
3 the provisions of this chapter and the services and facil-
4 ities available to abused family and household members.
5 The amount and degree of peace officer training shall
6 include the following:

7 (i) Officers who are currently employed by a
8 law enforcement agency and have already completed and been
9 certified through the Wyoming state basic skills course
10 shall be provided ~~twenty-four-(24)~~ TWELVE (12) hours of
11 training through the local law enforcement agency at which
12 the officer is employed. The law enforcement agency may
13 contact the family violence program in the county to
14 assist in designing and implementing this training; 7
15 ~~which shall be completed by January 1, 1988;~~

16 (ii) Officers who have not yet completed and
17 been certified through the Wyoming state basic skills
18 course shall be provided ~~twenty-four--(24)~~ TWELVE (12)
19 hours of training as part of the basic skills course at
20 the Wyoming law enforcement academy. The state office on
21 family violence and sexual assault within the division of
22 community programs, department of health and social ser-
23 vices, may be contacted to assist in designing and imple-

1 menting this training. ~~7--which-shall-become-a-part-of--the~~
 2 ~~basic-skills-course-as-of-January-17-1988.~~

3 7-20-106. Civil or criminal liability of peace offi-
 4 cer. A peace officer making an arrest pursuant to this
 5 chapter is not civilly or criminally liable for that
 6 arrest if the officer acts ~~upon-prebable-cause~~ WITH GOOD
 7 FAITH and ~~without-malice~~ IN A REASONABLE MANNER.

8 35-21-102. Definitions.

9 (a) As used in this act:

10 (iv) "Household member" means: ~~spouses,--per-~~
 11 ~~sens--living-together-as-spouses,--former-spouses,--parents,~~
 12 ~~adult-children-and-other-adults-sharing--a--common--house-~~
 13 ~~hold,~~

14 (A) PERSONS MARRIED TO EACH OTHER;

15 (B) PERSONS LIVING WITH EACH OTHER AS IF
 16 MARRIED;

17 (C) PERSONS FORMERLY MARRIED TO EACH
 18 OTHER;

19 (D) PARENTS AND THEIR ADULT CHILDREN;
 20 AND

1 (E) OTHER ADULTS SHARING COMMON LIVING
2 QUARTERS.

3 35-21-104. Temporary order of protection; setting
4 hearing.

5 (b) AN ORDER OF PROTECTION ISSUED UNDER THIS SECTION
6 SHALL CONTAIN A NOTICE THAT WILLFUL VIOLATION OF ANY PRO-
7 VISION OF THE ORDER CONSTITUTES A CRIME AS DEFINED BY W.S.
8 6-4-404, CAN RESULT IN IMMEDIATE ARREST AND MAY RESULT IN
9 FURTHER PUNISHMENT.

10 35-21-105. Order of protection; contents; remedies;
11 order not to affect title to property.

12 (c) The order shall contain a notice that willful
13 violation of any provision of the order constitutes ~~con-~~
14 ~~tempt-of-court~~ A CRIME AS DEFINED BY W.S. 6-4-404, can
15 result in immediate arrest and may result in further pun-
16 ishment.

17 35-21-106. Service of order; duration and extension
18 of order; violation constitutes contempt; remedies not
19 exclusive.

20 ~~(c) Any person who is found to be in contempt of~~
21 ~~court--for--a~~ Willful violation of an order of protection

1 ~~may-be-punished-by-imprisonment-for-not-more--than--ninety~~
2 ~~{90}--days-or-by-a-fine-of-not-more-than-five-hundred-del-~~
3 ~~lars-{\$500.00},-or-both~~ IS A CRIME AS DEFINED BY W.S.
4 6-4-404.

5 Section 3. This act is effective June 9, 1988.

6 (END)

THE LEGISLATURE OF THE STATE OF WYOMING

House of Representatives

Cheyenne, March 3 1988

Mr. Speaker:

Your Committee No. 1 on JUDICIARY

to whom was referred S.F. Engrossed No. 0104

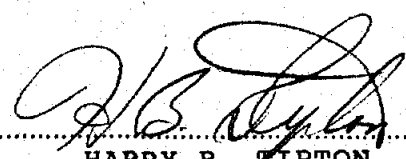
respectfully reports same back to the House with the recommendation that it

DO PASS.

AYES

NOES

- Rep. Hansen
- Harrison
- Odde
- Robertson
- Rohrbach
- Ryckman
- Tate
- Yordy
- Tipton



HARRY B. TIPTON

Chairman

SF 0104

FEB 29 1988

✓ SF0104SS1/A

- ✓ Page 4-line 9 After "." delete balance of line.
- ✓ Page 4-line 10 Delete entirely.
- ✓ Page 4-line 11 Delete line through ".".
- ✓ Page 5-line 9 Strike "the-Wyoming" insert "A".
- ✓ Page 5-line 10 Delete "TWELVE (12)" insert "EIGHT (8)".
- ✓ Page 6-After line 18 Insert the following subparagraph and renumber subsequent subparagraphs accordingly:

"(D) PERSONS FORMERLY LIVING WITH EACH OTHER AS IF MARRIED;". -ARNEY, CHAIRMAN

MAR 1 1988

SF0104S21/A

- ✓ Page 3-line 18 After "OR" delete balance of line and insert "THE CONDITIONS FOR AN ARREST WITHOUT WARRANT SET FORTH IN W.S. 7-2-103(a) ARE SATISFIED".
- ✓ Page 3-line 19 Delete entirely.
- ✓ Page 3-line 20 Delete line through "HOURS". -SCOTT