

CHAPTER 215

Original Senate File No. 14

DEGREES OF HOMICIDE

AN ACT to create W.S. 6-2-107; and to amend W.S. 6-1-104(a)(iii) and (ix), 6-2-105(a)(ii) and 6-2-106(a) and (b) relating to homicide; creating the offense of criminally negligent homicide and providing a penalty; modifying the elements of involuntary manslaughter; providing that the reckless operation of a motor vehicle resulting in the death of another constitutes aggravated vehicular homicide under certain circumstances; amending the definition of "criminal negligence" and the definition of "recklessly"; and providing for an effective date.

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

Section 1. W.S. 6-2-107 is created to read:

6-2-107. Criminally negligent homicide.

(a) Except under circumstances constituting a violation of W.S. 6-2-106, a person is guilty of criminally negligent homicide if he causes the death of another person by conduct amounting to criminal negligence.

(b) Criminally negligent homicide is a misdemeanor punishable by imprisonment for not more than one (1) year, a fine of not more than two thousand dollars (\$2,000.00), or both.

Section 2. W.S. 6-1-104(a)(iii) and (ix), 6-2-105(a)(ii) and 6-2-106(a) and (b) are amended to read:

6-1-104. Definitions.

(a) As used in W.S. 6-1-101 through 6-10-203 unless otherwise defined:

(iii) "Criminal negligence" is defined as the following conduct: A person acts with criminal negligence when, through a gross deviation from the standard of care that a reasonable person would exercise, he fails to perceive a substantial and unjustifiable risk that the harm he is accused of causing will occur, and the harm results. The risk shall be of such nature and degree that the failure to perceive it constitutes a gross deviation from the standard of care that a reasonable person would observe in the situation;

(ix) "Recklessly" is defined as the following conduct: A person acts recklessly when he consciously disregards a substantial and unjustifiable risk that the harm he is accused of causing will occur, and the harm results. The risk shall be of such nature and degree that disregarding it constitutes a gross deviation from the standard of conduct that a reasonable person would observe in the situation;

6-2-105. Manslaughter; penalty.

(a) A person is guilty of manslaughter if he unlawfully kills any human being without malice, expressed or implied, either:

(ii) Involuntarily, but recklessly except under circumstances constituting a violation of W.S. 6-2-106(b).

6-2-106. Homicide by vehicle; aggravated homicide by vehicle; penalties.

(a) Except as provided in subsection (b) of this section, a person is guilty of homicide by vehicle and shall be fined not more than two thousand dollars (\$2,000.00) or imprisoned in the county jail for not more than one (1) year, or both, if he operates or drives a motor vehicle in a criminally negligent manner, and his conduct is the proximate cause of the death of another person. Evidence of a violation of any state law or ordinance applying to the operation or use of a vehicle or to the regulation of traffic, except for evidence of a violation of W.S. 31-5-233, is admissible in any prosecution under this subsection.

(b) A person is guilty of aggravated homicide by vehicle and shall be punished by imprisonment in the penitentiary for not more than twenty (20) years, if:

(i) While driving a motor vehicle in violation of W.S. 31-5-233, he causes the death of another person and the violation is the proximate cause of the death; or

(ii) He operates or drives a motor vehicle in a reckless manner, and his conduct is the proximate cause of the death of another person.

Section 3. This act is effective May 23, 1985.

Became law without governor's signature March 4, 1985.