

HOUSE BILL 0125

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Introduced by:

Douglas W. Chamberlain

[illegible]

CONTINUED ON BACK

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91B125 National D
Introduce

Date

2/17/84

Roll Call of the House

of the FORTY-SEVENTH LEGISLATURE
of Wyoming

	Ayes	Noes	Excused	Absent		Ayes	Noes	Excused	Absent
ARNOLD	✓				ODDE	✓			
BAKER	✓				PARKER	✓			
BARLOW	✓	✓			PERKINS	✓			
BLACKWELL	✓				PHELAN	✓			
BROWN	✓				RATLIFF	✓			
BUDD	✓	✓			ROBERTSON	✓			
BURNS	✓				ROTH	✓	✓		
BURTON	✓	✓			SALISBURY	✓			
BYRD	✓				SANDERS	✓			
CHAMBERLAIN	✓				SCHMIDT	✓			
CROSS	✓				SCHWOPE	✓			
DICKEY	✓				SHREVE	✓			
DOBOS	✓				SIDI	✓	✓		
DONLEY					SIMONS	✓	✓		
EDWARDS	✓				SIMPSON	✓			
GERINGER	✓				SORENSEN	✓			
GETTER	✓		✓		STAUFFER	✓			
GRANT	✓	✓			STEWART	✓			
HAGEMAN	✓				STRAND	✓			
HANSEN	✓				TIPTON	✓			
HARRISON		✓			TYSDAL	✓			
HENDRICKS	✓				URBIGKIT, D.	✓			
HERBST	✓				URBIGKIT, W.	✓			
HUMPHREY	✓				WALLIS	✓			
JACKSON	✓				WEAVER	✓			
JENSEN	✓				WIEDERSPAHN	✓	✓		
JONES		✓			WOLFLEY	✓			
LARSON, T.	✓				ZUMBRUNNEN	✓			
MACMILLAN	✓				MR. SPEAKER	✓			
MADER	✓				PRESENT		AYES	52	
MALDONADO	✓						NOES	11	
MARTON	✓						EXCUSED	1	
MCILVAIN	✓						ABSENT		
MEENAN		✓					TOTAL	64	
MICHEL	✓						LESS	12	
MURPHY	✓							92	

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

1984

STATE OF WYOMING

84LSO-0343.01

HOUSE BILL NO. 0125

Aggravated kidnapping.

Sponsored by: Representative(s) CHAMBERLAIN

A BILL

for

1 AN ACT to amend W.S. 6-2-102(a) introductory paragraph,
2 (h) and (j) and 6-2-201(c) and (d) and by creating a new
3 subsection (e) relating to aggravated kidnapping; defining
4 the offense as inflicting sexual intrusion on a victim
5 under 12 years of age during the course of a kidnapping;
6 providing a penalty of death or life imprisonment; provid-
7 ing for a presentence hearing; and providing for an effec-
8 tive date.

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

10 Section 1. W.S. 6-2-102(a) introductory paragraph,

HB125

1 (h) and (j) and 6-2-201(c) and (d) and by creating a new
2 subsection (e) are amended to read:

3 6-2-102. Presentence hearing for murder in the first
4 degree and aggravated kidnapping; mitigating and aggravat-
5 ing circumstances; effect of error in hearing.

6 (a) Upon conviction of a person for murder in the
7 first degree OR AGGRAVATED KIDNAPPING the judge shall con-
8 duct a separate sentencing hearing to determine whether
9 the defendant should be sentenced to death or life impris-
10 onment. The hearing shall be conducted before the judge
11 alone if:

12 (h) Aggravating circumstances are limited to the
13 following:

14 (i) FOR MURDER IN THE FIRST DEGREE:

15 ~~{++}~~(A) The murder was committed by a
16 person under sentence of imprisonment;

17 ~~{+++}~~(B) The defendant was previously
18 convicted of another murder in the first degree or a fel-
19 ony involving the use or threat of violence to the person;

20 ~~{+++}~~(C) The defendant knowingly created
21 a great risk of death to two (2) or more persons;

1 ~~{iv}~~(D) The murder was committed while
2 the defendant was engaged, or was an accomplice, in the
3 commission of, or an attempt to commit, or flight after
4 committing or attempting to commit, any robbery, sexual
5 assault, arson, burglary, kidnapping or aircraft piracy or
6 the unlawful throwing, placing or discharging of a
7 destructive device or bomb;

8 ~~{v}~~(E) The murder was committed for the
9 purpose of avoiding or preventing a lawful arrest or
10 effecting an escape from custody;

11 ~~{vi}~~(F) The murder was committed for
12 pecuniary gain;

13 ~~{vii}~~(G) The murder was especially hei-
14 nous, atrocious or cruel;

15 ~~{viii}~~(H) The murder of a judicial offi-
16 cer, former judicial officer, district attorney, former
17 district attorney or former county and prosecuting attor-
18 ney, during or because of the exercise of his official
19 duty.

20 (ii) FOR AGGRAVATED KIDNAPPING:

21 (A) THE OFFENSE WAS COMMITTED BY A PER-

1 SON UNDER SENTENCE OF IMPRISONMENT;

2 (B) THE DEFENDANT WAS PREVIOUSLY CON-
3 VICTED OF A FELONY INVOLVING SEXUAL ASSAULT;

4 (C) MORE THAN ONE (1) SEXUAL INTRUSION
5 WAS INFLICTED DURING THE COURSE OF THE OFFENSE;

6 (D) THE OFFENSE WAS ESPECIALLY HEINOUS,
7 ATROCIOUS OR CRUEL.

8 (j) Mitigating circumstances shall be the following:

9 (i) FOR MURDER IN THE FIRST DEGREE:

10 ~~(i)~~(A) The defendant has no significant
11 history of prior criminal activity;

12 ~~(ii)~~(B) The murder was committed while
13 the defendant was under the influence of extreme mental or
14 emotional disturbance;

15 ~~(iii)~~(C) The victim was a participant in
16 the defendant's conduct or consented to the act;

17 ~~(iv)~~(D) The defendant was an accomplice
18 in a murder committed by another person and his participa-
19 tion in the homicidal act was relatively minor;

1 ~~(v)~~(E) The defendant acted under extreme
2 duress or under the substantial domination of another per-
3 son;

4 ~~(vi)~~(F) The capacity of the defendant to
5 appreciate the criminality of his conduct or to conform
6 his conduct to the requirements of law was substantially
7 impaired;

8 ~~(vii)~~(G) The age of the defendant at the
9 time of the crime.

10 (ii) FOR AGGRAVATED KIDNAPPING:

11 (A) EACH OF THE CIRCUMSTANCES LISTED IN
12 PARAGRAPHS (i)(A) THROUGH (C) AND (E) THROUGH (G) OF THIS
13 SUBSECTION;

14 (B) THE DEFENDANT WAS AN ACCOMPLICE IN
15 AN AGGRAVATED KIDNAPPING BUT DID NOT INFLICT SEXUAL
16 INTRUSION DURING THE COURSE OF THE OFFENSE.

17 6-2-201. Kidnapping; penalties; effect of release of
18 victim; aggravated kidnapping.

19 (c) EXCEPT AS PROVIDED IN SUBSECTION (e) OF THIS
20 SECTION, if the defendant voluntarily releases the victim
21 substantially unharmed and in a safe place prior to trial,

1 kidnapping is a felony punishable by imprisonment for not
2 more than twenty (20) years.

3 (d) EXCEPT AS PROVIDED IN SUBSECTION (e) OF THIS
4 SECTION, if the defendant does not voluntarily release the
5 victim substantially unharmed and in a safe place prior to
6 trial, kidnapping is a felony punishable by imprisonment
7 for not less than twenty (20) years or for life except as
8 provided in W.S. 6-2-101.

9 (e) A PERSON COMMITS AGGRAVATED KIDNAPPING IF IN THE
10 COURSE OF COMMITTING THE CRIME OF KIDNAPPING THE PERSON
11 INFLECTS SEXUAL INTRUSION, AS DEFINED BY W.S.
12 6-2-301(a)(vii) ON A VICTIM UNDER THE AGE OF TWELVE (12)
13 YEARS. A PERSON CONVICTED OF AGGRAVATED KIDNAPPING SHALL
14 BE PUNISHED BY DEATH OR LIFE IMPRISONMENT ACCORDING TO
15 LAW.

16 Section 2. This act is effective June 5, 1984.

17 (END)

Aggravated kidnapping.

84LSO- 0343.L1

FISCAL NOTE

<u>Anticipated REVENUE to:</u>	<u>Fiscal Year 19</u>	<u>Fiscal Year 19</u>
TOTAL ESTIMATED REVENUE		
<u>Anticipated COST to:</u>	<u>Fiscal Year 19</u>	<u>Fiscal Year 19</u>
TOTAL ESTIMATED COST		

No apparent fiscal or personnel impact at state level.

THE LEGISLATURE OF THE STATE OF WYOMING

House of Representatives

Cheyenne, February 22, 1934

Mr. Speaker:

Your Committee No. 1 on JUDICIARY
 to whom was referred H. R. No. 0125
 respectfully reports same back to the House with the recommendation that

DO PASS with the following amendments:

See Schedule A attached.

AYES


Brown
 Jackson
 Odde
 Robertson
 Chamberlain

NOES

Harrison
 Tipton
 Wiederspahn

EXCUSED

Kansen
 W. Urbighin



DOUGLAS W. CHAMBERLAIN,

Chairman

SCHEDULE A

- 1 HB0125CHAMBERLAIN
- 2 Page 2-line 7 After "KIDNAPPING" insert "UNDER W.S.
3 6-2-201(e)(ii)".
- 4 Page 3-line 20 After "KIDNAPPING" insert "UNDER W.S.
5 6-2-201(e)(ii)".
- 6 Page 5-line 10 After "KIDNAPPING" insert "UNDER W.S.
7 6-2-201(e)(ii)".
- 8 Page 6-line 14 After "BY" insert ":" and delete balance of
9 the line.
- 10 Page 6-line 15 Delete entirely and insert:
- 11 "(i) LIFE IMPRISONMENT IF THE DEFENDANT
12 VOLUNTARILY RELEASES THE VICTIM IN A SAFE PLACE PRIOR TO
13 TRIAL; OR
14 (ii) DEATH OR LIFE IMPRISONMENT ACCORDING
15 TO LAW IF THE DEFENDANT DOES NOT VOLUNTARILY RELEASE THE
16 VICTIM IN A SAFE PLACE PRIOR TO TRIAL."