

HOUSE BILL NO. HB0067

Criminal defenses.

Sponsored by: Representative(s) Gingery

A BILL

for

1 AN ACT relating to crimes and offenses; specifying that
2 common-law defenses are abolished; specifying how defenses
3 apply; repealing a conflicting provision; providing
4 applicability; and providing for an effective date.

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

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8 **Section 1.** W.S. 6-1-102(b) is amended to read:

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10 **6-1-102. Common-law crimes abolished; common-law**
11 **defenses abolished; defenses specified.**

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13 (b) Common-law defenses are ~~retained unless otherwise~~
14 ~~provided by this act~~ abolished. This subsection does not
15 limit the power of the court to use case law as an
16 interpretive aid in the construction of this act. The
17 following shall apply to defenses in Wyoming:

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(i) Duress. No person may be convicted of a crime based upon conduct in which that person engaged because of the use or threatened use of unlawful force upon himself or another person and a reasonable person in that situation would have been lawfully unable to resist that force or threatened use of force;

(ii) Self-induced intoxication shall apply as provided in W.S. 6-1-202;

(iii) Propensity. A morbid propensity to commit prohibited acts existing in the mind of a person who is not shown to have been incapable of knowing the wrongfulness of such acts is no defense to a prosecution therefor;

(iv) Self-defense. Any person may lawfully resist, by force or violence, the commission of any offense as follows:

(A) Any person, upon reasonable apprehension of threat of bodily injury, may make sufficient resistance to prevent an offense against his person or the person of any family or household member, or

1 to prevent an illegal attempt by force to take or injure
2 property in his lawful possession;

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4 (B) Any person may make sufficient
5 resistance in aid or defense of any other person,
6 threatened with bodily injury, to prevent such offense;

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8 (C) Any person may use defensive force as
9 provided in W.S. 6-2-602.

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11 (v) Insanity. Insanity is an affirmative defense
12 to a prosecution for any criminal offense. Mental disease
13 or defect does not otherwise constitute a defense. The
14 defendant has the burden of proving the defense of insanity
15 by clear and convincing evidence;

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17 (vi) Infancy. Those who have not reached the age
18 of ten (10) years are exempt from criminal responsibility.
19 However, nothing in this article shall affect the
20 jurisdiction of juvenile courts as established by the
21 statutes of this state;

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23 (vii) Mistake of fact. Unless there is a
24 provision to the contrary in the definition of a crime,

1 reasonable ignorance of fact or mistake of fact which
2 precludes the presence of any mental element required in
3 that crime is a defense to any prosecution for that crime;
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5 (viii) Mistake of law. Ignorance of the
6 provision of the Wyoming statutes or of any criminal
7 statute is not a defense to any criminal prosecution.
8 However, mistake of law which results in the lack of an
9 intention that consequences which are criminal shall
10 follow, is a defense to a criminal prosecution under the
11 following circumstances:
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13 (A) Where the offender reasonably relied on
14 an act of the legislature in repealing an existing criminal
15 provision or in otherwise purporting to make the offender's
16 conduct lawful; or
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18 (B) Where the offender reasonably relied on
19 a final judgment of a competent court of last resort that a
20 provision making the conduct in question criminal was
21 unconstitutional.
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23 (ix) Battered woman syndrome shall apply as
24 provided in W.S. 6-1-203.

