

# Sex Crimes: Definitions and Penalties Wyoming

*Last Updated: April 2023*

## Sexual Assault in the First Degree

| Question                                 | Answer   |
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| How is it defined?                       | <ul style="list-style-type: none"> <li>• Inflicting sexual intrusion on a victim and:               <ul style="list-style-type: none"> <li>• The actor causes submission of the victim through the actual application, reasonably calculated to cause submission of the victim, physical force or forcible confinement;</li> <li>• The actor causes submission of the victim by threat of death, serious bodily injury, extreme physical pain or kidnapping to be inflicted on anyone and the victim reasonably believes the actor has the present ability to execute these threats;</li> <li>• The victim is physically helpless, and the actor knows or reasonably should know that the victim is physically helpless and has not consented; or The actor knows or reasonably should know that the victim, through a mental illness, mental deficiency, or developmental disability, is incapable of appraising the nature of the victim's conduct.</li> </ul> </li> </ul>   |
| What are the punishments for this crime? | <ul style="list-style-type: none"> <li>• Felony punishable by imprisonment for 5-50 years.</li> <li>• Repeat offenders felony punishable by imprisonment for not less than 25 years or for life, or life imprisonment without parole for prior sexual abuse of a minor.</li> <li>• Shall be punishable by life imprisonment without parole if actor has two or more previous convictions for sexual assault or sexual abuse of a minor.</li> </ul>   |
| Anything else I should know?             | <p>The following definitions are relevant to this crime:</p> <ul style="list-style-type: none"> <li>• <b>Physically helpless:</b> Unconscious, asleep or otherwise physically unable to communicate unwillingness to act.</li> <li>• <b>Sexual intrusion:</b> Any intrusion, however slight, by any object or any part of a person's body, except the mouth, tongue or penis, into the genital or anal opening of another person's body if that sexual intrusion can reasonably be construed as being for the purposes of sexual arousal, gratification or abuse; or sexual intercourse, cunnilingus, fellatio, analingus or anal intercourse with or without emission.</li> <li>• <b>Position of authority:</b> That position occupied by a parent, guardian, relative, household member, teacher, employer, custodian, health care provider or any other person who, by reason of his position, is able to exercise significant influence over a person.</li> <li>• <b>Sexual contact:</b> Touching, with the intention of sexual arousal, gratification or abuse, of the victim's intimate parts by the actor, or of the actor's intimate parts by the victim, or of the clothing covering the immediate area of the victim's or actor's intimate parts.</li> </ul> |

Statutory  
citation(s):

- Wyo. Stat. Ann. §§ 6-2-302; 6-2-306

## Sexual Assault in the Second Degree

| Question           | Answer   |
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| How is it defined? | <ul style="list-style-type: none"><li>• Inflicting sexual intrusion on a victim not constituting sexual assault in the first degree and:<ul style="list-style-type: none"><li>• The actor causes submission of the victim by threatening to retaliate in the future against the victim or the victim's spouse, parents, brothers, sisters or children and the victim reasonably believes the actor will execute this threat. "To retaliate" includes threats of kidnapping, death, serious bodily injury or extreme physical pain;</li><li>• The actor causes submission of the victim by any means that would prevent resistance by a victim of ordinary resolution;</li><li>• The actor administers, or knows that someone else administered to the victim, without the prior knowledge or consent of the victim, any substance which substantially impairs the victim's power to appraise or control his conduct;</li><li>• The actor knows or should reasonably know that the victim submits erroneously believing that the actor is the victim's spouse;</li><li>• The actor is in a position of authority over the victim and uses this position of authority to cause the victim to submit;</li><li>• The actor is an employee, independent contractor or volunteer of a state, county, city or town, or privately operated adult or juvenile correctional system, including but not limited to jails, penal institutions, detention centers, juvenile residential or rehabilitative facilities, adult community correctional facilities, or secure treatment facilities, and the victim is known or should be known by the actor to be a resident of such facility or under supervision of the correctional system; or</li><li>• The actor is an employee or volunteer of an elementary or secondary public or private school who, by virtue of the actor's employment or volunteer relationship with the school, has interaction with the victim who is a student or participant in the activities of the school and is more than 4 years older than the victim.</li></ul></li><li>• Subjecting another person to sexual contact or sexual intrusion in the person's capacity as a health care provider in the course of providing care, treatment, services or procedures to maintain, diagnose or otherwise treat a patient's physical or mental condition.</li><li>• Submitting another person to sexual contact, causing serious bodily injury to the victim, and:<ul style="list-style-type: none"><li>• The actor causes submission of the victim through physical force or forcible confinement;</li><li>• The actor causes submission of the victim by threat of death, serious bodily injury, extreme physical pain or kidnapping to be inflicted on anyone and the victim reasonably believes the actor</li></ul></li></ul> |

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|   | <p>has the present ability to execute these threats;</p> <ul style="list-style-type: none"> <li>• The victim is physically helpless, and the actor knows or reasonably should know that the victim is physically helpless and has not consented;</li> <li>• The actor knows or reasonably should know that the victim, through a mental illness, mental deficiency, or developmental disability, is incapable of appraising the nature of the victim's conduct;</li> <li>• The actor causes submission of the victim by threatening to retaliate in the future against the victim or the victim's spouse, parents, brothers, sisters or children and the victim reasonably believes the actor will execute this threat. "To retaliate" includes threats of kidnapping, death, serious bodily injury or extreme physical pain;</li> <li>• The actor causes submission of the victim by any means that would prevent resistance by a victim of ordinary resolution;</li> <li>• The actor administers, or knows that someone else administered to the victim, without the prior knowledge or consent of the victim, any substance which substantially impairs the victim's power to appraise or control his conduct;</li> <li>• The actor knows or reasonably should know that the victim submits erroneously believing that the actor is the victim's spouse; or</li> <li>• The actor is in a position of authority over the victim and uses this position of authority to cause the victim to submit;</li> <li>• The actor is an employee, independent contractor or volunteer of a state, county, city or town, or privately operated adult or juvenile correctional system, including but not limited to jails, penal institutions, detention centers, juvenile residential or rehabilitative facilities, adult community correctional facilities, or secure treatment facilities, and the victim is known or should be known by the actor to be a resident of such facility or under supervision of the correctional system; or</li> <li>• The actor is an employee or volunteer of an elementary or secondary public or private school who, by virtue of the actor's employment or volunteer relationship with the school, has interaction with the victim who is a student or participant in the activities of the school and is more than 4 years older than the victim</li> </ul> |
| <p>What are the punishments for this crime?</p> | <ul style="list-style-type: none"> <li>• Felony punishable by imprisonment for 2-20 years.</li> <li>• Repeat offenders felony punishable by imprisonment for not less than 25 years or for life, or life imprisonment without parole for prior sexual abuse of a minor.</li> <li>• Shall be punishable by life imprisonment without parole if actor has two or more previous convictions for sexual assault or sexual abuse of a minor.</li> </ul>  |
| <p>Anything else I should know?</p>             | <p>The following definitions are relevant to this crime:</p> <ul style="list-style-type: none"> <li>• <b>Physically helpless:</b> Unconscious, asleep or otherwise physically unable to communicate unwillingness to act.</li> <li>• <b>Sexual intrusion:</b> any intrusion, however slight, by any object or any part of a person's body, except the mouth, tongue or penis, into the genital or anal opening of another person's body if that sexual intrusion can reasonably be construed as being for the purposes of sexual arousal, gratification or abuse; or sexual intercourse, cunnilingus, fellatio, anilingus or anal intercourse with or without emission,</li> </ul>  |

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|                        | <ul style="list-style-type: none"> <li>• <b>Position of authority:</b> That position occupied by a parent, guardian, relative, household member, teacher, employer, custodian or any other person who, by reason of his position, is able to exercise significant influence over a person.</li> <li>• <b>Sexual contact:</b> Touching, with the intention of sexual arousal, gratification or abuse, of the victim's intimate parts by the actor, or of the actor's intimate parts by the victim, or of the clothing covering the immediate area of the victim's or actor's intimate parts.</li> </ul> |
| Statutory citation(s): | <ul style="list-style-type: none"> <li>• Wyo. Stat. Ann. § 6-2-303</li> </ul>  |

## Sexual Assault in the Third Degree

| Question           | Answer  |
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| How is it defined? | <ul style="list-style-type: none"> <li>• Subjecting a victim to sexual contact, without inflicting sexual intrusion on the victim and without causing serious bodily injury to the victim and not constituting sexual assault in the first degree or sexual assault in the second degree if: <ul style="list-style-type: none"> <li>• The actor causes submission of the victim through the actual application, reasonably calculated to cause submission of the victim, of physical force or forcible confinement;</li> <li>• The actor causes submission of the victim by threat of death, serious bodily injury, extreme physical pain or kidnapping to be inflicted on anyone and the victim reasonably believes the actor has the present ability to execute these threats;</li> <li>• The victim is physically helpless, and the actor knows or reasonably should know that the victim is physically helpless and has not consented;</li> <li>• The actor knows or reasonably should know that the victim, through a mental illness, mental deficiency, or developmental disability, is incapable of appraising the nature of the victim's conduct;</li> <li>• The actor causes submission of the victim by threatening to retaliate in the future against the victim or the victim's spouse, parents, brothers, sisters or children and the victim reasonably believes the actor will execute this threat. "To retaliate" includes threats of kidnapping, death, serious bodily injury or extreme physical pain;</li> <li>• The actor causes submission of the victim by any means that would prevent resistance by a victim of ordinary resolution;</li> <li>• The actor administers, or knows that someone else administered to the victim, without the prior knowledge or consent of the victim, any substance which substantially impairs the victim's power to appraise or control his conduct; or</li> <li>• The actor knows or should reasonably know that the victim submits erroneously believing that the actor is the victim's spouse;</li> </ul> </li> </ul> |

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|  | <ul style="list-style-type: none"> <li>• The actor is in a position of authority over the victim and uses this position of authority to cause the victim to submit;</li> <li>• The actor is an employee, independent contractor or volunteer of a state, county, city or town, or privately operated adult or juvenile correctional system, including but not limited to jails, penal institutions, detention centers, juvenile residential or rehabilitative facilities, adult community correctional facilities, or secure treatment facilities, and the victim is known or should be known by the actor to be a resident of such facility or under supervision of the correctional system; or</li> <li>• The actor is an employee or volunteer of an elementary or secondary public or private school who, by virtue of the actor's employment or volunteer relationship with the school, has interaction with the victim who is a student or participant in the activities of the school and is more than 4 years older than the victim</li> </ul>   |
| What are the punishments for this crime? | <ul style="list-style-type: none"> <li>• Felony punishable by imprisonment for not more than 15 years.</li> <li>• Repeat offenders, felony punishable by imprisonment for not more than 20 years, or shall be punishable by life imprisonment without parole if actor has two or more previous convictions for sexual assault or sexual abuse of a minor.</li> </ul>   |
| Anything else I should know?             | <p>The following definitions are relevant to this crime:</p> <ul style="list-style-type: none"> <li>• <b>Physically helpless:</b> Unconscious, asleep or otherwise physically unable to communicate unwillingness to act.</li> <li>• <b>Sexual intrusion:</b> Any intrusion, however slight, by any object or any part of a person's body, except the mouth, tongue or penis, into the genital or anal opening of another person's body if that sexual intrusion can reasonably be construed as being for the purposes of sexual arousal, gratification or abuse; or sexual intercourse, cunnilingus, fellatio, analingus or anal intercourse with or without emission.</li> <li>• <b>Position of authority:</b> That position occupied by a parent, guardian, relative, household member, teacher, employer, custodian or any other person who, by reason of his position, is able to exercise significant influence over a person.</li> <li>• <b>Sexual contact:</b> Touching, with the intention of sexual arousal, gratification or abuse, of the victim's intimate parts by the actor, or of the actor's intimate parts by the victim, or of the clothing covering the immediate area of the victim's or actor's intimate parts.</li> </ul> |
| Statutory Citation(s):                   | <ul style="list-style-type: none"> <li>• Wyo. Stat. Ann. § 6-2-304</li> </ul>  |

## Statutory Rape

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| Question | Answer |
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How is it defined?

**Sexual abuse of a minor in the first degree**

- Sexual intrusion when the actor is 16 or older and the victim is under 13 years old;
- Sexual intrusion when the actor is over 18, the victim is under 18, and the actor is the victim's legal guardian, ancestor, descendent, or sibling of half- or full-blood, including adoption and step-parental relationships; or
- Sexual intrusion when the actor is over 18, the victim is under 16, and the actor occupies a position of authority in relation to the victim.

**Sexual abuse of a minor in the second degree** – not constituting sexual abuse of a minor in the first degree and:

- Sexual intrusion when the actor is 17 or older, the victim is 13-15, and the victim is at least 4 years younger than the actor;
- Sexual contact when the actor is 16 or older and the victim is less than 13 years old;
- Sexual contact when the actor is 18 or older, the victim is less than 18 years old, and the actor is the victim's legal guardian ancestor, descendent, or sibling of half- or full-blood, including adoption and step-parental relationships; or
- Sexual contact when the actor is 18 or older, the victim is less than 16 years old, and the actor occupies a position of authority in relation to the victim.

**Sexual abuse of a minor in the third degree** – not constituting sexual abuse of a minor in the first or second degree and:

- Sexual contact when the actor is 17 or older, the victim is 13-15, and the victim is at least 4 years younger than the actor;
- Sexual intrusion when the actor is 20 or older, the victim is 16-17, the victim is at least 4 years younger than the actor, and the actor occupies a position of authority in relation to the victim;
- Sexual intrusion when the actor is less than 16 years old, the victim is less than 13 years old, and the victim is at least 3 years younger than the actor; or
- Knowingly taking immodest, immoral, or indecent liberties with a victim when the actor is 17 or older, the victim is less than 17 years old, and the victim is at least 4 years younger than the actor.

**Sexual abuse of a minor in the fourth degree** – not constituting sexual abuse of a minor in the first, second or third degree and:

- Sexual contact when the actor is under 16, the victim is under 13, and the victim is at least 3 years younger than the actor; or

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|  | <ul style="list-style-type: none"> <li>• Sexual contact when the actor is 20 years old or older, the victim is 16-17, the victim is at least 4 years younger than the actor, and the actor occupies a position of authority in relation to the victim.</li> </ul>   |
| What are the punishments for this crime? | <ul style="list-style-type: none"> <li>• <b>Sexual abuse of a minor in the first degree:</b> maximum sentence of 50 years imprisonment, unless repeat offender. Minimum sentence of 25 years for intrusion on a victim under 13 years old if the actor is over 21 years old and the victim is under 13 years old.</li> <li>• <b>Sexual abuse of a minor in the second degree:</b> maximum sentence of 20 years imprisonment, unless repeat offender.</li> <li>• <b>Sexual abuse of a minor in the third degree:</b> maximum sentence of 15 years imprisonment.</li> <li>• <b>Sexual abuse of a minor in the fourth degree:</b> maximum sentence of 5 years imprisonment.</li> <li>• If criminality depends on the victim being under 16 years old, it is an affirmative defense that the actor reasonably believed the victim was 16 or older.</li> <li>• If criminality depends on the victim being under 12 or under 14 years old, it is no defense that the actor did not know the victim's age or reasonably believed the victim was 12 or 14 or older, as applicable.</li> </ul>                             |
| Anything else I should know?             | <p>The following definitions are relevant to this crime:</p> <ul style="list-style-type: none"> <li>• <b>Sexual intrusion:</b> Any intrusion, however slight, by any object or any part of a person's body, except the mouth, tongue or penis, into the genital or anal opening of another person's body if that sexual intrusion can reasonably be construed as being for the purposes of sexual arousal, gratification or abuse; or sexual intercourse, cunnilingus, fellatio, analingus or anal intercourse with or without emission.</li> <li>• <b>Position of authority:</b> That position occupied by a parent, guardian, relative, household member, teacher, employer, custodian or any other person who, by reason of his position, is able to exercise significant influence over a person.</li> <li>• <b>Sexual contact:</b> Touching, with the intention of sexual arousal, gratification or abuse, of the victim's intimate parts by the actor, or of the actor's intimate parts by the victim, or of the clothing covering the immediate area of the victim's or actor's intimate parts.</li> </ul> |
| Statutory Citation(s):                   | <ul style="list-style-type: none"> <li>• Wyo. Stat. Ann. §§ 6-2-314, 6-2-315, 6-2-316, 6-2-317</li> </ul>   |

## Sodomy

| Question           | Answer  |
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| How is it defined? | <ul style="list-style-type: none"> <li>• Wyoming does not prohibit sodomy. Anal sex is included in the definition of "sexual intrusion".</li> <li>• Any state laws that outright prohibit sodomy are unconstitutional under <i>Lawrence v. Texas</i>, 539 U.S. 588 (2003).</li> </ul> |

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| What are the punishments for this crime? | <ul style="list-style-type: none"><li>• N/A</li></ul>   |
| Anything else I should know?             | <p>The following definition is relevant to this crime:</p> <ul style="list-style-type: none"><li>• <b>“Sexual intrusion”</b> means: any intrusion, however slight, by any object or any part of a person's body, except the mouth, tongue or penis, into the genital or anal opening of another person's body if that sexual intrusion can reasonably be construed as being for the purposes of sexual arousal, gratification or abuse; or sexual intercourse, cunnilingus, fellatio, anilingus or anal intercourse with or without emission.</li></ul> |
| Statutory Citation(s):                   | <ul style="list-style-type: none"><li>• N/A</li></ul>   |