



Select Victims' Rights – Wyoming

USING THIS RESOURCE

This resource is intended to provide a base of knowledge regarding crime victims' rights in Wyoming and promising practices to ensure compliance with and enforcement of those rights. To keep this *Guide* as user-friendly as possible in light of the breadth, complexity and evolving nature of law, the *Guide* does not include all laws. The *Guide* is intended for informational purposes only. It does not constitute legal advice, nor does it substitute for legal advice. For more in-depth information about the laws governing privacy, confidentiality and privilege in Wyoming, see the companion resource: *Law Enforcement-Based Victim Services in Wyoming: Privacy, Privilege and Confidentiality*.

The following icons are used throughout this resource to highlight key moments for the user.



= Promising Practices: As used in this *Guide*, the “promising practices” indicator highlights procedures, methods or techniques, grounded in victim-centered and trauma-informed research and experience, that afford victims meaningful rights in the justice system.



= Take Note: As used in this *Guide*, the “take note” indicator provides context for the law cited or discussed. For example, if a law has a particularly narrow application or does not explicitly prohibit an action the “take note” indicator is used to highlight or provide clarity around the law.

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¹ This table of contents and index of rights provides specific page references for many of the victims' rights laws contained within this *Guide*. The referenced laws are often narrower in scope than the broader rights identified in the index and may contain components of multiple core rights. Not all of the laws contained within this *Guide* are referenced in the table of contents and index; therefore, it is recommended that this document be reviewed in full.

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<p>SELECT DEFINITIONS</p>	<p>Wyoming Statutes</p>
<p>Victim Bill of Rights Definitions.</p> <p>(i) “Criminal act” means conduct which would constitute a crime as defined by the laws of this state;</p> <p>(ii) “Victim” means an individual who has suffered direct or threatened physical, emotional or financial harm as the result of the commission of a criminal act or a family member of a victim who is a minor or an incompetent or a surviving family member of a homicide victim;</p> <p>(iii) “Witness” means a person who is likely to testify in a criminal proceeding;</p> <p>(iv) “Key witness” means any witness identified in writing by the prosecution as being entitled to the rights provided by this act.</p> <p>(v) “This act” means W.S. 1-40-201 through 1-40-210.</p> <p> The above definitions explicitly apply to Wyoming’s Victim Bill of Rights, Wyo. Stat. Ann. §§ 1-40-201 through 1-40-210. Some of these statutory provisions are included below in the section “Select Crime Victims’ Rights.”</p>	<p>Wyo. Stat. Ann. § 1-40-202.</p>
<p>Victim of Delinquent Acts Bill of Rights Definitions.</p> <p>(i) “Delinquent act” means any act defined by W.S. 14-6-201(a)(ix) which constitutes a felony;</p>	<p>Wyo. Stat. Ann. § 14-6-501.</p>

<p>(ii) “Victim” means an individual who has suffered direct or threatened physical, emotional or financial harm as the result of the commission of a delinquent act or a family member of a victim who is a minor or an incompetent or a surviving family member of a homicide victim;</p> <p>(iii) “This act” means W.S. 14-6-501 through 14-6-509.</p> <p> The above definitions explicitly apply to Wyoming’s Victim Bill of Rights for Victims of Delinquent Acts, Wyo. Stat. Ann. §§ 14-6-501 through 14-6-509. Some of these statutory provisions are included below in the section “Select Crime Victims’ Rights.”</p>	
<p>Victim Impact Statements Definitions.</p> <p>(i) “Crime” means a felony as defined by W.S. 6-10-101;</p> <p>(ii) “Family member” means a spouse, child, sibling, parent or legal guardian of a victim;</p> <p>(iii) “Victim” means an individual who has suffered direct or threatened physical, emotional or financial harm as the result of the commission of a crime or a family member of a minor, incompetent person or a homicide victim;</p> <p>(iv) “Victim impact statement” means an oral or written statement by the victim of a crime providing the information specified by W.S. 7-21-102(c).</p> <p> The above definitions explicitly apply to Wyoming’s rules of criminal procedure governing victim impact statements, Wyo. Stat. Ann. §§ 7-21-102 and 7-21-103. These statutory provisions are included below in the section “Select Crime Victims’ Rights.”</p>	<p>Wyo. Stat. Ann. § 7-21-101.</p>
<p>Restitution Definitions.</p>	<p>Wyo. Stat. Ann. § 7-9-101.</p>

(i) "Criminal activity" means any crime for which there is a plea of guilty, nolo contendere or verdict of guilty upon which a judgment of conviction may be rendered and includes any other crime which is admitted by the defendant, whether or not prosecuted. In the case of restitution ordered under W.S. 7-13-301, "criminal activity" also includes a crime charged against the defendant;

(ii) "Long-term physical health care restitution order" means an order entered pursuant to W.S. 7-9-113 through 7-9-115;


(iii) "Pecuniary damage" means all damages which a victim could recover against the defendant in a civil action arising out of the same facts or event, including damages for wrongful death. It does not include punitive damages and damages for pain, suffering, mental anguish and loss of consortium;


(iv) "Restitution" means full or partial payment of pecuniary damage to a victim;

(v) "Victim" means a person who has suffered pecuniary damage as a result of a defendant's criminal activities. An insurer which paid any part of a victim's pecuniary damages shall be regarded as the victim only if the insurer has no right of subrogation and the insured has no duty to pay the proceeds of restitution to the insurer.






The above definitions explicitly apply to Wyoming's rules of criminal procedure governing restitution, Wyo. Stat. Ann. §§ 7-9-101 through 7-9-115. Many of these statutory provisions are included below in the section "Select Crime Victims' Rights."




SELECT CRIME VICTIMS' RIGHTS	Wyoming Statutes
<p>Victims' Right to be Treated with Compassion, Respect and Sensitivity.</p> <p>All victims and witnesses of crime shall be treated with compassion, respect and sensitivity.</p>	<p>Wyo. Stat. Ann. § 1-40-203(a).</p>
<p>Victims' Right to Court's Enforcement of Rights.</p> <p>Courts shall enforce crime victim and witness rights under this act to the extent the recognition of those rights do not conflict with constitutional and statutory rights of the defendant.</p>	<p>Wyo. Stat. Ann. § 1-40-203(c).</p>
<p>Victims' Rights to Notification of and Information About Case Status.</p> <p>(b) Crime victims, key witnesses and, upon request, other witnesses shall have the following rights:</p> <p>(i) To be provided notification and information about events affecting the status of the case. These events shall include, but are not limited to, the following as specified in W.S. 1-40-204:</p> <p>(A) The general status of the case, provided the release of information does not compromise the investigation or endanger witnesses;</p> <p>(B) The scheduled hearings and dispositions of the case;</p> <p>(C) The sentencing phase of the case;</p> <p>(D) The imprisonment or release of the accused or convicted defendant.</p> <p> A promising practice is to have a policy and procedure in place to remind victims, throughout their participation in the justice system, that to protect their notification rights,</p>	<p>Wyo. Stat. Ann. § 1-40-203(b)(i).</p>


<p>their contact information must be kept current with relevant agencies, as provided in Wyo. Stat. Ann. § 1-40-204(f).</p>	
<p>Victims' Right to Information About the Right to Receive Restitution.</p> <p>(b) Crime victims, key witnesses and, upon request, other witnesses shall have the following rights: (ii) To be provided information about the right to receive judicially ordered restitution as provided in W.S. 7-9-102.</p> <p> Victims should be informed that they are entitled to restitution upon the conviction of defendant for losses caused by defendant's criminal conduct. Assisting victims with the documentation of their losses—including anticipated future expenses—is recommended from the earliest moments of the case.</p>	<p>Wyo. Stat. Ann. § 1-40-203(b)(ii).</p>
<p>Victims' Right to Information About Rights, Privileges and Interests.</p> <p>(b) Crime victims, key witnesses and, upon request, other witnesses shall have the following rights: (iii) To be provided information about their rights, privileges and interests under this act as provided in W.S. 1-40-204.</p>	<p>Wyo. Stat. Ann. § 1-40-203(b)(iii).</p>
<p>Victims' Right to Information About Compensation.</p> <p>(b) Crime victims, key witnesses and, upon request, other witnesses shall have the following rights: </p>	<p>Wyo. Stat. Ann. § 1-40-203(b)(iv).</p>


<p>(iv) To be provided information about compensation available under the Crime Victims Compensation Act as provided in W.S. 1-40-101 through 1-40-119.</p>	
<p>Victims' Right to Information About Services and Assistance.</p> <p>(b) Crime victims, key witnesses and, upon request, other witnesses shall have the following rights: (v) To be provided information about services and assistance available to victims and witnesses as provided in W.S. 1-40-204.</p>	<p>Wyo. Stat. Ann. § 1-40-203(b)(v).</p>
<p>Victims' Right to Information About Legal and Other Options if Subjected to Threats or Intimidation.</p> <p>(b) Crime victims, key witnesses and, upon request, other witnesses shall have the following rights: (vi) To be provided information about available legal recourse and other measures if subjected to threats or intimidation as provided in W.S. 1-40-205.</p>	<p>Wyo. Stat. Ann. § 1-40-203(b)(vi).</p>
<p>Victims' Right to Reasonable Protection and Safety Immediately Before, During And After Proceedings.</p> <p>(b) Crime victims, key witnesses and, upon request, other witnesses shall have the following rights: (vii) To be provided, at the discretion of the prosecuting attorney or criminal justice personnel, reasonable protection and safety immediately before, during and after criminal justice proceedings.</p>	<p>Wyo. Stat. Ann. § 1-40-203(b)(vii).</p>



<p>Victims' Rights to Names and Contact Information of Primary Law Enforcement Officer and Prosecutor Assigned to Case.</p> <p>(b) Crime victims, key witnesses and, upon request, other witnesses shall have the following rights: (viii) To be provided with the names, official telephone numbers and official addresses of the primary law enforcement officer and prosecutor assigned to investigate the case.</p>	<p>Wyo. Stat. Ann. § 1-40-203(b)(viii).</p>
<p>Victims' Right to Attend and Participate in Proceedings.</p> <p>(b) Crime victims, key witnesses and, upon request, other witnesses shall have the following rights: (ix) To attend and participate in criminal justice system proceedings as provided in W.S. 1-40-206.</p>	<p>Wyo. Stat. Ann. § 1-40-203(b)(ix).</p>
<p>Victims' Right to Have Interests and Circumstances Considered When Court Sets Trial Date and Considers Continuances.</p> <p>(b) Crime victims, key witnesses and, upon request, other witnesses shall have the following rights: (x) To have the accused brought to trial as provided in W.S. 1-40-207. Nothing in this paragraph shall inhibit the ability of counsel for the state and the defendant from entering into any negotiated disposition of any charge or charges which have been levied against the accused.</p>	<p>Wyo. Stat. Ann. § 1-40-203(b)(x).</p>

<p>Victims' Right to the Prompt Return of Property.</p> <p>(b) Crime victims, key witnesses and, upon request, other witnesses shall have the following rights: (xi) To prompt return of property seized as evidence as provided in W.S. 1-40-208.</p> <p> It is a promising practice to have a policy and procedure in place that clearly defines what “prompt” means in the context of the victim’s right to return of property. Instructions should be ready and available to provide to victims, explaining how they may promptly obtain their property, in addition to the name of a person they may contact to check the status of the return.</p> <p> If a defendant files a request for return of property, victims and the prosecution must be notified immediately to ensure that they are on notice and have an opportunity to be meaningfully heard on the matter.</p>	<p>Wyo. Stat. Ann. § 1-40-203(b)(xi).</p>
<p>Victims' Right to Employment-Related Rights and Protections.</p> <p>(b) Crime victims, key witnesses and, upon request, other witnesses shall have the following rights: (xii) To be protected from discharge or discipline by an employer due to involvement with the criminal justice process as provided in W.S. 1-40-209.</p> <p> A promising practice is to have a policy and procedure in place to notify victims, at the first opportunity, of their employment-related rights.</p>	<p>Wyo. Stat. Ann. § 1-40-203(b)(xii).</p>

<p> A promising practice is to have a policy and procedure in place to provide employers with information regarding victims' employment-related rights.</p>	
<p>Victims' Right to be Notified of Defendant's Conviction.</p> <p>(b) Crime victims, key witnesses and, upon request, other witnesses shall have the following rights: (xiii) To be notified about the defendant's conviction as provided in W.S. 7-21-102(a).</p> <p> A promising practice is to have a policy and procedure in place to remind victims, throughout their participation in the justice system, that to protect their notification rights, their contact information must be kept current with relevant agencies, as provided in Wyo. Stat. Ann. § 1-40-204(f).</p>	<p>Wyo. Stat. Ann. § 1-40-203(b)(xiii).</p>
<p>Victims' Right to Notice of Opportunity to Make Impact Statement for Use In Presentence Investigation Report.</p> <p>(b) Crime victims, key witnesses and, upon request, other witnesses shall have the following rights: (xiv) To be notified about the victim's opportunity to make a victim impact statement for use in the preparation of a presentence investigation report concerning the defendant as provided in W.S. 7-21-102(a)(iii).</p> <p> A promising practice is to have a policy and procedure in place to remind victims, throughout their participation in the justice system, that to protect their notification rights, their contact information must be kept current with relevant agencies, as provided in Wyo. Stat. Ann. § 1-40-204(f).</p>	<p>Wyo. Stat. Ann. § 1-40-203(b)(xiv).</p>

<p>Victims' Right to Contact Information of Probation Office Preparing Presentence Investigation.</p> <p>(b) Crime victims, key witnesses and, upon request, other witnesses shall have the following rights: (xv) To be provided with the address and telephone number of each probation office which is to prepare the presentence investigation as provided in W.S. 7-21-102(a)(iv).</p>	<p>Wyo. Stat. Ann. § 1-40-203(b)(xv).</p>
<p>Victims' Right to Notice that Presentence Investigation Will be Made Available to Defendant.</p> <p>(b) Crime victims, key witnesses and, upon request, other witnesses shall have the following rights: (xvi) To be notified that the presentence investigation report and any statement of the victim in the report will be made available to the defendant as provided in W.S. 7-21-102(a)(v).</p>	<p>Wyo. Stat. Ann. § 1-40-203(b)(xvi).</p>
<p>Victims' Right to Notice of Their Option to Make a Victim Impact Statement at Sentencing.</p> <p>(b) Crime victims, key witnesses and, upon request, other witnesses shall have the following rights: (xvii) To be notified about the opportunity to make an impact statement at sentencing as provided in W.S. 7-21-102(a).</p> <p> A promising practice is to be familiar with the acceptable formats for victim impact statements so that victims can be informed about all of their options. Depending on your jurisdiction's law, victims may choose to: (1) read or speak their impact statement aloud at</p>	<p>Wyo. Stat. Ann. § 1-40-203(b)(xvii).</p>

<p>the sentencing proceeding, or have another person do it for them; (2) submit a written victim impact statement to the court in advance of sentencing; (3) provide an impact statement using technology to facilitate remote attendance; and/or (4) play or submit an impact statement that was created using audio and video technology.</p>	
<p>Victims' Right to Notice of Time and Place of Sentencing.</p> <p>(b) Crime victims, key witnesses and, upon request, other witnesses shall have the following rights: (xviii) To be notified of the time and place of the sentencing proceeding and any changes thereof as provided in W.S. 7-21-102(a)(vii).</p> <p> A promising practice is to have a policy and procedure in place to remind victims, throughout their participation in the justice system, that to protect their notification rights, their contact information must be kept current with relevant agencies, as provided in Wyo. Stat. Ann. § 1-40-204(f).</p>	<p>Wyo. Stat. Ann. § 1-40-203(b)(xviii).</p>
<p>Victims' Right to Information from Law Enforcement About Rights, Including Rights: to Information About Statutory Rights; to be Informed of Case Status; to Financial Assistance and Services; to Access Interpreter or Translator to Provide Rights Information; and to Investigator Contact Information.</p> <p>(a) Victims of a criminal act shall be informed without undue delay by law enforcement about:</p> <p>(i) The rights enumerated in this act;</p> <p>(ii) The right to be informed of the status of the case from the initial police investigation to the final appellate review;</p>	<p>Wyo. Stat. Ann. § 1-40-204(a)(i)–(iv).</p>

<p>(iii) The fact that financial assistance or other social service options may be available to the victim;</p> <p>(iv) The existence of the Crime Victims Compensation Act and that compensation may be available to the victim;</p> <p>(v) The right to have an interpreter or translator to inform the victim of these rights;</p> <p>(vi) The name and official telephone number of the primary law enforcement officer assigned to investigate the case together with the official address and telephone number of the criminal justice agency investigating the case.</p> <p> A promising practice is to have a policy and procedure defining “without undue delay” to ensure that law enforcement provide victims required information promptly. Consideration should be given to providing written notice in the primary language of the victim, as well as in a form accessible to those with vision impairment.</p>	
<p>Victims’ Right to Information from Law Enforcement About Right to Hire Attorney.</p> <p>(a) Victims of a criminal act shall be informed without undue delay by law enforcement about:</p> <p>....</p> <p>(vii) The right to seek legal counsel and to employ an attorney.</p> <p> A promising practice is to have a policy and procedure defining “without undue delay” to ensure that law enforcement provide victims required information promptly. Consideration should be given to providing written notice in the primary language of the victim, as well as in a form accessible to those with vision impairment. This notice should include an explanation of the different roles of a prosecuting attorney vs. an attorney hired by the victim to represent their interests and assert their rights.</p>	<p>Wyo. Stat. Ann. § 1-40-204(a)(i)(vii).</p>

Victims' Right to Written Information from Prosecutors About Rights, Including Rights: to be Present at All Hearings and Proceedings; to Information About Scheduling of Proceedings and Scheduling Changes; to Information About Plea Negotiations and Plea Agreements; to Information About Defendant's Pretrial or Presentence Release; to Confer with the Prosecution; to Pursue Other Remedies; to Information About the Role of Attorneys and Investigators Involved; to Refuse to Speak with Attorneys and Law Enforcement; to Information Regarding Post Sentence Hearing Schedule; to Provide Information About Threats; to Request Notice of Petition for Expungement.

Wyo. Stat. Ann. § 1-40-204(b).

(b) Victims and key witnesses of a criminal act shall be informed in writing by the prosecuting attorney about:

(i) Subject to order of the court, the right to attend all hearings and proceedings involving the case, including the right to be notified, upon request, of the date, time and place of those hearings;

(ii) The right to be notified in advance, if reasonable, when a court proceeding has been rescheduled or canceled;

(iii) The right to be advised of the potential for plea negotiations and, prior to sentencing, the right to be informed of the existence of a negotiated plea, the essentials of the agreement, and the reasons for the disposition;

(iv) The right to know the accused has obtained a pretrial or presentence release;

(v) The right to discuss the case with the prosecutor, and the official address and official telephone number of the prosecutor;

(vi) The availability of other remedies, including the right to proceed in civil litigation generally and the right to any profits attributable to the offender as a result of publication or media coverage resulting from the crime;

- (vii) The fact that the attorneys involved and their investigators are advocates either for the state or for the defendant;
- (viii) The right to refuse to talk to attorneys, private investigators, law enforcement, or anyone else unless on the witness stand or under subpoena;
- (ix) If known to the prosecutor, the schedule of any post sentence hearings affecting the probation of the offender;
- (x) The right to provide an affidavit asserting acts or threats of physical violence by the accused or at the accused's direction against the victim or a relative of the victim, the survivor or designated key witness;
- (xi) The right to request notification that the offender has filed a petition for expungement of the records of conviction and advance notice of any hearing or proceeding thereon.



A promising practice is to have a policy and procedure in place regarding how and when victims will be provided with the information described in this statutory provision. Consideration should be given to providing this written notice in the primary language of the victim, as well as in a form accessible to those with vision impairment.



A promising practice is to have a policy and procedure in place to notify victims, at the first opportunity, that victims must “request” the exercise of certain rights. Agencies should carefully document a victim’s request to exercise rights. Victims who wish to receive the type of notice identified here should be reminded, throughout their participation in the justice system, that their contact information must be kept current with relevant agencies.

Victims' Right to Request Written Notice from the Department of Corrections Regarding: Details of Imprisonment; Earliest Possible Date of Release and Security Classification of Facility; Transfer; Placement in Community Correctional Program; Change in Location of Parole Supervision; Escape, Recapture or Death; Reduction or Extension of Sentence.


Wyo. Stat. Ann. § 1-40-204(c).



(c) Victims, key witnesses, offices of prosecutors, victim witness coordinators and advocates who have participated in the criminal prosecution shall be offered the opportunity to be informed in writing by the department of corrections about:


- (i) The commencement of the offender's imprisonment to serve the sentence imposed and the name, official address and security classification of the place of confinement;
- (ii) The earliest date upon which the offender could be released and the date released;
- (iii) Any transfer of the offender to another facility including the security classification of that facility;
- (iv) Any placement of the offender in a community correctional program;
- (v) Any change in location of the offender's parole supervision;
- (vi) The escape, recapture or death of an offender;
- (vii) Any reduction or extension of the offender's sentence.



A promising practice is to have a policy and procedure in place to notify victims, at the first opportunity, that victims must "request" the exercise of certain rights. Agencies should carefully document a victim's request to exercise rights. Victims who wish to receive the type of notice identified here should be reminded, throughout their participation in the justice system, that their contact information must be kept current with relevant agencies.

<p>Victims' Right to Request Written Notice from the Board of Parole About Parole Decisions, Including: Decisions to Grant, Modify or Revoke; Absconcion; Rescission; or Discharge.</p> <p>(d) Victims, key witnesses, offices of prosecutors, victim witness coordinators and advocates who have participated in the criminal prosecution shall be offered the opportunity to be informed in writing by the board of parole about:</p> <ul style="list-style-type: none"> (i) Any decision to grant or modify parole and any conditions imposed; (ii) Any pending revocation of parole, any associated return to custody, the revocation hearing date and disposition of revocation proceedings; (iii) Any absconcion [sic] from supervision and subsequent apprehension; (iv) Any rescission of parole; (v) Discharge from parole. <p> A promising practice is to have a policy and procedure in place to notify victims, at the first opportunity, that victims must “request” the exercise of certain rights. Agencies should carefully document a victim’s request to exercise rights. Victims who wish to receive the type of notice identified here should be reminded, throughout their participation in the justice system, that their contact information must be kept current with relevant agencies.</p>	<p>Wyo. Stat. Ann. § 1-40-204(d).</p>
<p>Victims' Right to Written Notice of Pardon Application or Pending Commutation.</p> <p>The governor’s office shall ensure that the appropriate government agency shall notify in writing, or in person, victims, key witnesses, prosecutors, victim witness coordinators and advocates who have participated in the criminal prosecution of an application for a pardon or the pending commutation of the offender.</p>	<p>Wyo. Stat. Ann. § 1-40-204(e).</p>

<p> A promising practice is to have a policy and procedure in place to remind victims, throughout their participation in the justice system, that to protect their notification rights, their contact information must be kept current with relevant agencies, as provided in Wyo. Stat. Ann. § 1-40-204(f).</p>	
<p>Victims' Responsibility for Providing Agencies with Current Address and Telephone Number to Receive Notice.</p> <p>Victims, key witnesses, prosecutors, victim witness coordinators and advocates who have participated in the criminal prosecution who wish to receive notification and information shall provide the appropriate criminal justice agencies with their current address and telephone number. This address will only be used for notification purposes.</p> <p> Victims who wish to receive notice should be offered assistance in providing their contact information to the relevant agencies. They should also be reminded that any changes in the contact information—due to a move or otherwise—would need to be reported to the relevant agency as well.</p>	<p>Wyo. Stat. Ann. § 1-40-204(f).</p>
<p>Victims' Safety-Related Rights: Right to Be Free From Harassment, Intimidation or Retribution; Right to Separate Waiting Area; Right to Information Regarding Protective Measures.</p> <p>(a) A victim or witness has the right to be free from any form of harassment, intimidation or retribution.</p> <p>(b) When waiting to testify in any proceeding regarding a criminal act, a victim or key witness has the right to be provided, upon request, with a waiting area separate from other witnesses.</p>	<p>Wyo. Stat. Ann. § 1-40-205.</p>

<p>(c) When the threat of harassment, intimidation or retribution cannot be avoided, the court shall take appropriate measures to protect the victim or key witness.</p> <p>(d) Law enforcement officers and prosecuting attorneys shall provide information regarding law enforcement measures available to protect victims and key witnesses.</p>	
<p>Victims' Right to Be Present at All Trial Proceedings that Defendant May Attend.</p> <p>Unless the court for good cause shown shall find to the contrary, the victim, the victim's designee or both shall have the right to be present at all trial proceedings which may be attended by the defendant.</p> <p> The only constraint placed on the victim's right to be present is if the court finds "good cause" to exclude the victim. If the court concludes that good cause is shown because the victim's testimony would be materially affected if the victim hears other testimony at the trial, consider discussing with the prosecutor the possibility of the victim testifying first to best ensure the victim's right to be present during the entirety of the trial.</p>	<p>Wyo. Stat. Ann. § 1-40-206.</p>
<p>Victims' Right to Have Court Consider Victims' Interests and Circumstances When Setting Trial Dates and When Considering Requests for Continuances.</p> <p>(a) The court shall consider the victim's interest and circumstances when setting any date for trial or in granting or denying continuances.</p> <p>(b) Nothing in this section shall infringe upon any rights of the accused in a criminal case or inhibit the ability of the prosecution and defense from entering into any agreement as to trial setting or negotiated disposition of any charge or charges pending against the defendant.</p>	<p>Wyo. Stat. Ann. § 1-40-207.</p>

Victims' Right to Prompt Return of Property.

(a) Victims and witnesses have the right to have any personal property, which is not contraband, promptly returned and any real estate, subject to declaration as uninhabitable under W.S. 35-9-156(d), released to the control of the real estate owner, provided it does not interfere with prosecution, trial or appellate review of the case.

(b) Criminal justice agencies shall work together to expedite the return of property, which is not contraband, when it is no longer needed. Prosecuting attorneys shall promptly notify law enforcement agencies when evidence is no longer needed. The prosecuting attorney shall notify the attorneys for the defendants of the intention to return the property twenty (20) days prior to its return to enable the defendants to seek relief from the court. No notice is required in the absence of a known suspect or defendant unless otherwise ordered by the court. No later than sixty (60) days after the property is taken as evidence, the prosecuting attorney shall make an initial determination whether to expedite the return of property to the victim or witness. The prosecuting attorney in exercising discretion to expedite the return of property shall consider whether:





- (i) Photographs of the property would be admissible as evidence in lieu of the property;
- (ii) Submitting the photographs into evidence in lieu of the property will substantially prejudice any criminal proceeding;
- (iii) The property is required for evidentiary analysis; and
- (iv) Ownership of the property is disputed.

(c) The trial court exercising jurisdiction over a criminal proceeding shall, if requested, enter appropriate orders to preserve the property for evidentiary analysis or use, or return the property to the victim or witness as appropriate.



It is a promising practice to have a policy and procedure in place that clearly defines what “prompt” means in the context of the victim’s right to return of property. Instructions should be ready and available to provide to victims, explaining how they may promptly obtain their property, in addition to the name of a person they may contact to check the status of the return.

Wyo. Stat. Ann. § 1-40-208.

<p> If a defendant files a request for return of property, victims and the prosecution must be notified immediately to ensure that they are on notice and have an opportunity to be meaningfully heard on the matter.</p>	
<p>Victims' Right to Employer- and Creditor-Intercession Services.</p> <p>(a) A victim or witness who responds to a subpoena from either the prosecution or defense in a criminal case during working hours shall not suffer any change in terms of employment solely because of the act of responding to a subpoena.</p> <p>(b) A victim or witness, upon request, shall be assisted by law enforcement agencies, the prosecuting attorney or defense attorney in informing an employer that the need for victim or witness cooperation may necessitate the absence of the victim or witness from work.</p> <p>(c) A victim or witness, who as a direct result of a criminal act or of cooperation with law enforcement agencies, prosecuting attorney or defense attorney, experiences financial hardship, shall be assisted by those agencies, the prosecuting attorney or defense attorney in explaining to employers and creditors the reasons for that financial hardship.</p> <p> A promising practice is to have a policy and procedure in place to ensure that victims are aware at the earliest stages of a case that they must “request” the exercise of certain rights. Agencies should carefully maintain documentation of a victim’s request to exercise rights.</p> <p> A promising practice is to have a policy and procedure in place to notify victims, at the first opportunity, of their employment- and creditor-related rights.</p> <p> A promising practice is to have a policy and procedure in place to provide employers and creditors with information regarding victims’ employment- and credit-related rights.</p>	<p>Wyo. Stat. Ann. § 1-40-209.</p>

Rights of Victims of Delinquent Acts: to Notice and Information About Case Status; to Restitution; to Information About Rights, Privileges and Interests; to Compensation; to Information About Services and Assistance; to Reasonable Protection and Safety Immediately Before, During and After Proceedings; to Contact Information of Primary Law Enforcement Officer and Prosecutor Assigned to Case; to Attend and Participate in Proceedings; to Prompt Return of Property; to Employment-Related Protections; to Notice of Disposition; to Include Statement in Presentence Investigation Report; to Give Statement at Disposition Hearing; to Notice of Disposition Hearing.

Wyo. Stat. Ann. § 14-6-502(a).

(a) Victims [of delinquent acts] shall have the following rights:

(i) To be provided notification and information about events affecting the status of the case. These events shall include, but are not limited to, the following as specified in W.S. 14-6-503:

- (A) The general status of the case, provided the release of information does not compromise the investigation or endanger witnesses;
- (B) The scheduled hearings of the case;
- (C) The disposition phase of the case;
- (D) The detention or release of the accused or adjudicated delinquent.

(ii) To be provided information about the right to receive judicially ordered restitution;




(iii) To be provided information about their rights, privileges and interests under this act;



(iv) To be provided information about compensation available under the Crime Victims Compensation Act, as provided in W.S. 1-40-101 through 1-40-119;

(v) To be provided information about services and assistance available to victims as provided in W.S. 14-6-503;


(vi) To be provided information about available legal recourse and other measures if subjected to threats or intimidation as provided in W.S. 14-6-504;




- (vii) To be provided, at the discretion of the prosecuting attorney or law enforcement personnel, reasonable protection and safety immediately before, during and after delinquency proceedings;
 - (viii) To be provided with the names, official telephone numbers and official addresses of the primary law enforcement officer and prosecutor assigned to investigate the case;
 - (ix) To attend and participate in juvenile delinquency proceedings as provided in W.S. 14-6-505;
 - (x) To have the case set for hearing as provided in W.S. 14-6-506. Nothing in this paragraph shall inhibit the ability of counsel for the state and the accused delinquent from entering into any negotiated disposition of the proceeding;
 - (xi) To prompt return of property seized as evidence as provided in W.S. 14-6-507;
 - (xii) To be protected from discharge or discipline by an employer due to involvement with the juvenile court process as provided in W.S. 14-6-508;
 - (xiii) To be notified about the disposition of the case;
 - (xiv) To be notified about the victim's opportunity to make a statement for use in the preparation of a predisposition investigation;
 - (xv) To be provided with the address and telephone number of the agency which is to prepare the predisposition investigation;
 - (xvi) To be notified that the predisposition investigation report and any statement of the victim in the report will be made available to the accused delinquent;
 - (xvii) To be notified about the opportunity to make a statement at the disposition hearing;
- and



<p>(xviii) To be notified of the time and place of the disposition proceeding and any changes thereof.</p> <p> A promising practice is to have a policy and procedure in place regarding how and when victims will be provided with the information described in this statutory provision. Consideration should be given to providing this written notice in the primary language of the victim, as well as in a form accessible to those with vision impairment.</p> <p> A promising practice is to have a policy and procedure in place to notify victims, at the first opportunity, that victims must “request” the exercise of certain rights. Agencies should carefully document a victim’s request to exercise rights.</p> <p> A promising practice is to have a policy and procedure in place to remind victims, throughout their participation in the justice system, that to protect their notification rights, their contact information must be kept current with relevant agencies, as provided in Wyo. Stat. Ann. § 1-40-204(f).</p>	
<p>Right of Victims of Delinquent Acts to Information from Law Enforcement About: Rights; Case Status; Financial Assistance and Services; Compensation; Availability of Interpreter or Translator to Inform About Rights; Contact Information for Investigator.</p> <p>(a) Victims of a delinquent act shall be informed without undue delay by law enforcement about:</p> <p>(i) The rights enumerated in this act;</p> <p>(ii) The right to be informed of the status of the case from the initial investigation to the final appellate review;</p>	<p>Wyo. Stat. Ann. § 14-6-503(a)(i)–(vi).</p>


<p>(iii) The fact that financial assistance or other social service options may be available to the victim;</p> <p>(iv) The existence of the Crime Victims Compensation Act and that compensation may be available to the victim;</p> <p>(v) The right to have an interpreter or translator to inform the victim of these rights;</p> <p>(vi) The name and official telephone number of the primary law enforcement officer assigned to investigate the case together with the official address and telephone number of the agency investigating the case.</p> <p> A promising practice is to have a policy and procedure defining “without undue delay” to ensure that law enforcement provide victims required information promptly. Consideration should be given to providing written notice in the primary language of the victim, as well as in a form accessible to those with vision impairment.</p>	
<p>Right of Victims of Delinquent Acts to Information from Law Enforcement About Right To Hire An Attorney.</p> <p>(a) Victims of a delinquent act shall be informed without undue delay by law enforcement about:</p> <p>.....</p> <p>(vii) The right to seek legal counsel and to employ an attorney</p> <p> A promising practice is to have a policy and procedure defining “without undue delay” to ensure that law enforcement provide victims required information promptly. Consideration should be given to providing written notice in the primary language of the victim, as well as in a form accessible to those with vision impairment. This notice should</p>	<p>Wyo. Stat. Ann. § 14-6-503(a)(vii).</p>





<p>include an explanation of the different roles of a prosecuting attorney vs. an attorney hired by the victim to represent their interests and assert their rights.</p>	
<p>Right of Victims of Delinquent Acts to Written Information from Prosecutors About Rights, Including Rights: to Be Notified of and Attend Hearings and Proceedings; to Information About Potential for and Information About Any Plea Agreement; to Information About Release; to Confer with Prosecutor; to Information About Role of Attorneys and Others; to Refuse to Talk to Attorneys, Private Investigators and Law Enforcement; to Information About Probation or Other Post-Disposition Hearings.</p> <p>(b) Victims of a delinquent act shall be informed in writing by the prosecuting attorney about:</p> <p>(i) Subject to order of the court, the right to attend all hearings and proceedings involving the case, including the right to be notified, upon request, of the date, time and place of those hearings;</p> <p>(ii) The right to be notified in advance, if reasonable, when a court proceeding has been rescheduled or cancelled;</p> <p>(iii) The right to be advised of the potential for plea negotiations and, prior to disposition, the right to be informed of the existence of a negotiated plea, the essentials of the agreement, and the reasons for the disposition;</p> <p>(iv) The right to know the accused delinquent has obtained a preadjudicatory or predisposition release;</p> <p>(v) The right to discuss the case with the prosecutor, and the official address and official telephone number of the prosecutor;</p>	<p>Wyo. Stat. Ann. § 14-6-503(b).</p>

<p>(vi) The availability of other remedies, including the right to proceed in civil litigation generally and the right to any profits attributable to the offender as a result of publication or media coverage resulting from the delinquent act;</p> <p>(vii) The fact that the attorneys involved and their investigators are advocates either for the state or for the accused delinquent;</p> <p>(viii) The right to refuse to talk to attorneys, private investigators, law enforcement, or anyone else unless on the witness stand or under subpoena;</p> <p>(ix) If known to the prosecutor, the schedule of any post disposition hearings affecting the probation or other disposition of the offender;</p> <p>(x) The right to provide an affidavit asserting acts or threats of physical violence by the accused or at the accused's direction against the victim or a relative of the victim.</p> <p> A promising practice is to have a policy and procedure in place regarding how and when victims will be provided with the information described in this statutory provision. Consideration should be given to providing this written notice in the primary language of the victim, as well as in a form accessible to those with vision impairment.</p>	
<p>Right of Victims of Delinquent Acts to Request Written Notice of Offender's Escape, Recapture Or Death, and Any Change in the Disposition of the Offender's Case.</p> <p>(c) Victims shall be offered the opportunity to be informed in writing by the prosecutor about:</p> <p>(i) The escape, recapture or death of an offender;</p> <p>(ii) Any reduction or extension of the disposition in the offender's case.</p>	<p>Wyo. Stat. Ann. § 14-6-503(c).</p>


<p> A promising practice is to have a policy and procedure in place to ensure that victims are aware at the earliest stages of a case that they must “request” the exercise of certain rights. Agencies should carefully maintain documentation of a victim’s request to exercise rights.</p> <p> A promising practice is to have a policy and procedure in place to remind victims, throughout their participation in the justice system, that to protect their notification rights, their contact information must be kept current with relevant agencies, as provided in Wyo. Stat. Ann. § 14-6-503(e).</p>	
<p>Right of Victims of Delinquent Act to Written or in Person Notice of Applications for Expungement and Right to Make a Statement at Application Hearing.</p> <p>The prosecuting attorney shall notify in writing, or in person, victims who have participated in the delinquency proceedings of an application for expungement of the juvenile’s records under W.S. 14-6-241. The victim shall be afforded the opportunity to make a statement at the hearing on the application.</p> <p> A promising practice is to have a policy and procedure in place to remind victims, throughout their participation in the justice system, that to protect their notification rights, their contact information must be kept current with relevant agencies, as provided in Wyo. Stat. Ann. § 14-6-503(e).</p>	<p>Wyo. Stat. Ann. § 14-6-503(d).</p>
<p>Responsibility of Victims of Delinquent Acts to Provide Current Address and Telephone Number to Prosecutor and Juvenile Court to Receive Notice.</p> <p>Victims who wish to receive notification and information shall provide the prosecuting attorney and the juvenile court with their current address and telephone number. This address will only be used for notification purposes.</p>	<p>Wyo. Stat. Ann. § 14-6-503(e).</p>

 <p>Victims who wish to receive notice should be offered assistance in providing their contact information to the prosecutor and juvenile court. They should also be reminded that any changes in the contact information—due to a move or otherwise—would need to be reported as well.</p>	
<p>Rights of Victims of Delinquent Acts to: Be Free from Harassment, Intimidation or Retribution; a Separate Waiting Area; and Information Regarding Protective Measures.</p> <p>(a) A victim has the right to be free from any form of harassment, intimidation or retribution.</p> <p>(b) When waiting to testify in any proceeding regarding a delinquent act, a victim has the right to be provided, upon request, with a waiting area separate from other witnesses.</p> <p>(c) When the threat of harassment, intimidation or retribution cannot be avoided, the court shall take appropriate measures to protect the victim.</p> <p>(d) Law enforcement officers and prosecuting attorneys shall provide information regarding law enforcement measures available to protect victims.</p>	<p>Wyo. Stat. Ann. § 14-6-504(a)–(d).</p>
<p>Right of Victims of Delinquent Acts to Be Present at All Trial Proceedings that Accused Delinquent May Attend.</p> <p>Unless the court for good cause shown shall find to the contrary, the victim shall have the right to be present at all proceedings which may be attended by the accused delinquent.</p>  <p>The only constraint placed on the victim’s right to be present is if the court finds “good cause” to exclude the victim. If the court concludes that good cause is shown because the victim’s testimony would be materially affected if the victim hears other testimony at the</p>	<p>Wyo. Stat. Ann. § 14-6-505.</p>

<p>trial, consider discussing with the prosecutor the possibility of the victim testifying first to best ensure the victim's right to be present during the entirety of the trial.</p>	
<p>Right of Victims of Delinquent Acts to Have Court Consider Victims' Interests and Circumstances When Setting Adjudicatory Disposition Hearing Dates and When Considering Requests for Continuances.</p> <p>The court shall consider the victim's interest and circumstances when setting any date for the adjudicatory or disposition hearing or in granting or denying continuances.</p>	<p>Wyo. Stat. Ann. § 14-6-506(a).</p>
<p>Right of Victims of Delinquent Acts to Prompt Return of Property.</p> <p>(a) Victims have the right to have any personal property, which is not contraband, promptly returned provided it does not interfere with prosecution or appellate review of the case.</p> <p>(b) Law enforcement agencies shall work together to expedite the return of property when it is no longer needed. Prosecuting attorneys shall promptly notify law enforcement agencies when evidence is no longer needed.</p> <p>(c) The court exercising jurisdiction over a delinquency proceeding shall, if requested, enter appropriate orders to implement the provisions of this section.</p> <p> It is a promising practice to have a policy and procedure in place that clearly defines what "prompt" means in the context of the victim's right to return of property. Instructions should be ready and available to provide to victims, explaining how they may promptly obtain their property, in addition to the name of a person they may contact to check the status of the return.</p>	<p>Wyo. Stat. Ann. § 14-6-507.</p>

<p> If the accused or adjudicated juvenile files a request for return of property, victims and the prosecution must be notified immediately to ensure that they are on notice and have an opportunity to be meaningfully heard on the matter.</p>	
<p>Right of Victims of Delinquent Acts to Employer- and Creditor-Intercession Services.</p> <p>(a) A victim who responds to a subpoena in a delinquency proceeding during working hours shall not suffer any change in terms of employment solely because of the act of responding to a subpoena.</p> <p>(b) A victim, upon request, shall be assisted by law enforcement agencies, the prosecuting attorney or the attorney for the accused delinquent in informing an employer that the need for victim cooperation may necessitate the absence of the victim from work.</p> <p>(c) A victim, who as a direct result of a delinquent act or of cooperation with law enforcement agencies, prosecuting attorney or the attorney for the accused delinquent, experiences financial hardship, shall be assisted by those agencies, the prosecuting attorney or the attorney for the accused delinquent in explaining to employers and creditors the reasons for that financial hardship.</p> <p> A promising practice is to have a policy and procedure in place to ensure that victims are aware at the earliest stages of a case that they must “request” the exercise of certain rights. Agencies should carefully maintain documentation of a victim’s request to exercise rights.</p> <p> A promising practice is to have a policy and procedure in place to notify victims, at the first opportunity, of their employment- and credit-related rights.</p> <p> A promising practice is to have a policy and procedure in place to provide employers and creditors with information regarding victims’ employment- and credit-related rights.</p>	<p>Wyo. Stat. Ann. § 14-6-508(a)–(c).</p>

<p>Sexual Assault Victims' Rights Related to Sexual Assault Medical Examinations: Costs Paid by Law Enforcement Agency; Right to Information Regarding Rights and Available Medical, Legal and Advocacy Services.</p> <p>(a) A law enforcement agency receiving a report of a sexual assault may, with the victim's consent, arrange for an examination of the victim by a licensed health care provider acting within the scope of the provider's practice. The examination may include a medical examination and treatment, evidence collection and evaluation, and appropriate referrals for follow-up treatment and services. Upon consent of the victim to release of the results of the examination, the evidence, record and reports shall be delivered to the law enforcement agency.</p> <p>....</p> <p>(e) If a report of a sexual assault is received from a minor victim, and the parents or guardian of the minor cannot be located promptly with diligent effort, the examination provided for by subsection (a) of this section may be conducted with the minor's consent. If a report of a sexual assault is received alleging a minor as the victim and a parent or guardian is the suspected perpetrator, the parent or guardian who is the suspected perpetrator shall not be notified pursuant to this section.</p> <p>....</p> <p>(g) Except as provided by subsection (j) of this section, the costs of any examination relating to the investigation or prosecution of a sexual assault shall be billed to and paid by the investigating law enforcement agency. These examination costs shall include the following:</p> <p>(i) The cost of gathering evidence; and</p> <p>(ii) Any other examinations authorized by law enforcement to aid in the investigation and prosecution of the sexual assault.</p> <p>(h) Except as provided by subsection (j) of this section, any examination costs directly incurred by a sexual assault victim that are not covered by subsection (g) of this section, or other collateral source, shall be submitted to the victim services division within the office of the attorney general for determination of eligibility for payment from the crime victims compensation account established by W.S. 1-40-114. All requests for compensation from</p>	<p>Wyo. Stat. Ann. § 6-2-309(a), (e), (g)–(h), (j)–(k), (m).</p>
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<p>the account shall be subject to the eligibility guidelines set forth in the Crime Victims Compensation Act, W.S. 1-40-101 through 1-40-119.</p> <p>....</p> <p>(j) A convicted offender of a sexual assault shall be ordered to reimburse any costs incurred under subsections (g) and (h) of this section and any other costs incurred as a direct result of the sexual assault.</p> <p>(k) Each victim reporting a sexual assault shall be informed of the rights enumerated in this section, the victim's rights to informed consent and the victim's rights as a victim of crime. The victim shall also be informed of available medical, legal and advocacy services.</p> <p>....</p> <p>(m) The examinations authorized by this section shall remain confidential healthcare information unless the victim or the victim's parent or legal guardian executes a release of medical information for the purpose of prosecution to the county attorney, the state of Wyoming or any relevant court. However, if the report of sexual assault described in subsection (a) of this section results in the filing against any person of a criminal charge, or the filing of a petition alleging a delinquent act which would be a felony if committed by an adult, the written report disclosing the results of an examination made pursuant to this section shall be made available to the person charged or his counsel upon demand.</p> <p> A promising practice is to have a policy and procedure in place regarding how and when victims will be provided with the information described in this statutory provision. Consideration should be given to providing this written notice in the primary language of the victim, as well as in a form accessible to those with vision impairment.</p>	
<p>Sexual Assault Victims' Right to Nondisclosure of Identifying Information; Restrictions on Disclosure of Names of Minor Victims; Criminal Penalties for Violations of This Statute.</p> <p>(a) Prior to the filing of an information or indictment in district court charging a violation of an offense under this article, neither the names of the alleged actor or the victim of the charged offense nor any other information reasonably likely to disclose the identities of the</p>	<p>Wyo. Stat. Ann. § 6-2-319.</p>

parties shall be released or negligently allowed to be released to the public by any public employee except as authorized by the judge with jurisdiction over the criminal charges. The actor's name may be released to the public to aid or facilitate an arrest.

This subsection shall not apply if release of the name or information is necessary to enforce an order for protection against the alleged actor.

(b) After the filing of an information or indictment in district court and absent a request to release the identity of a minor victim by the minor or another acting on behalf of a minor victim, the trial court shall, to the extent necessary to protect the welfare of the minor victim, restrict the disclosure of the name of the minor victim, unless the name has been publicly disclosed by the parent or legal guardian of the minor or by law enforcement in an effort to find the victim. The trial court may, to the extent necessary to protect the welfare of the minor victim, restrict disclosure of the information reasonably likely to identify the minor victim.

(c) Any person who willfully violates subsection (a) of this section is guilty of a misdemeanor and upon conviction shall be fined not more than seven hundred fifty dollars (\$750.00) or be imprisoned in the county jail not more than ninety (90) days, or both.

(d) A release of a name or other information to the public in violation of the proscriptions of this section shall not stand as a bar to the prosecution of a defendant nor be grounds for dismissal of any charges against a defendant.

(e) As used in this section "minor victim" means a person less than the age of eighteen (18) years.



A promising practice is to have a policy and procedure about victim privacy in the context of police reports and court files. In addition to omitting the victim's address and phone number from police reports, it is important to know if law enforcement uses the victim's full name in reports. If the answer is yes, consider alternatives that better protect victim privacy, such as the use of initials.

Human Trafficking Victims' Rights; Law Enforcement and Prosecutors' Duties Regarding Victims of Human Trafficking.

Wyo. Stat. Ann. § 6-2-709.



(a) As soon as possible after the initial encounter with a person who reasonably appears to a law enforcement agency, district or county and prosecuting attorneys' office to be a victim of human trafficking, the agency or office shall:


(i) Notify the victim services division within the office of the attorney general that the person may be eligible for services under this article; and

(ii) Make a preliminary assessment of whether the victim or possible victim of human trafficking appears to meet the criteria for certification as a victim of a severe form of trafficking in persons as defined in the Trafficking Victims Protection Act, 22 U.S.C. section 7105, or appears to be otherwise eligible for any federal, state or local benefits and services. If it is determined that the victim appears to meet such criteria, the agency or office shall report the finding to the victim and shall refer the victim to services available, including legal service providers. If the possible victim is a minor or is a vulnerable adult, the agency or office shall also notify the department of family services.

(b) The attorney general, a district or county and prosecuting attorney or any law enforcement official shall certify in writing to the United States Department of Justice or other federal agency, such as the United States Department of Homeland Security, that an investigation or prosecution under this article has begun and the individual who is a likely victim of a crime described in this article is willing to cooperate or is cooperating with the investigation to enable the individual, if eligible under federal law, to qualify for an appropriate special immigrant visa and to access available federal benefits. Cooperation with law enforcement shall not be required of victims of a crime described in this article who are minors. This certification shall be made available to the victim and the victim's designated legal representative.

(c) Victims of human trafficking under W.S. 6-2-702 through 6-2-706 shall be informed of the rights enumerated in this section, the victim's right to informed consent and the victim's rights as a victim of crime. The victim shall also be informed of available housing, educational, medical, legal and advocacy services.

<p>(d) Victims of human trafficking are entitled to restitution and forms of compensation under the Crime Victims Compensation Act.</p> <p>(e) In a prosecution for an offense under this article, police and prosecuting agencies shall keep the identity of the victim and the victim’s family confidential. The prosecutor shall take reasonable steps to protect the victim and the victim’s family from being revictimized.</p> <p> A promising practice is to have a policy and procedure about victim privacy in the context of police reports and court files. In addition to omitting the victim’s address and phone number from police reports, it is important to know if law enforcement uses the victim’s full name in reports. If the answer is yes, consider alternatives that better protect victim privacy and confidentiality, such as the use of initials.</p> <p> A promising practice is to have a policy and procedure in place regarding how and when victims will be provided with the information described in this statutory provision. Consideration should be given to providing this written notice in the primary language of the victim, as well as in a form accessible to those with vision impairment.</p>	
<p>Human Trafficking Victims’ Right to Restitution.</p> <p>(a) In addition to any other punishment prescribed by law, upon conviction for felony under this article, the court shall order a defendant to pay mandatory restitution to each victim as determined under W.S. 7-9-103 and 7-9-114.</p> <p>(b) If the victim of human trafficking to whom restitution has been ordered dies before restitution is paid, any restitution ordered shall be paid to the victim’s heir or legal representative provided that the heir or legal representative has not benefited in any way from the trafficking.</p>	<p>Wyo. Stat. Ann. § 6-2-710.</p>

<p>(c) The return of the victim of human trafficking to the victim’s home country or other absence of the victim from the jurisdiction shall not limit the victim’s right to receive restitution pursuant to this section.</p> <p> Victims should be informed that they are entitled to restitution upon the conviction of defendant for losses caused by defendant’s criminal conduct. Assisting victims with the documentation of their losses—including anticipated future expenses—is recommended from the earliest moments of the case. The absence of the victim of human trafficking from the jurisdiction does not limit the victim’s right to receive restitution.</p>	
<p>Victims’ Rights Related to Testing for Sexually Transmitted Diseases.</p> <p>(a) Upon the consent of a person accused of any crime wherein it is alleged that there has been an exchange of bodily fluids, that person shall be examined as soon as practicable, but not later than forty-eight (48) hours after the date on which the information or indictment is presented, for sexually transmitted diseases included within the list of reportable diseases developed by rule and regulation of the department of health pursuant to W.S. 35-4-130(b).</p> <p>(b) For cases in which a person is accused of any crime wherein it is alleged that there has been an exchange of bodily fluids and the accused person is unwilling or unable to give consent as provided in subsection (a) of this section, or when, for any reason it is impractical to seek consent under subsection (a) of this section, the court may by warrant, upon a sufficient showing of probable cause by affidavit, at any time of day or night, order the medical examination of the accused person for sexually transmitted diseases included within the list of reportable diseases developed by rule and regulation of the department of health pursuant to W.S. 35-4-130(b). Testing for sexually transmitted diseases done under this subsection shall be conducted as soon as practicable, but no later than forty-eight (48) hours after the date on which the information or indictment is presented.</p> <p>(c) Any person convicted of a sex offense shall, at the request of the victim, be examined as soon as practicable, but not later than forty-eight (48) hours after the conviction for sexually transmitted diseases included in the list specified in subsection (a) of this section. The victim</p>	<p>Wyo. Stat. Ann. § 7-1-109.</p>

shall make the request to the district attorney responsible for prosecuting the offense. If the offender is unwilling or unable to consent to the examination the district attorney shall petition the court for an order requiring the offender to submit to the examination.

(d) Any examination performed under this section shall be performed by a licensed physician or other health care provider. The examination shall be in accordance with procedures prescribed by the department of health under W. S. 35-4-130 through 35-4-134 and the examination results shall be reported to the appropriate health officer. Upon receipt of the examination results, the health officer shall notify the victim, the alleged victim or if a minor, the parents or guardian of the victim or the alleged victim. Additional testing under this section shall be performed as medically appropriate and shall be made available in accordance with the provisions of this section.


(e) Costs of any medical examination undertaken pursuant to this section shall be funded through the department of health. If the court finds that the offender is able to reimburse the department, the offender shall reimburse the department for the costs of any medical examination under this section.

(f) All results which are or can be derived from the examination ordered pursuant to this section are confidential, are not admissible as evidence and shall not be disclosed except:

- (i) As provided by this section;
- (ii) As provided by W.S. 35-4-132(d);
- (iii) In a civil action for the negligent or intentional infliction of or exposure to a sexually transmitted disease;
- (iv) In a criminal prosecution for the criminal infliction of or exposure to a sexually transmitted disease; or
- (v) As otherwise provided by law.

(g) As used in this section:



- (i) "Convicted" includes pleas of guilty, nolo contendere and verdicts of guilty upon which a judgment of conviction may be rendered, and includes juvenile adjudications of delinquency if the adjudication is based upon an act which would constitute a sex offense. "Convicted" shall also include dispositions pursuant to W.S. 7-13-301;

<p>(ii) “Sex offense” means sexual assault under W.S. 6-2-302 through 6-2-304, attempted sexual assault, conspiracy to commit sexual assault, incest under W.S. 6-4-402 or sexual abuse of a minor under W.S. 6-2-314 through 6-2-317.</p>	
<p>Victims’ Right to Restitution; Court Must Order Restitution Unless it Finds Defendant Has No Ability To Pay.</p> <p>In addition to any other punishment prescribed by law the court shall, upon conviction for any misdemeanor or felony, order a defendant to pay restitution to each victim as determined under W.S. 7-9-103 and 7-9-114 unless the court specifically finds that the defendant has no ability to pay and that no reasonable probability exists that the defendant will have an ability to pay.</p> <p> Victims should be informed that they are entitled to restitution upon the conviction of defendant for losses caused by defendant’s criminal conduct. Assisting victims with the documentation of their losses—including anticipated future expenses—is recommended from the earliest moments of the case.</p>	<p>Wyo. Stat. Ann. § 7-9-102.</p>
<p>Prosecutor’s Duty to Present Restitution Claims to the Court; Court’s Considerations When Determining Restitution Amount; Satisfaction of Judgment.</p> <p>(a) As part of the sentencing process including deferred prosecutions under W.S. 7-13-301, in any misdemeanor or felony case, the prosecuting attorney shall present to the court any claim for restitution submitted by any victim.</p> <p>(b) In every case in which a claim for restitution is submitted, the court shall fix a reasonable amount as restitution owed to each victim for actual pecuniary damage resulting from the defendant’s criminal activity, and shall include its determination of the pecuniary damage as a special finding in the judgment of conviction or in the order placing the defendant on probation under W.S. 7-13-301. In determining the amount of restitution, the court shall consider and include as a special finding, each victim’s reasonably foreseeable actual</p>	<p>Wyo. Stat. Ann. § 7-9-103.</p>

<p>pecuniary damage that will result in the future as a result of the defendant's criminal activity. A long-term physical health care restitution order shall be entered as provided in W.S. 7-9-113 through 7-9-115.</p> <p>(c) The court shall order the defendant to pay all or part of the restitution claimed or shall state on the record specific reasons why an order for restitution was not entered. If the court determines that the defendant has no ability to pay and that no reasonable probability exists that the defendant will have an ability to pay in the future, the court shall enter specific findings in the record supporting its determination.</p> <p>(d) Any order for restitution under this chapter constitutes a judgment by operation of law on the date it is entered. To satisfy the judgment, the clerk, upon request of the victim, the division of victim services or the district attorney, shall issue execution in the same manner as in a civil action.</p> <p>(e) The court's determination of the amount of restitution owed under this section is not admissible as evidence in any civil action.</p> <p>(f) The defendant shall be given credit against his restitution obligation for payments made to the victim by the defendant's insurer for injuries arising out of the same facts or event.</p>	
<p>Restitution When Defendant's Sentence is Suspended; Defendant's Preparation of a Restitution Plan That Includes Payment Schedule.</p> <p>(a) In any case in which the court has ordered restitution under W.S. 7-9-102, 7-9-113 or 7-13-301, if the sentencing court orders suspended imposition of sentence, suspended sentence or probation, the court shall require that the defendant in cooperation with the probation and parole officer assigned to the defendant, or in the case of unsupervised probation any probation and parole officer or any other person the court directs, promptly prepare a plan of restitution including the name and address of each victim, the amount of restitution determined to be owed to each victim pursuant to W.S. 7-9-103 or 7-9-114 and a schedule of restitution payments. If the defendant is presently unable to make any restitution but there</p>	<p>Wyo. Stat. Ann. § 7-9-104.</p>

<p>is a reasonable possibility that the defendant may be able to do so at some time during his probation period, the plan of restitution shall also state the conditions under which or the event after which the defendant shall make restitution. In structuring a plan for reimbursement under this section, victim restitution shall be paid in the following order:</p> <p>(i) Pecuniary damages suffered by the victim which have not been paid by insurance or from the crime victim's compensation account;</p> <p>(ii) Payment of other amounts owed by the defendant arising from the case.</p>	
<p>Victims' Right to Move to Modify Defendant's Restitution Plan.</p> <p>The defendant's plan of restitution and the comments of the probation and parole officer or any other person directed by the court to assist in the preparation of the restitution plan shall be submitted promptly to the court. The court shall promptly enter an order approving the plan or modifying it and providing for restitution payments to the extent that the defendant is or may become reasonably able to make restitution, taking into account the factors enumerated in W.S. 7-9-106. The court may modify the plan at any time upon the defendant's request, upon the court's own motion and, for those cases within the provisions of W.S. 7-9-113 through 7-9-115, upon the motion of the victim.</p>	<p>Wyo. Stat. Ann. § 7-9-105.</p>
<p>Court's Duty to Consider Certain Factors When Approving or Modifying a Restitution Plan.</p> <p>(a) The probation and parole officer or other person directed by the court when assisting the defendant in preparing the plan of restitution, and the court before approving or modifying the plan of restitution, shall consider:</p> <p>(i) The number of victims;</p> <p>(ii) The pecuniary damages of each victim including, for those cases within the provisions of W.S. 7-9-113 through 7-9-115, the long-term physical health care cost of the victim;</p>	<p>Wyo. Stat. Ann. § 7-9-106.</p>



<p>(iii) The defendant's:</p> <ul style="list-style-type: none"> (A) Physical and mental health and condition; (B) Age; (C) Education; (D) Employment circumstances; (E) Potential for employment and vocational training; (F) Family circumstances; and (G) Financial condition and whether the defendant has an ability to pay or whether a reasonable probability exists that the defendant will have an ability to pay. <p>(iv) Whether compensation has been paid to any victim under the Crime Victims Compensation Act [§§ 1-40-101 through 1-40-119];</p> <p>(v) What plan of restitution will most effectively aid the rehabilitation of the defendant; and</p> <p>(vi) Other appropriate factors.</p>	
<p>Victims' Right to Notice Regarding Restitution Plan: Duty of Probation or Parole Officer or Other Person Directed by the Court to Assist in Preparing the Restitution Plan to Determine Victims' Names, Addresses and Damages; Victims' Right to Copy of Court Order Approving or Modifying the Plan.</p> <p>(a) The probation and parole officer or other person directed by the court to assist in preparation of the restitution plan shall attempt to determine the name and address of each victim and the amount of his pecuniary damages and may rely on a victim's impact statement made pursuant to W.S. 7-21-101 through 7-21-103.</p> <p>(b) The clerk of the court shall mail to each known victim a copy of the court's order approving or modifying the plan of restitution.</p>	<p>Wyo. Stat. Ann. § 7-9-107.</p>

<p> A promising practice is to have a policy and procedure in place to remind victims, throughout their participation in the justice system, that to protect their notification rights, their contact information must be kept current with relevant agencies, as provided in Wyo. Stat. Ann. § 1-40-204(f).</p>	
<p>Compliance With Restitution Plan is a Condition of Defendant’s Probation or Suspension; Restitution Payments to be Made Payable to the Office of the Clerk.</p> <p>(a) Compliance with the plan of restitution as approved or modified by the court shall be a condition of the defendant’s probation or suspension.</p> <p>(b) Restitution payments by the defendant shall be made payable to the office of the clerk in a form acceptable to the clerk.</p> <p>(c) Any restitution payment mailed to the last known address of the victim and returned to the clerk without a forwarding address shall be held by the clerk for a period of one (1) year following the date of receipt of the returned payment. A victim who fails to claim the returned payment or to provide a forwarding address within the one (1) year period forfeits his right to the payment and the clerk shall forward the amount of payment to the victim services division within the office of the attorney general for deposit in the account established under W.S. 1-40-114.</p> <p> A promising practice is to have a policy and procedure in place to remind victims, throughout their participation in the justice system, that to protect their notification rights, their contact information must be kept current with relevant agencies, as provided in Wyo. Stat. Ann. § 1-40-204(f).</p>	<p>Wyo. Stat. Ann. § 7-9-108.</p>
<p>Consequences of Defendant’s Failure To Comply with Restitution Plan; Modification or Extension of Plan.</p>	<p>Wyo. Stat. Ann. § 7-9-109.</p>

<p>Failure of the defendant to comply with W.S. 7-9-104 or to comply with the plan of restitution as approved or modified by the court is a violation of the conditions of probation. If the probation period has expired, the restitution order may be enforced by either civil or criminal contempt proceedings. Criminal contempt under this section is punishable by imprisonment for not more than one (1) year. The court may modify the plan of restitution or extend the period of time for restitution, but, except for those cases falling within the provisions of W.S. 7-9-113 through 7-9-115, the court may not extend the period of time for restitution beyond ten (10) years following the date of the defendant's discharge from sentence or expiration of probation under W.S. 7-13-301.</p>	
<p>Victims' Right to Pursue Civil Action Regardless of Restitution Order.</p> <p>(a) Proceedings, orders and judgments under W.S. 7-9-101 through 7-9-115 shall not estop, limit or impair the rights of victims to sue and recover damages from the defendant in a separate civil action. Any restitution payment by the defendant to a victim shall be set off against any judgment in favor of the victim, however, in a civil action arising out of the same facts or event.</p> <p>(b) The fact that restitution was required or made shall not be admissible as evidence in a civil action unless offered by the defendant.</p>	<p>Wyo. Stat. Ann. § 7-9-110.</p>
<p>Limitations on Prosecutor's Duty to Victim Regarding Pecuniary Damages and Restitution.</p> <p>Except as provided by W.S. 7-9-103(a), the prosecuting attorney has no obligation to investigate alleged pecuniary damages or to petition the court for restitution on behalf of a victim. In the event that the victim is not satisfied with the restitution plan approved or modified by the court, the victim's sole and exclusive remedy is a civil action.</p>	<p>Wyo. Stat. Ann. § 7-9-111.</p>

<p>Defendant May be Ordered to Pay Restitution for the Costs of Victims' Long-Term Physical and Mental Health Care.</p> <p>(a) In addition to any other punishment prescribed by law and any restitution ordered pursuant to W.S. 7-9-102 which did not include long-term physical health care costs, the court may, upon conviction of any misdemeanor or felony, order a defendant to pay restitution to a victim in accordance with the provisions of W.S. 7-9-114 if the victim has suffered physical injury as a result of the crime which is reasonably probable to require or has required long-term physical health care for more than three (3) months.</p> <p>(b) As used in W.S. 7-9-113 through 7-9-115 "long-term physical health care" includes mental health care.</p>	<p>Wyo. Stat. Ann. § 7-9-113.</p>
<p>Restitution for Victims' Long-Term Physical and Mental Health Care: Costs May Be Included as Part of the Victim Impact Statement or Submitted Separately; Order to Pay Costs May Exceed the Length of Defendant's Sentence.</p> <p>(a) In determining the amount of restitution to be ordered for long-term physical health care, the court shall consider the factors stated in W.S. 7-9-106 together with an estimated monthly cost of long-term physical health care of the victim provided by the victim or his representative. The victim's estimate of long-term physical health care costs may be made as part of a victim impact statement under W.S. 7-21-103 or made separately. The court shall enter the long-term physical health care restitution order at the time of sentencing. An order of restitution made pursuant to this section shall fix a monthly amount to be paid by the defendant for as long as long-term physical health care of the victim is required as a result of the crime. The order may exceed the length of any sentence imposed upon the defendant for the criminal activity. The court shall include as a special finding in the judgment of conviction its determination of the monthly cost of long-term physical health care.</p> <p>(b) Restitution ordered under this section shall be paid as provided in W.S. 7-9-108. The restitution order shall be a civil judgment against the defendant and may be enforced by any means provided for enforcing other restitution orders and civil judgments.</p>	<p>Wyo. Stat. Ann. § 7-9-114.</p>

<p>Victim May Seek Modification of Order to Pay Long-Term Health Care Costs.</p> <p>After a long-term physical health care restitution order has been entered, the court may from time to time, on the petition of either the defendant or the victim, or upon its own motion, modify the order as to the amount of monthly payments. Any modification of the order shall only be based upon a substantial change of circumstances relating to the cost of long-term physical health care or the financial condition of either the defendant or the victim. The petition shall be filed as part of the original criminal docket.</p>	<p>Wyo. Stat. Ann. § 7-9-115.</p>
<p>Victims' Rights Regarding Sentencing: Notice of Conviction and Possible Sentences; Victim Impact Statement; Presentence Report; Probation Office's Contact Information; Notice of Sentencing Proceeding; Contents of Impact Statement.</p> <p>(a) If a defendant is convicted of a crime involving an identifiable victim, the district attorney, upon and in accordance with the request of the victim, shall give to the victim notice of the following:</p> <ul style="list-style-type: none"> (i) The defendant's conviction; (ii) The offenses for which the defendant was convicted and the possible sentences for each offense; (iii) The victim's opportunity to make a written or oral impact statement for use in the preparation of the presentence investigation report concerning the defendant when a presentence investigation report is to be prepared; (iv) The address and telephone number of the probation office which is to prepare the presentence investigation report; (v) That a presentence investigation report and any statement of the victim included in the report will be made available to the defendant; (vi) The victim's opportunity to make an impact statement at sentencing or at any subsequent hearing for correction or reduction of sentence; and (vii) The time and place of the sentencing proceeding and the time and place of any subsequent hearing for correction or reduction of sentence. 	<p>Wyo. Stat. Ann. § 7-21-102.</p>

<p>(b) The notice given by the district attorney to the victim pursuant to this section shall be given by any means reasonably calculated to give prompt actual notice.</p> <p>(c) A notice given under subsection (a) of this section shall inform the victim that his impact statement may include but shall not be limited to the following:</p> <ul style="list-style-type: none"> (i) An explanation of the nature and extent of any physical, psychological or emotional harm or trauma suffered by the victim; (ii) An explanation of the extent of any economic loss or property damage suffered by the victim; (iii) The need for and extent of restitution and whether the victim has applied for or received compensation for loss or damage; and (iv) The victim's recommendation for an appropriate disposition. <p> A promising practice is to have a policy and procedure in place to ensure that victims are aware at the earliest stages of a case that they must "request" the exercise of certain rights. Agencies should carefully maintain documentation of a victim's request to exercise rights.</p> <p> A promising practice is to be familiar with the acceptable formats for victim impact statements so that victims can be informed about all of their options. Depending on your jurisdiction's law, victims may choose to: (1) read or speak their impact statement aloud at the sentencing proceeding, or have another person do it for them; (2) submit a written victim impact statement to the court in advance of sentencing; (3) provide an impact statement using technology to facilitate remote attendance; and/or (4) play or submit an impact statement that was created using audio and video technology.</p>	
<p>Victim's Right to Submit Oral or Written Victim Impact Statement to the Court; Court's Obligation to Consider Statement when Determining Sentence.</p> <p>(a) At any hearing to determine, correct or reduce a sentence, an identifiable victim of the crime may submit, orally, in writing or both, a victim impact statement to the court.</p>	<p>Wyo. Stat. Ann. § 7-21-103.</p>

(b) Any victim impact statement submitted to the court pursuant to this section shall be among the factors considered by the court in determining the sentence to be imposed upon the defendant or in determining whether there should be a correction or reduction of sentence.

(c) Any failure to comply with the terms of this chapter shall not create a cause for appeal or reduction of sentence for the defendant, or a civil cause of action against any person by the defendant.



A promising practice is to be familiar with the acceptable formats for victim impact statements so that victims can be informed about all of their options. Depending on your jurisdiction's law, victims may choose to: (1) read or speak their impact statement aloud at the sentencing proceeding, or have another person do it for them; (2) submit a written victim impact statement to the court in advance of sentencing; (3) provide an impact statement using technology to facilitate remote attendance; and/or (4) play or submit an impact statement that was created using audio and video technology.

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