

HATE CRIME FAQs WYOMING

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Note: This guide is not exhaustive. Situations or inquiries may arise that are not answered below. In those circumstances, please call 844-9-NO-HATE.

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Wyoming?	
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1. What is a hate crime or hate incident?

Wyoming does not have a hate crime law.

A hate crime is generally defined as a crime against a person or property that is motivated by bias, prejudice, or hatred toward the personal, or perceived personal, characteristics of a victim, including: race, religion, disability, sexual orientation, ethnicity, gender, or gender identity.

For those states that have a hate crimes law, the definition of a hate crime differs from state to state, but always includes an underlying crime.¹ Several states do not have separate statutes for crimes motivated by hate, but at a minimum, most states have enhanced penalties for crimes motivated by hatred based upon the above characteristics. Wyoming, however, has neither. Furthermore, if state and local authorities do not sufficiently protect victims of hate crimes, then the federal government may step in and prosecute hate crime violations.

A hate incident is based on the same behaviors and motivations as a hate crime, but does not rise to the level of a crime. For example, you may be a victim of hate speech, which, depending on the circumstances, may not constitute a crime (and may be protected under the First Amendment), but which may constitute a hate incident.

2. I believe I was the victim of a hate crime or hate incident. What should I do?

If you think you may be a victim of a hate crime or hate incident, or a crime or incident motivated by hate, you should immediately take the following three steps:

STEP 1 - - REPORT IT

For emergencies:

- If you (or others) have been injured or fear for your safety, call 911 immediately.
- If you are uncomfortable calling 911 or local law enforcement, consider calling the local United States Attorney, the local FBI Field Office, or the State Attorney General's office to report the offense. Understand, however, that these authorities may not respond as quickly as local law enforcement responding to a 911 call.
- Obtain medical attention if necessary.

For non-emergencies:

- If a non-emergency, call your local police station, or visit your local police office or federal law enforcement office as soon as possible to report the offense.

- If you are not comfortable calling law enforcement, consider calling a trusted community or legal services organization. You can call 1-844-9-NO-HATE to be connected to a local organization.

Follow-up and key things to remember for both emergencies and non-emergencies:

- Ensure that a police report is filed regarding the offense and obtain a copy of the report (which should include the responding officer's name and badge number).
- Request that the police report indicate that the offense may have been a hate crime or a hate incident.
- File the report with local law enforcement, the State Attorney General's office, and federal law enforcement.
- For additional support and documentation, also report it to 844-9-NO HATE.

STEP 2 - - GATHER INFORMATION

- Preserve any evidence and take photographs of the evidence. For example, do not remove graffiti but instead, take photographs of the graffiti. Do not delete electronic correspondence (e.g., text messages, emails, social media posts, etc.), including your own. If you decide to involve law enforcement, you should preserve all evidence as directed by law enforcement.
- Document the experience in writing as soon as possible after the offense, including any specific words used during the offense. Record all your thoughts.
- Record any information you can remember about the perpetrator, including approximate age, height, weight, gender, race, clothing and any other distinguishing characteristics.
- Obtain contact information (names, addresses, and telephone numbers) of any other victims or witnesses to the offense.

STEP 3 - - GET ADDITIONAL SUPPORT

- Find support in the community -- through friends and family, victims' organizations, advocacy or community groups, religious organizations, legal groups, professional counseling, etc.
- Consider seeking legal representation.

Remember, you can always contact 1-844-9-NO-HATE.

3. Does Wyoming have a state hate crime law?

No, Wyoming does not have a state hate crime law.

4. Who is protected under Wyoming's hate crime law?

Wyoming does not have a state hate crime law.

5. Someone damaged my property and it appears to have been motivated by bias, prejudice, or hatred against a certain social group (e.g., a swastika, derogatory terms, etc.). What are Wyoming's relevant laws?

Wyoming does not have a hate crime law. However, under Wyoming Statute § 6-3-201, it is unlawful to destroy another's property without consent.

6. Someone attacked me or a family member. The attack appears to have been motivated by bias, prejudice, or hatred against a certain social group (e.g., before attacking, the perpetrator shouted "Go home!"). What are Wyoming's relevant laws?

Wyoming does not have a hate crime law. However, relevant criminal provisions are Wyoming Statute § 6-2-501, which punishes a person for attempting to cause bodily injury to another person, or for causing bodily injury to another person; and § 6-2-502, which punishes a person for causing serious bodily injury to another.

7. Someone defaced my place of worship (or otherwise targeted a religious institution). Does Wyoming have any special laws protecting religious groups from hate motivated acts?

Wyoming does not have special laws protecting religious groups from hate motivated acts. However, Wyoming Statute § 6-3-201 discussed above would apply to the defacement of a place of worship.

8. Someone hung a noose at my work, burnt a religious symbol by my home, or otherwise tried to intimidate me and members of my community with a symbol or message. Are there any special laws against intimidation or terrorism in Wyoming?

Wyoming does not have a hate crime law concerning intimidation or terroristic threats. However, Wyoming Statute § 6-2-506 makes it a crime to engage in a course of conduct of harassment, where "'harass' means to engage in a course of conduct, including but not limited to verbal threats, written threats, lewd or obscene statements or images, vandalism or nonconsensual physical contact, directed at a specific person or the family of a specific person, which the defendant knew or should have known would cause a reasonable person to suffer substantial emotional distress, and which does in fact seriously alarm the person toward whom it is directed."

9. **The state is not investigating my case or bringing a lawsuit. How can I get in touch with an attorney with the state to discuss my case?**

You can contact the State's Attorney General at (307) 777-7841. You can also contact the Stop Hate Hotline at 1-844-9-NO-HATE.

10. **The state is not investigating my case or bringing a lawsuit, but I would like to explore bringing a case with a private attorney against the perpetrator (known as a "civil case"). Does Wyoming have civil laws relevant to hate crimes or hate incidents?**

No, but see relevant laws discussed below.

11. **I have been attacked, put in fear of danger, intentionally made to suffer emotional distress, had my property vandalized, or harmed in another way due to an act motivated by hate. What other civil laws can I use to bring a case?**

There are a number of other civil laws that you can use to bring a case against someone who physically or emotionally injures you. This is true even if there is no hate crime law. These other civil laws, or causes of action, are generally known as torts. A tort is a wrongful act that results in legal liability. All torts arise from the legal duty to abstain from injuring the person or property of another.

In Wyoming, if someone intentionally injures you or your property, you may be able to sue that person for damages using any of the following tort causes of action:

- Assault - An assault is defined as when a person "acts intending to cause a harmful or offensive contact with the person of the other or a third person, or an imminent apprehension of such a contact, and the other is thereby put in such imminent apprehension."² An example of an assault is when someone uses a toy gun to threaten another.
- Battery - Battery is defined as when a person "acts intending to cause a harmful or offensive contact with a person of the other or a third person, or an imminent apprehension of such a contact, and a harmful contact with the person of the other directly or indirectly results."³ An example of a battery is when someone uses a real gun and shoots another. Another, less extreme, example of a battery is when someone punches or kicks another.
- False Imprisonment – False imprisonment is defined as when a person "(a)acts intending to confine the other or a third person within boundaries fixed by the actor, and (b) his act directly or indirectly results in such a confinement of the other, and (c) the other is conscious of the confinement or is harmed by it."⁴ An example of false imprisonment would be if someone locked you in a room and you were unable to escape.

- Intentional Infliction of Emotional Distress (“IIED”) - IIED is best defined by its elements. To bring an IIED claim, you must be able to show a person who by “extreme and outrageous conduct intentionally or recklessly causes severe emotional distress to another” and “[w]here such conduct is directed at a third person, the actor is subject to liability if he intentionally or recklessly causes severe emotional distress (a) to a member of such person’s immediate family who is present at the time, whether or not such distress results in bodily harm, or (b) to any other person who is present at the time, if such distress results in bodily harm.”⁵ An example of outrageous conduct that could lead to a successful IIED claim would be someone calling your home phone and leaving threatening messages of physical violence or death.
- Trespass to Land & Conversion – Trespass to land and conversion are causes of action used when another damages your real or personal property. Trespass to land applies to real property and is defined as “an interference with the possessor’s interest in excluding others from the land.”⁶ An example of trespass to land would be if someone vandalized, or otherwise damaged, your front lawn. Conversion, on the other hand, applies to personal property and is defined as “distinct act of dominion wrongfully executed over one’s property in denial of his right or inconsistent therewith.”⁷ An example of conversion would be if someone damaged your car.

The court may award more than compensatory damages if you can prove the person injured you with malice, willfully, or by some form of wantonness.⁸

Private citizens can bring these civil tort claims.

12. I would like to explore bringing a case with a private attorney against the perpetrator (known as a “civil case”), but I do not know any private attorneys. How can I find someone to represent me?

Contact your local bar association or 844-9-NO HATE.

13. What are some local and state organizations working on hate crimes and incidents?

The following organizations are key providers of legal assistance for victims of hate crimes and discrimination:

1. Wyoming Division of Victim Services
A directory of Wyoming Victim Services Providers can be found at:
<https://sites.google.com/a/wyo.gov/wy-ag/victim-services-home-page/victim-services-providers>
2. Your local District Attorney’s Office
A directory of Wyoming’s District Attorney’s Offices can be found at:
<https://www.cdaa.org/district-attorney-roster>

3. The State Bar of Wyoming
Modest Means Program can be found at:
<https://www.wyomingbar.org/for-the-public/modest-means-program/>

14. I need additional help. Where can I find additional information or get help?

If you would like additional information or need additional help, please visit the Communities Against Hate resource page at www.communitiesagainsthate.org. If the information you are seeking is not on the resource page or if you need immediate help, please contact 844-9-NO-HATE.

1 Examples of underlying crimes include: assault, battery, destruction of property, threats, rape, murder, arson, robbery, and burglary. This list of criminal offenses is not exhaustive, however, and other criminal offenses may also be considered hate crimes.

2 Restatement (Second) of Torts § 21 (1965).

3 Restatement (Second) of Torts § 13 (1965).

4 Restatement (Second) of Torts § 35 (1965).

5 Restatement (Second) of Torts § 46 (1965); *Anderson v. Solvay Minerals, Inc.*, 3 P.3d 236, 239 (Wyo. 2000) (“Relying upon the tort of intentional infliction of emotional distress as described in the Restatement of Torts (Second) § 46, as it has been adopted by this Court in *Leithead v. American Colloid Co.*, 721 P.2d 1059, 1065 (Wyo. 1986)[.]”).

6 *Salisbury Livestock Co. v. Colorado Cent. Credit Union*, 793 P.2d 470, 473 n1 (Wyo. 1990) (citing Restatement (Second) of Torts § 163 (1965)).

7 *Satterfield v. Sunny Day Res., Inc.*, 581 P.2d 1386, 1388 (Wyo. 1978).

8 *Wilson v. Hall*, 34 Wyo. 465 (1926).