

HOUSE BILL NO. HB0011

Soldiers and Sailors Civil Relief Act.

Sponsored by: Joint Transportation and Highways Interim
Committee

A BILL

for

1 AN ACT relating to the Wyoming national guard; applying the
2 protections of the Soldiers' and Sailors' Civil Relief Act
3 of 1940, as amended, to national guard members as
4 specified; providing a penalty; specifying how the
5 protections may be used; specifying jurisdiction; providing
6 definitions; making conforming amendments; and providing
7 for an effective date.

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

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11 **Section 1.** W.S. 19-11-122 is amended to read:

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13 **19-11-122. Soldiers' and Sailors' Civil Relief Act of**
14 **1940, as amended; application to national guard; penalty**
15 **for violation of rights afforded to guard members;**
16 **enforcement; preferences.**

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(a) Members of the Wyoming national guard ordered to active state service by the state or federal government for a period of more than thirty (30) consecutive days shall have all protections afforded to persons in the military service of the United States under the Soldiers' and Sailors' Civil Relief Act of 1940, as amended (54 Stat. 1178, 50 App. U.S.C. 501 et seq.). Except as provided in subsection (b) of this section, nothing in this subsection shall be construed to authorize the imposition of any penalty under the Soldiers' and Sailors' Civil Relief Act of 1940, as amended, for violation of the protections afforded to members of the Wyoming national guard pursuant to this subsection. As used in this subsection, "active state service" means as defined in W.S. 19-7-101(a)(v).

(b) Any person who knowingly violates the protections provided to members of the Wyoming national guard pursuant to subsection (a) of this section shall be guilty of a misdemeanor punishable by a fine not to exceed one thousand dollars (\$1,000.00).

~~(a)~~(c) The protections afforded to members of the Wyoming national guard pursuant to subsection (a) of this

1 section may serve as the basis for an action or as a
2 defense. The ~~district~~ courts of this state that would
3 otherwise have jurisdiction over a case shall have
4 jurisdiction over proceedings involving the Soldiers' and
5 Sailors' Civil Relief Act of 1940, as amended, and the
6 Uniformed Services Employment and Reemployment Rights Act,
7 which shall be governed by the rules applicable to ordinary
8 proceedings.

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10 ~~(b)(d)~~ The ~~district and appellate~~ courts shall give
11 preference in scheduling such proceedings, upon the motion
12 of any person in the uniformed services, or the person's
13 attorney, who presents certification that the person has
14 performed service in the uniformed services or is in
15 service in the uniformed services.

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17 **Section 2.** This act is effective immediately upon
18 completion of all acts necessary for a bill to become law
19 as provided by Article 4, Section 8 of the Wyoming
20 Constitution.

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22 (END)