

HOUSE BILL NO. HB0071

Governmental claims-circuit court.

Sponsored by: Representative(s) Throne and Pelkey and
Senator(s) Ross

A BILL

for

1 AN ACT relating to governmental claims; providing
2 jurisdiction to circuit courts; and providing for an
3 effective date.

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

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7 **Section 1.** W.S. 1-39-117(a) and 7-2-106(c) are
8 amended to read:

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10 **1-39-117. Jurisdiction; appeals; venue; trial by**
11 **jury; liability insurance.**

12

13 (a) Original ~~and exclusive~~ jurisdiction for any claim
14 filed in state court under this act shall be in the
15 district courts of Wyoming or in the circuit courts of

1 Wyoming pursuant to W.S. 5-9-128. Appeals may be taken as
2 provided by law.

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4 **7-2-106. Extraterritorial authority of peace**
5 **officers; requests for assignment of peace officers;**
6 **liability; compensation.**

7

8 (c) A peace officer acting pursuant to subsection
9 (a), (b) or (f) of this section outside his own
10 jurisdiction, or a peace officer when providing law
11 enforcement assistance on the Wind River Indian Reservation
12 pursuant to a memorandum of understanding entered in
13 advance and approved by the attorney general, between the
14 department of the interior, Federal Bureau of Indian
15 Affairs or the tribes and the state, county, city or town
16 providing the assistance, shall be deemed to be acting
17 within the scope of his duties for purposes of the Wyoming
18 Governmental Claims Act and the state self-insurance
19 program, W.S. 1-41-101 through 1-41-111, or the local
20 government self-insurance program, W.S. 1-42-201 through
21 1-42-206. The memorandum of understanding shall contain a
22 provision for immunity from suit in tribal court for
23 activities occurring pursuant to any law enforcement

1 assistance provided under this subsection. Any suit
2 relating to those activities shall be brought only under
3 the terms of the Wyoming Governmental Claims Act in the
4 state ~~district~~-court having jurisdiction, or in the federal
5 district court for the district of Wyoming, if appropriate.
6 All privileges and immunities from liability, and all
7 pension, disability, worker's compensation and other
8 benefits which normally apply to peace officers while they
9 perform their duties in their own jurisdiction shall also
10 apply to them when acting as provided in subsection (a),
11 (b) or (f) of this section and shall apply to peace
12 officers when providing law enforcement assistance on the
13 Wind River Indian Reservation pursuant to this subsection.
14 For purposes of W.S. 27-14-104 and subsection (a), (b) or
15 (f) of this section, the requesting and assigning law
16 enforcement agencies shall be a joint employer as defined
17 under W.S. 27-14-102(a)(xix) and the designated peace
18 officer shall be a joint employee as defined under W.S.
19 27-14-102(a)(xxi).

20

21 **Section 2.** This act is effective July 1, 2016.

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23

(END)