

SENATE FILE NO. SF0003

Protection of nuclear facilities.

Sponsored by: Joint Minerals, Business & Economic
Development Interim Committee

A BILL

for

1 AN ACT relating to crimes and offenses; providing an
2 affirmative defense for the use of defensive force for the
3 protection or defense of nuclear facilities; providing
4 definitions; establishing an offense of trespass on
5 commercial nuclear facilities; specifying penalties;
6 providing armed nuclear facility security guards the
7 authority to detain persons as specified; and providing for
8 an effective date.

9

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

11

12 **Section 1.** W.S. 6-2-604 and 6-3-308 are created to
13 read:

14

1 **6-2-604. Use of force in defense of nuclear**
2 **facilities; definitions; detention authority.**

3
4 (a) As used in this section:

5
6 (i) "Armed nuclear security guard" means a
7 person who is:

8
9 (A) Employed by or contracted with a
10 nuclear power reactor that is licensed by the United States
11 nuclear regulatory commission and is located at a
12 commercial nuclear facility;

13
14 (B) Employed or contracted as part of the
15 security plan approved by the United States nuclear
16 regulatory commission and who meets the requirements
17 mandated by the commission for carrying a firearm; and

18
19 (C) Certified as a peace officer by the
20 peace officer standards and training commission.

21
22 (ii) "Commercial nuclear facility" means a
23 facility that is owned by any person, is licensed by the

1 United States nuclear regulatory commission and that is
2 required to have a security plan for the facility approved
3 by the United States nuclear regulatory commission.
4 "Commercial nuclear facility":

5

6 (A) Shall not include any facility owned by
7 the United States nuclear regulatory commission;

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9 (B) Includes the property on which the
10 facility is located and any other structure and fencing
11 associated with the facility.

12

13 (iii) "Exclusion area" means the area of a
14 commercial nuclear facility in which a United States
15 nuclear regulatory commission licensee has the authority to
16 determine all activities, including the exclusion or
17 removal of property and personnel from the area;

18

19 (iv) "Protected area" means the area of a
20 commercial nuclear facility within the exclusion area that
21 is encompassed by physical barriers;

22

1 (v) "Structure and fencing" means any structure,
2 fenced yard, wall, building or other similar barrier or
3 combination thereof that surrounds a commercial nuclear
4 facility and that is posted with signage stating that it is
5 a felony to trespass at the commercial nuclear facility.

6

7 (b) An armed nuclear security guard is privileged to
8 use defensive force against another person at a commercial
9 nuclear facility if the guard reasonably believes that the
10 defensive force is necessary to prevent or terminate the
11 commission of a burglary under W.S. 6-3-301, criminal entry
12 under W.S. 6-3-302, criminal trespass under W.S. 6-3-303 or
13 criminal trespass at a commercial nuclear facility under
14 W.S. 6-3-308 within or upon a protected area.

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16 (c) An armed nuclear security guard is privileged to
17 use defensive force, including deadly force, against
18 another person at a commercial nuclear facility if the
19 guard reasonably believes that defensive force or deadly
20 force is necessary to:

21

22 (i) Prevent the commission of a murder,
23 manslaughter, aggravated assault, kidnapping, burglary,

1 criminal entry, arson or robbery within or upon a protected
2 area;

3

4 (ii) Prevent acts of radiological sabotage or
5 the theft or diversion of special nuclear material within
6 or upon a protected area under a security plan approved by
7 the United States nuclear regulatory commission;

8

9 (iii) Defend against the use or imminent use of
10 deadly force against the guard or other person within or
11 upon a protected area.

12

13 (d) Notwithstanding any other provision of this
14 section, an armed nuclear security guard is privileged to
15 threaten to use defensive force, including deadly force, if
16 and to the extent that the armed nuclear security guard
17 believes that the threat of force is necessary to protect
18 the guard or others against another person's potential use
19 of force or deadly force within or upon a protected area.

20

21 (e) An armed nuclear security guard using defensive
22 force, including deadly force, in accordance with this

1 section shall not be liable under civil or criminal law for
2 engaging in conduct that is privileged under this section.

3

4 (f) An armed nuclear security guard, acting upon
5 reasonable belief, may detain a person in or at a
6 commercial nuclear facility in a reasonable manner and for
7 a reasonable time if the person is suspected of committing
8 or attempting to commit any of the offenses specified in
9 subsection (b) and paragraph (c)(i) of this section for
10 purposes of summoning law enforcement.

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12 (g) For purposes of subsection (f) of this section,
13 an armed nuclear security guard's reasonable belief to
14 detain a person under subsection (f) of this section shall
15 constitute an affirmative defense in any civil or criminal
16 action against the armed nuclear security guard, the
17 guard's employer or the owner of the commercial nuclear
18 facility where the guard was employed for false arrest,
19 false imprisonment, unlawful imprisonment or unlawful
20 detention.

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22 **6-3-308. Criminal trespass at a commercial nuclear**
23 **facility.**

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2 (a) The definitions of W.S. 6-2-604 shall apply to
3 this section.

4

5 (b) A person is guilty of criminal trespass at a
6 commercial nuclear facility if the person knowingly:

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8 (i) Enters or remains unlawfully in or on a
9 commercial nuclear facility; or

10

11 (ii) Enters or remains unlawfully within the
12 structure and fencing of a commercial nuclear facility.

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14 (c) Criminal trespass at a commercial nuclear
15 facility is a felony punishable by imprisonment for not
16 more than five (5) years, a fine of not more than one
17 thousand dollars (\$1,000.00), or both.

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19 **Section 2.** This act is effective July 1, 2026.

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21

(END)