

ORIGINAL HOUSE
BILL NO. HB0117

ENROLLED ACT NO. 35, HOUSE OF REPRESENTATIVES

SIXTY-FOURTH LEGISLATURE OF THE STATE OF WYOMING
2018 BUDGET SESSION

AN ACT relating to domestic abuse and sexual violence; allowing a court to transfer to a petitioner the sole right to use and sole financial responsibility for a telephone number as part of an order of protection; providing conditions on transfers of telephone numbers; providing immunity; providing notice and compliance requirements regarding telecommunications providers; and providing for an effective date.

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

Section 1. W.S. 35-21-102(a) by creating new paragraphs (vi) and (vii) and by renumbering (vi) as (viii), 35-21-105(a) by creating a new paragraph (viii) and 35-21-106 by creating a new subsection (e) are amended to read:

35-21-102. Definitions.

(a) As used in this act:

(vi) "Financial responsibility" means an obligation to pay to a provider service fees and other costs and charges associated with the provision of commercial mobile services;

(vii) "Provider" means a person or entity that provides commercial mobile services as defined in 47 U.S.C. § 332(d);

~~(vi)~~ (viii) "This act" means W.S. 35-21-101 through 35-21-111.

35-21-105. Order of protection; contents; remedies; order not to affect title to property; conditions.

ORIGINAL HOUSE
BILL NO. HB0117

ENROLLED ACT NO. 35, HOUSE OF REPRESENTATIVES

SIXTY-FOURTH LEGISLATURE OF THE STATE OF WYOMING
2018 BUDGET SESSION

(a) Upon finding that an act of domestic abuse has occurred, the court shall enter an order of protection ordering the respondent household member to refrain from abusing the petitioner or any other household member. The order shall specifically describe the behavior that the court has ordered the respondent to do or refrain from doing. As a part of any order of protection, the court may:

(viii) If the petitioner is not the account holder, grant the petitioner and order a provider to transfer to the petitioner the sole right to use and sole financial responsibility for a telephone number used by the petitioner or a minor child in the petitioner's custody and terminate in the provider's system the respondent's ability to use, and to access any data associated with, the telephone number. An order issued under this paragraph shall list the name and billing telephone number of the account holder, the name and contact information of the petitioner and each telephone number to be transferred to the petitioner. In issuing an order under this paragraph, the court shall ensure that the petitioner's contact information is not disclosed to the respondent or any account holder. The order shall be served on the provider pursuant to W.S. 35-21-106(e). A provider may, not later than five (5) business days after being served with an order under this paragraph, notify the petitioner and the court that compliance with the order is not possible or practicable because an account holder named in the order has terminated the account, differences in network technology would prevent the functionality of a device on the network or there are geographic limitations on network or service availability. In complying with an order issued under this paragraph, a provider may apply any customary requirements for establishing an account and transferring a

ORIGINAL HOUSE
BILL NO. HB0117

ENROLLED ACT NO. 35, HOUSE OF REPRESENTATIVES

SIXTY-FOURTH LEGISLATURE OF THE STATE OF WYOMING
2018 BUDGET SESSION

telephone number. A provider is immune from civil liability for complying with an order issued under this paragraph.

35-21-106. Service of order; duration and extension of order; violation; remedies not exclusive.

(e) The clerk of the court shall cause that part of an order of protection directing the transfer of a telephone number to a petitioner as provided in W.S. 35-21-105(a)(viii) to be served on the affected provider pursuant to W.S. 17-28-104.

ORIGINAL HOUSE
BILL NO. HB0117

ENROLLED ACT NO. 35, HOUSE OF REPRESENTATIVES

SIXTY-FOURTH LEGISLATURE OF THE STATE OF WYOMING
2018 BUDGET SESSION

Section 2. This act is effective July 1, 2018.

(END)

Speaker of the House

President of the Senate

Governor

TIME APPROVED: _____

DATE APPROVED: _____

I hereby certify that this act originated in the House.

Chief Clerk