

HOUSE BILL NO. HB0174

Rail police officers.

Sponsored by: Representative(s) Illoway, Cohee, Edwards  
and Walsh and Senator(s) Anderson, J.,  
Barton, Cathcart, Coe and Roberts

A BILL

for

1 AN ACT relating to railroads; authorizing the appointment  
2 of rail police officers; specifying qualifications and  
3 authority; specifying responsibility for liability arising  
4 from the acts or omissions of rail police officers;  
5 conforming provisions relating to peace officers; and  
6 providing for an effective date.

7

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

9

10 **Section 1.** W.S. 37-9-1401 is created to read:

11

12 **37-9-1401. Rail police officers.**

13

14 (a) A Class 1 railroad company as defined by 49  
15 C.F.R. Part 1201, may appoint one (1) or more persons to be

1 designated by the railroad company as a rail police officer  
2 to protect:

3

4 (i) Employees, passengers or patrons of the rail  
5 carrier;

6

7 (ii) Property, equipment and facilities owned,  
8 leased, operated or maintained by the rail carrier;

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10 (iii) Property moving in interstate or foreign  
11 commerce in the possession of the rail carrier; and

12

13 (iv) Personnel, equipment and material moving by  
14 rail that are vital to the national defense.

15

16 (b) While in the scope of employment, each appointed  
17 rail police officer may possess and exercise the powers of  
18 a peace officer in connection with a violation of law on  
19 railroad premises upon certification by the peace officer  
20 standards and training commission pursuant to W.S. 9-1-701  
21 through 9-1-707. The railroad company shall provide  
22 identification information that includes the officer's  
23 name, badge or employee number, location of legal  
24 residence, primary employment and other necessary

1 information as requested by the peace officer standards and  
2 training commission.

3

4 (c) A railroad company appointing a rail police  
5 officer shall be responsible for any liability arising from  
6 the acts or omissions of the rail police officer within the  
7 scope of employment. The rail police officer is entitled  
8 to any defense to liability to the same extent as otherwise  
9 provided a peace officer under the provisions of the  
10 Wyoming Governmental Claims Act, but shall not be subject  
11 to the maximum liability limitations provided by W.S.  
12 1-39-118. Notwithstanding any other provision of law,  
13 neither the state nor any political subdivision of the  
14 state is required to provide insurance or is liable for any  
15 act or omission of a rail police officer.

16

17 **Section 2.** W.S. 1-39-103(a)(iii), 1-41-102(a)(iv),  
18 6-1-104(a)(vi)(J), (M) and by creating a new subparagraph  
19 (N), 7-2-101(a)(iv)(H), (K) and by creating a new  
20 subparagraph (M), 9-1-704(h), (j) and by creating a new  
21 subsection (m) and 9-2-1017(c) are amended to read:

22

23 **1-39-103. Definitions.**

24

1 (a) As used in this act:

2

3 (iii) "Peace officer" means as defined by W.S.  
4 7-2-101, but does not include those officers defined by  
5 W.S. 7-2-101(a)(iv)(K) or (M);

6

7 **1-41-102. Definitions.**

8

9 (a) As used in this act:

10

11 (iv) "Peace officer" means as defined by W.S.  
12 7-2-101, but does not include those officers defined by  
13 W.S. 7-2-101(a)(iv)(K) or (M);

14

15 **6-1-104. Definitions.**

16

17 (a) As used in W.S. 6-1-101 through 6-10-203 unless  
18 otherwise defined:

19

20 (vi) "Peace officer" includes the following  
21 officers assigned to duty in the state of Wyoming:

22

23 (J) Any duly authorized detention officer  
24 who has qualified pursuant to W.S. 9-1-701 through 9-1-707,

1 when engaged in the performance of his duties while  
2 supervising a detainee who has been convicted as a felon;  
3 ~~and~~

4

5 (M) Any peace officer certified by another  
6 state who has been appointed as a special deputy sheriff of  
7 a Wyoming county pursuant to W.S. 18-3-602(c) ~~;~~ and

8

9 (N) Any rail police officer appointed  
10 pursuant to W.S. 37-9-1401 who has qualified pursuant to  
11 W.S. 9-1-701 through 9-1-707.

12

13 **7-2-101. Definitions.**

14

15 (a) As used in W.S. 7-2-101 through 7-2-107:

16

17 (iv) "Peace officer" means:

18

19 (H) Any duly authorized detention officer  
20 in the performance of his duties and who has qualified  
21 pursuant to W.S. 9-1-701 through 9-1-707; ~~and~~

22

1 (K) Any peace officer certified by another  
2 state who has been appointed as a special deputy sheriff of  
3 a Wyoming county pursuant to W.S. 18-3-602(c) ~~;~~ and

4  
5 (M) Any rail police officer appointed  
6 pursuant to W.S. 37-9-1401 who has qualified pursuant to  
7 W.S. 9-1-701 through 9-1-707.

8  
9 **9-1-704. Qualifications for employment as a peace**  
10 **officer; loss of certification for felony conviction;**  
11 **termination from employment.**

12  
13 (h) A person who is convicted of a felony after his  
14 appointment as a peace officer is ineligible for continued  
15 employment as a peace officer. If the person has been  
16 certified under this section, his certification shall be  
17 automatically revoked on the date of his conviction. The  
18 director shall notify the person and the person's employing  
19 agency or employer upon revocation of certification under  
20 this subsection.

21  
22 (j) In the case of termination of a peace officer,  
23 the employing agency or employer shall notify the  
24 commission and the officer, in writing, of the termination,

1 setting forth in detail the facts and reasons for the  
2 termination. If the officer is terminated for failure to  
3 comply with this act, or rules promulgated under it, the  
4 notice shall so specify. Any officer who has been  
5 terminated may present a written statement to the  
6 commission responding to the claims made against him or  
7 setting forth the facts and reasons for the termination as  
8 he believes them to be, and that statement shall become a  
9 permanent part of the file. A potential employer may  
10 contact the commission to inquire as to the facts and  
11 reasons an officer was terminated from any previous  
12 employing agency. Unless otherwise prohibited by law, the  
13 commission shall, upon request provide to the potential  
14 employer all pertinent information which is in its  
15 possession.

16  
17 (m) A person who is employed as a rail police officer  
18 pursuant to 49 U.S.C. § 28101 is ineligible to act as a  
19 peace officer upon a finding by the commission that the  
20 person has acted beyond the limitations contained either in  
21 49 U.S.C. § 28101 or W.S. 37-9-1401. If the person has  
22 been certified under this section, his certification shall  
23 be automatically revoked on the date the commission

1 determines his actions were beyond the limitations  
2 specified.

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4 **9-2-1017. Professional liability insurance for peace**  
5 **officers; limits of policy; definition of peace officer.**

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7 (c) For the purposes of this section, "peace officer"  
8 means as defined by W.S. 7-2-101, but does not include  
9 those officers defined by W.S. 7-2-101(a)(iv)(M).

10

11 **Section 3.** This act is effective July 1, 2003.

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13

(END)