

HOUSE BILL NO. HB0174

Railroad peace 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 railroad peace officers and specifying their
3 qualifications and authority; specifying responsibility for
4 liability arising from the acts or omissions of railroad
5 peace officers; limiting definitions; and providing for an
6 effective date.

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

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10 **Section 1.** W.S. 37-12-131 is created to read:

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12 **37-12-131. Railroad peace officers.**

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14 (a) A railroad company may appoint one (1) or more
15 persons to be designated by the railroad company as a
16 railroad peace officer for the protection of railroad

1 property and the protection of the persons and property of
2 railroad passengers and employees. While engaged in the
3 conduct of employment, each appointed railroad peace
4 officer may possess and exercise the powers of a peace
5 officer.

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7 (b) The peace officer authority may be exercised only
8 in the protection of passengers and employees on or about
9 railroad premises and in the protection of property
10 belonging to passengers, or belonging to or under the
11 control of the railroad employing the railroad peace
12 officers, and in preventing, and making arrest for
13 violation of law upon the premises or in connection with
14 the property.

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16 (c) A person appointed by a railroad company to act
17 as a railroad peace officer shall, prior to appointment,
18 meet the minimum qualifications established for peace
19 officers pursuant to W.S. 9-1-701 through 9-1-707.

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21 (d) Before the appointee performs any duties as a
22 railroad peace officer, the railroad company shall file the
23 name of the appointee with the peace officer standards and
24 training commission. If the appointee meets minimum

1 qualifications for a peace officer, the director of the
2 commission shall issue to the appointee a certificate of
3 authority to act as a peace officer, to continue in effect
4 during his employment by the railroad unless revoked by the
5 peace officer standards and training commission for cause.

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7 (e) A railroad company appointing a railroad peace
8 officer is responsible for any liability arising from the
9 acts or omissions of the railroad peace officer within the
10 scope of railroad employment, but is entitled to any
11 defense to liability that may be available to other peace
12 officers. Neither the state nor any of its political
13 subdivisions is liable for any act or omission of a
14 railroad peace officer.

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16 **Section 2.** W.S. 1-39-103(a)(iii), 1-41-102(a)(iv),
17 6-1-104(a)(vi)(J), (M) and by creating a new subparagraph
18 (N), 7-2-101(a)(iv)(H), (K) and by creating a new
19 subparagraph (M), 7-20-101, 9-2-1017(c) and 31-6-101(a)(iv)
20 are amended to read:

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22 **1-39-103. Definitions.**

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24 (a) As used in this act:

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

1-41-102. Definitions.

(a) As used in this act:

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

6-1-104. Definitions.

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

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

(J) Any duly authorized detention officer who has qualified pursuant to W.S. 9-1-701 through 9-1-707, when engaged in the performance of his duties while

1 supervising a detainee who has been convicted as a felon;
2 ~~and~~

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

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8 (N) Any railroad peace officer appointed
9 pursuant to W.S. 37-12-131 who has qualified pursuant to
10 W.S. 9-1-701 through 9-1-707.

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12 **7-2-101. Definitions.**

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

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16 (iv) "Peace officer" means:

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

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

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(M) Any railroad peace officer appointed pursuant to W.S. 37-12-131 who has qualified pursuant to W.S. 9-1-701 through 9-1-707.

7-20-101. Definition of "peace officer".

As used in this chapter "peace officer" has the meaning specified in W.S. 7-2-101, but does not include those officers defined by W.S. 7-2-101(a)(iv)(M).

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

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

31-6-101. Definitions.

(a) As used in this act:

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

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

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(END)