

HOUSE BILL NO. HB0114

Liberty Preservation Act.

Sponsored by: Representative(s) Kroeker, Hunt and Miller and Senator(s) Case

A BILL

for

1 AN ACT relating to criminal law; providing legislative
2 declaration that portions of the National Defense
3 Authorization Act of 2012 are unconstitutional; prohibiting
4 enforcement of federal law as specified; providing
5 penalties; and providing for an effective date.

6

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

8

9 **Section 1.** W.S. 6-5-401 is created to read:

10

11

ARTICLE 4

12

LIBERTY PRESERVATION ACT

13

14 **6-5-401. Prohibition on enforcement of National**
15 **Defense Authorization Act of 2012; penalties.**

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1 (a) The act shall be known as the "Liberty
2 Preservation Act".

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4 (b) The legislature finds that the enactment into law
5 by the United States congress of sections 1021 and 1022 of
6 the National Defense Authorization Act of 2012, Public Law
7 Number 112-81, is inimical to the liberty, security and
8 well-being of the people of Wyoming and was adopted by the
9 United States congress in violation of the limits of
10 federal power in United States constitution.

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12 (c) The legislature finds that, together, sections
13 1021 and 1022 of the National Defense Authorization Act of
14 2012, as they purport to authorize detainment of persons
15 captured within the United States of America without
16 charge, military tribunals for persons captured within the
17 United States of America, and the transfer of persons
18 captured within the United States of America to foreign
19 jurisdictions, are violative of the following rights
20 enshrined in the constitution of the United States of
21 America:

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1 (i) The right to seek a writ of habeas corpus
2 found in Article I, Section 9, Clause 2 of the United
3 States constitution;

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5 (ii) The first amendment right to petition the
6 government for a redress of grievances;

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8 (iii) The fourth amendment right to be free from
9 unreasonable searches and seizures;

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11 (iv) The fifth amendment right to be free from
12 charge for an infamous or capitol crime until presentment
13 or indictment by a grand jury;

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15 (v) The fifth amendment right to be free from
16 deprivation of life, liberty or property, without due
17 process of law;

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19 (vi) The sixth amendment right in criminal
20 prosecutions to enjoy a speedy trial by an impartial jury
21 in the state and district where the crime shall have been
22 committed;

23

1 (vii) The sixth amendment right to be informed
2 of the nature and cause of the accusation;

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4 (viii) The sixth amendment right to confront
5 witnesses;

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7 (ix) The sixth amendment right to counsel;

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9 (x) The eighth amendment right to be free from
10 excessive bail and fines and cruel and unusual punishment;

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12 (xi) The fourteenth amendment right to be free
13 from deprivation of life, liberty or property, without due
14 process of law.

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16 (d) No public officer, employee or agent of the state
17 nor any employee of a corporation providing services to the
18 state shall provide material support or participate in any
19 way with the implementation of sections 1021 and 1022 of
20 the National Defense Authorization Act of 2012 within the
21 boundaries of this state. The attorney general is directed
22 to report to the governor and the legislature any attempt
23 by agencies or agents of the United States federal
24 government to secure the implementation of sections 1021

1 and 1022 of the National Defense Authorization Act of 2012
2 through the operations of that or any other state
3 department.

4

5 (e) Any public officer, employee or agent of the
6 state, or any employee of a corporation providing services
7 to the state that enforces or attempts to enforce an act,
8 order, law, statute, rule or regulation of the government
9 of the United States in violation of subsection (d) of this
10 section shall be guilty of a misdemeanor punishable by
11 imprisonment not exceeding six (6) months or by a fine not
12 exceeding five hundred dollars (\$500.00), or both.

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14 **Section 2.** This act is effective immediately upon
15 completion of all acts necessary for a bill to become law
16 as provided by Article 4, Section 8 of the Wyoming
17 Constitution.

18

19

(END)