

ORIGINAL HOUSE
BILL NO. HB0009

ENROLLED ACT NO. 27, HOUSE OF REPRESENTATIVES

SIXTY-FOURTH LEGISLATURE OF THE STATE OF WYOMING
2017 GENERAL SESSION

AN ACT relating to public education; prohibiting the conveyance or transfer of ownership rights of writings and other communications created by a student at the University of Wyoming or any community college in the state as specified; providing for an expectation of privacy in student writings and other communications as specified; specifying applicability; and providing for an effective date.

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

Section 1. W.S. 21-17-124 and 21-18-318 are created to read:

21-17-124. Student electronic writings and other electronic communications; expectation of privacy.

(a) No ownership rights to any electronic writing or other electronic communication created by a student shall be conveyed, transferred or otherwise affected solely as a result of the writing or other communication being stored on an electronic device paid for in whole or in part by the university or transmitted or stored on the university's network.

(b) Students at the university shall have an expectation of privacy in the electronic writings and other electronic communications created by the student regardless of whether the writing or other communication is stored on an electronic device paid for in whole or in part by the university or transmitted or stored on the university's network. The university shall not require a student to waive or limit the student's expectation of privacy

ORIGINAL HOUSE
BILL NO. HB0009

ENROLLED ACT NO. 27, HOUSE OF REPRESENTATIVES

SIXTY-FOURTH LEGISLATURE OF THE STATE OF WYOMING
2017 GENERAL SESSION

specified under this subsection. This subsection shall not apply to writings or other communications:

(i) Publicly disclosed, released or conveyed by the student or otherwise made available for observation by the student in such a manner that a person would not reasonably expect the writing or other communication would remain undisclosed to others;

(ii) Accessed by the university in cases where there is a technological requirement to support and maintain the university's electronic device or network. Writings or other communications viewed during the technological support or maintenance of the electronic device or network shall be limited to only those writings or other communications required to address the specific technical issue and shall not be used or distributed to any other person or entity unless otherwise mandated by federal or state law.

(c) The property rights and expectation of privacy provided in subsections (a) and (b) of this section do not apply to a writing or other communication created by a student who is simultaneously employed by and enrolled at the university if the writing or other communication is created when the person is acting in an official capacity as an employee of the university. Nothing in this subsection shall be construed to diminish the property rights or expectation of privacy of persons acting in the capacity of an employee of the university.

(d) Nothing in this section shall be construed to:

(i) Impose, by operation of law, or require the university to accept or prohibit the university from accepting any liability or responsibility for collecting,

ORIGINAL HOUSE
BILL NO. HB0009

ENROLLED ACT NO. 27, HOUSE OF REPRESENTATIVES

SIXTY-FOURTH LEGISLATURE OF THE STATE OF WYOMING
2017 GENERAL SESSION

maintaining, storing or otherwise recording writings and other communications created by a student;

(ii) Require the university to establish or prohibit the university from establishing standards on the retention and destruction of student writings and other communications.

(e) For purposes of this section, "student" means any person currently enrolled full time or part time at the university.

21-18-318. Student electronic writings and other electronic communications; expectation of privacy.

(a) No ownership rights to any electronic writing or other electronic communication created by a student shall be conveyed, transferred or otherwise affected solely as a result of the writing or other communication being stored on an electronic device paid for in whole or in part by a community college within the state or transmitted or stored on a community college's network.

(b) Students at a community college in the state shall have an expectation of privacy in the electronic writings and other electronic communications created by the student regardless of whether the writing or other communication is stored on an electronic device paid for in whole or in part by the community college or transmitted or stored on the community college's network. A community college shall not require a student to waive or limit the student's expectation of privacy specified under this subsection. This subsection shall not apply to writings or other communications:

ORIGINAL HOUSE
BILL NO. HB0009

ENROLLED ACT NO. 27, HOUSE OF REPRESENTATIVES

SIXTY-FOURTH LEGISLATURE OF THE STATE OF WYOMING
2017 GENERAL SESSION

(i) Publicly disclosed, released or conveyed by the student or otherwise made available for observation by the student in such a manner that a person would not reasonably expect the writing or other communication would remain undisclosed to others;

(ii) Accessed by a community college in cases where there is a technological requirement to support and maintain the community college's electronic device or network. Writings or other communications viewed during the technological support or maintenance of the electronic device or network shall be limited to only those writings or other communications required to address the specific technical issue and shall not be used or distributed to any other person or entity unless otherwise mandated by federal or state law.

(c) The property rights and expectation of privacy provided in subsections (a) and (b) of this section do not apply to a writing or other communication created by a student who is simultaneously employed by and enrolled at a community college if the writing or other communication is created when the person is acting in an official capacity as an employee of the community college. Nothing in this subsection shall be construed to diminish the property rights or expectation of privacy of persons acting in the capacity of an employee of a community college.

(d) Nothing in this section shall be construed to:

(i) Impose, by operation of law, or require a community college to accept or prohibit a community college from accepting any liability or responsibility for collecting, maintaining, storing or otherwise recording writings and other communications created by a student;

ORIGINAL HOUSE
BILL NO. HB0009

ENROLLED ACT NO. 27, HOUSE OF REPRESENTATIVES

SIXTY-FOURTH LEGISLATURE OF THE STATE OF WYOMING
2017 GENERAL SESSION

(ii) Require a community college to establish or prohibit a community college from establishing standards on the retention and destruction of student writings and other communications.

(e) For purposes of this section, "student" means any person currently enrolled full time or part time at a community college in the state.

Section 2. This act is effective July 1, 2017.

(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