

HOUSE BILL NO. HB1020

Penalties for mandating COVID-19 vaccinations-2.

Sponsored by: Representative(s) Fortner and Senator(s)
James

A BILL

for

1 AN ACT relating to offenses by public officials;
2 prohibiting COVID 19 vaccination mandates as specified;
3 providing penalties; providing definitions; amending
4 specified sections related to retirement benefits; and
5 providing for an effective date.

6

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

8

9 **Section 1.** W.S. 6-5-119 is created to read:

10

11 **6-5-119. Offenses and penalties regarding federal**
12 **COVID-19 vaccine mandates; defense of Wyoming citizens.**

13

14 (a) As used in this section:

15

1 (i) "COVID-19 vaccine" or "COVID-19 vaccination"
2 means any vaccine that is marketed to prevent COVID-19 or
3 any vaccine that is marketed to diminish or decrease the
4 symptoms of COVID-19;

5
6 (ii) "Fine" as used in this section is intended
7 to mean an amount equal to either the amount of money the
8 federal government is fining the Wyoming entity in question
9 due to noncompliance with a federal COVID-19 vaccine
10 mandate or the amount of money the federal government is
11 withholding in federal funds for Medicare or other services
12 in retaliation for noncompliance with a federal COVID-19
13 vaccine mandate;

14
15 (iii) "Public entity" means as defined by W.S.
16 16-6-101(a)(viii);

17
18 (iv) "Public servant" means an employee or
19 elected official of a public entity.

20
21 (b) No public servant shall enforce or attempt to
22 enforce any act, order, law, statute, rule or regulation of
23 the United States government regarding mandating COVID-19

1 vaccinations or mandating the use or prohibition of any
2 other form of COVID-19 preventative treatment that includes
3 but is not limited to a nasal spray, pill or tablet.

4

5 (c) No public entity shall adopt any rule, regulation
6 or policy which attempts to enforce or require a COVID-19
7 vaccination mandate or the mandate or prohibition of an
8 administration of a COVID-19 preventative treatment as a
9 condition of participation in the curriculum, services,
10 programs, activities or operations of the public entity.

11

12 (d) Any public servant who violates subsection (b) or
13 (c) of this section shall be guilty of a misdemeanor
14 punishable by imprisonment for not more than one (1) year,
15 a fine of not more than ten million dollars
16 (\$10,000,000.00), or both.

17

18 (e) In addition to the criminal penalties in
19 subsection (d) of this section, a public servant who
20 violates subsection (b) or (c) of this section shall be:

21

1 (i) Terminated from his employment or removed
2 from his office and shall no longer qualify for employment
3 by any public entity in Wyoming;

4

5 (ii) Ineligible to obtain any benefits under the
6 retirement plan he receives or is entitled to receive in
7 the future due to his employment with a public entity in
8 Wyoming.

9

10 (f) Any person aggrieved by a public servant due to a
11 violation of this section, including but not limited to
12 requiring a person to take unpaid leave from their
13 employment due to not abiding by a COVID-19 vaccine
14 mandate, shall have the ability to file a cause of action
15 against that public servant.

16

17 (g) Any federal official, agent, contractor or
18 employee of the United States who enforces or attempts to
19 enforce any act, order, law, statute, rule or regulation of
20 the United States government regarding COVID-19
21 vaccinations or any other form of preventative treatment,
22 which includes but is not limited to a nasal spray, pill or
23 tablet, shall be guilty of a misdemeanor and, upon

1 conviction, shall be punishable by imprisonment for not
2 more than one (1) year, a fine of not more than ten million
3 dollars (\$10,000,000.00), or both.

4

5 **Section 2.** W.S. 1-20-110(a)(i) through (iii) and (v),
6 9-3-426(a)(ii), 9-3-620(a), 9-3-712(a), 15-5-209(a),
7 15-5-313(c) and 15-5-422(a) are amended to read:

8

9 **1-20-110. Exemption for retirement funds and**
10 **accounts.**

11

12 (a) The following are exempt from execution,
13 attachment, garnishment or any other legal process:

14

15 (i) The interest of an individual or beneficiary
16 in a retirement plan, except as provided by W.S.
17 6-5-119(e)(ii);

18

19 (ii) Money or other assets payable to an
20 individual from a retirement plan, except as provided by
21 W.S. 6-5-119(e)(ii);

22

1 (iii) The interest of a beneficiary in a
2 retirement plan if the beneficiary acquired the interest as
3 the result of the death of an individual, except as
4 provided by W.S. 6-5-119(e)(ii). The beneficiary's interest
5 is exempt to the same extent that the individual's interest
6 was exempt immediately before the death of the individual;

7
8 (v) Money or other assets payable to a
9 beneficiary from a retirement plan if the beneficiary
10 acquired the money or other assets as the result of the
11 death of an individual, except as provided by W.S.
12 6-5-119(e)(ii). The beneficiary's interest is exempt to the
13 same extent that the individual's interest in the money or
14 other assets was exempt immediately before the death of the
15 individual.

16
17 **9-3-426. Benefits, allowances and contents of account**
18 **exempt from taxation and not subject to execution or**
19 **attachment except as specified; assignment limited;**
20 **qualified domestic relations order; system assets.**

21
22 (a) The benefits and allowances and the cash and
23 securities in the account created by this article:

1

2 (ii) Are not subject to execution or attachment
3 by trustee process or otherwise, in law or equity, or under
4 any other process whatsoever, except as provided by W.S.
5 6-5-119(e)(ii);

6

7 **9-3-620. Exemption of benefits from state and local**
8 **taxes, execution and attachment except as specified;**
9 **benefits paid under qualified domestic relations order.**

10

11 (a) Benefits and allowances set forth under this
12 article are exempt from any state, county or municipal tax
13 and are not subject to execution or attachment by trustee
14 process or otherwise, in law or equity, or under any other
15 process, except as provided by W.S. 6-5-119(e)(ii), and are
16 not assignable except as specially provided in this
17 article.

18

19 **9-3-712. Exemption of benefits from state and local**
20 **taxes, execution and attachment except as specified;**
21 **benefits paid under qualified domestic relations order.**

22

1 (a) Benefits and allowances set forth under this
2 article are exempt from any state, county or municipal tax
3 and are not subject to execution or attachment by trustee
4 process or otherwise, in law or equity, or under any other
5 process, except as provided by W.S. 6-5-119(e)(ii), and are
6 not assignable except as specially provided in this
7 article.

8

9 **15-5-209. Payments; when and how made; protections;**
10 **nonassignability; qualified domestic relations order.**

11

12 (a) Payments made under this article shall be made to
13 the beneficiaries on or before the fifth day of each month
14 and shall be made by voucher approved by the board or its
15 designee drawn against the firemen's pension account and
16 paid by the board out of the account. No payments made
17 under this article are subject to judgment, attachment,
18 execution, garnishment or other legal process, except as
19 provided by W.S. 6-5-119(e)(ii), and are not assignable nor
20 shall the board recognize any assignment nor pay over any
21 sum assigned.

22

1 **15-5-313. Pension application; when payments made and**
2 **benefits suspended; pension protections.**

3

4 (c) The cash and securities while in the account
5 created by this article are exempt from any state, county
6 or municipal tax of this state, and are not subject to
7 execution or attachment by trustee process or otherwise, in
8 law or equity, or under any other process whatsoever,
9 except as provided by W.S. 6-5-119(e)(ii), and are not
10 assignable.

11

12 **15-5-422. Payments; when and how made; protections;**
13 **nonassignability; qualified domestic relations order.**

14

15 (a) Payments made under this article shall be made to
16 the beneficiaries on or before the fifth day of each month.
17 Payments shall be made by voucher drawn against the
18 firemen's pension account and paid by the state auditor out
19 of the account or using an appropriate alternative method
20 approved by the state auditor. No payments made under this
21 article are subject to judgment, attachment, execution,
22 garnishment or other legal process, except as provided by
23 W.S. 6-5-119(e)(ii), and are not assignable nor shall the

1 board recognize any assignment nor pay over any sum
2 assigned.

3

4 **Section 3.** This act is effective immediately upon
5 completion of all acts necessary for a bill to become law
6 as provided by Article 4, Section 8 of the Wyoming
7 Constitution.

8

9

(END)