SENATE FILE NO. SF1020

Penalties for mandating COVID-19 vaccinations.

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

A BILL

for

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

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

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

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

(a) As used in this section:
(i) "COVID-19 vaccine" or "COVID-19 vaccination" means any vaccine that is marketed to prevent COVID-19 or any vaccine that is marketed to diminish or decrease the symptoms of COVID-19;

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

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

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

(b) No public servant shall enforce or attempt to enforce any act, order, law, statute, rule or regulation of the United States government regarding mandating COVID-19
vaccinations or mandating the use or prohibition of any
other form of COVID-19 preventative treatment that includes
but is not limited to a nasal spray, pill or tablet.

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

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

(e) In addition to the criminal penalties in
subsection (d) of this section, a public servant who
violates subsection (b) or (c) of this section shall be:
(i) Terminated from his employment or removed from his office and shall no longer qualify for employment by any public entity in Wyoming;

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

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

(g) Any federal official, agent, contractor or employee of the United States who enforces or attempts to enforce any act, order, law, statute, rule or regulation of the United States government regarding COVID-19 vaccinations or any other form of preventative treatment, which includes but is not limited to a nasal spray, pill or tablet, shall be guilty of a misdemeanor and, upon
conviction, shall be punishable by imprisonment for not more than one (1) year, a fine of not more than ten million dollars ($10,000,000.00), or both.

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

1-20-110. Exemption for retirement funds and accounts.

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

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

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

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

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

(a) The benefits and allowances and the cash and securities in the account created by this article:
(ii) Are not subject to execution or attachment by trustee process or otherwise, in law or equity, or under any other process whatsoever, except as provided by W.S. 6-5-119(e)(ii);

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

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

9-3-712. Exemption of benefits from state and local taxes, execution and attachment except as specified; benefits paid under qualified domestic relations order.
(a) Benefits and allowances set forth under this article are exempt from any state, county or municipal tax and are not subject to execution or attachment by trustee process or otherwise, in law or equity, or under any other process, except as provided by W.S. 6-5-119(e)(ii), and are not assignable except as specially provided in this article.

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

(a) Payments made under this article shall be made to the beneficiaries on or before the fifth day of each month and shall be made by voucher approved by the board or its designee drawn against the firemen's pension account and paid by the board out of the account. No payments made under this article are subject to judgment, attachment, execution, garnishment or other legal process, except as provided by W.S. 6-5-119(e)(ii), and are not assignable nor shall the board recognize any assignment nor pay over any sum assigned.
15-5-313. Pension application; when payments made and benefits suspended; pension protections.

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

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

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

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

(END)