

ENROLLED ACT NO. 55, SENATE

SIXTY-EIGHTH LEGISLATURE OF THE STATE OF WYOMING
2025 GENERAL SESSION

AN ACT relating to crimes and offenses; providing an affirmative defense for use of force to protect military equipment; extending immunity for civil or criminal liability for acts committed in the performance of necessary duties to state security officers employed by the military department; providing a definition; specifying applicability; and providing for an effective date.

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

Section 1. W.S. 6-2-603 is created to read:

6-2-603. Use of force in defense of military equipment.

A state security officer as defined by W.S. 19-7-101(a)(xiii), a member of the armed forces or a member of the Wyoming national guard in active state service as defined by W.S. 19-7-101(a)(v) who is on official duty defending military equipment is privileged to use reasonable force as necessary to defend military equipment, including deadly force as defined by W.S. 6-2-602(g)(iii), in accordance with published military regulations and doctrine regarding the use of force.

Section 2. W.S. 19-7-101(a) by creating a new paragraph (xiii) and 19-9-401(c)(intro) are amended to read:

19-7-101. Definitions.

(a) As used in this act:

(xiii) "State security officer" means a person employed by the military department whose primary duties

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include being armed and securing military assets controlled by the military department.

19-9-401. National Guard members and state security officers granted certain exemptions.

(c) No member of the Wyoming national guard in active state service or a state security officer shall incur any personal liability, civil or criminal, by reason of acts committed in the performance of his necessary duties incident to service under orders of the governor or any lawful superior if the acts are not palpably illegal, excessively violent or malicious. If any civil action is brought against a member or state security officer by reason of an act or acts committed in the performance of his necessary duties, he is entitled to legal counsel to assist in his defense at state expense. Legal counsel for such purposes may be chosen by the guardsman or state security officer subject to approval by the Wyoming attorney general and legal fees incurred shall be approved by either:

Section 3. The affirmative defense created by section 1 of this act shall be available as an affirmative defense to conduct occurring on and after the effective date of this act.

ORIGINAL SENATE
FILE NO. SF0026

ENGROSSED

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Section 4. 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)

Speaker of the House

President of the Senate

Governor

TIME APPROVED: _____

DATE APPROVED: _____

I hereby certify that this act originated in the Senate.

Chief Clerk