

HOUSE BILL NO. HB0053

Governmental claims-negligent investigations.

Sponsored by: Joint Judiciary Interim Committee

A BILL

for

1 AN ACT relating to governmental claims; specifying that
2 governmental entities are not liable for damages to
3 criminal suspects for the negligent investigations of peace
4 officers acting within the scope of their official duties;
5 providing legislative intent; specifying applicability; and
6 providing for an effective date.

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

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10 **Section 1.** W.S. 1-39-112 is amended to read:

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12 **1-39-112. Liability; peace officers.**

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14 (a) Except as provided in subsection (b) of this
15 section, a governmental entity is liable for damages

1 resulting from tortious conduct of peace officers while
2 acting within the scope of their duties.

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4 (b) No governmental entity shall be liable for
5 damages to a criminal suspect resulting from a peace
6 officer's negligent investigation while acting within the
7 scope of the peace officer's duties.

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9 **Section 2.** The legislature recognizes the inherent
10 challenges that peace officers will face when investigating
11 criminal offenses while owing a duty of care to suspects of
12 criminal offenses to conduct a criminal investigation in a
13 non-negligent manner. This act is intended to abrogate the
14 opinion and holding of the Wyoming supreme court in
15 Palm-Egle v. Briggs, 2024 WY 31, 545 P.3d 828 (Wyo. 2024)
16 and provide that governmental entities shall not be liable
17 to criminal suspects for damages resulting from peace
18 officers negligently investigating crimes within the scope
19 of their duties.

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21 **Section 3.** This act applies to all claims under the
22 Wyoming Governmental Claims Act that are based on a
23 transaction or occurrence that occurs on and after the

1 effective date of this act. For purposes of this section, a
2 "transaction" includes an act, error or omission.

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4 **Section 4.** 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)