

HOUSE BILL NO. HB0114

Protecting religious assembly in states of emergency act.

Sponsored by: Representative(s) Smith, S and Senator(s)
Hutchings

A BILL

for

1 AN ACT relating to public health and safety; requiring
2 rules enacted during public health emergencies to provide
3 exemptions for religious assembly as specified; providing
4 for enforcement and remedies; authorizing a cause of
5 action; providing exceptions to the Wyoming Governmental
6 Claims Act; making conforming amendments; and providing for
7 an effective date.

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

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11 **Section 1.** W.S. 35-4-116 is created to read:

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13 **35-4-116. Public health emergencies; religious**
14 **assembly exemptions.**

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1 (a) For any order, rule, regulation, policy or
2 directive issued during a public health emergency as
3 defined by W.S. 35-4-115(a)(i) that requires the closure of
4 or otherwise limits a business or other entity from
5 remaining open and that exempts, in whole or in part, any
6 business or entity from those closure requirements or
7 limitations, the order, rule, regulation, policy or
8 directive shall provide the same exemption to:

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10 (i) Any place of worship qualifying as an exempt
11 organization for religious purposes under section 501(c)(3)
12 of the federal Internal Revenue Code;

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14 (ii) Churches, their integrated auxiliaries and
15 conventions or associations of churches;

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17 (iii) Any gathering for religious assembly in
18 any place otherwise open for religious assembly, including
19 those taking place in private residences and public places.

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21 (b) This section shall be construed to afford to
22 religious institutions, places of worship and religious
23 assemblies the same degree of freedom to meet during public

1 health emergencies as is afforded to any business or entity
2 that is exempted from closure requirements implemented
3 during a public health emergency.

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5 (c) Any person aggrieved by a violation of this
6 section may bring a civil action for relief in any court of
7 competent jurisdiction. A court may, for an act or practice
8 that violates this section:

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10 (i) Award damages, costs and attorney fees;

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12 (ii) Issue a declaratory judgment for or enjoin
13 an act or practice that violates this section;

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15 (iii) Award exemplary or punitive damages, if
16 the act or practice that violates this section was wanton
17 or malicious.

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19 **Section 2.** W.S. 1-39-104(a), 1-39-118(d) and
20 1-42-202(f) are amended to read:

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22 **1-39-104. Granting immunity from tort liability;**
23 **liability on contracts; exceptions.**

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2 (a) A governmental entity and its public employees
3 while acting within the scope of duties are granted
4 immunity from liability for any tort except as provided by
5 W.S. 1-39-105 through 1-39-112, 1-39-122, ~~and 1-39-123~~ and
6 35-4-116. Any immunity in actions based on a contract
7 entered into by a governmental entity is waived except to
8 the extent provided by the contract if the contract was
9 within the powers granted to the entity and was properly
10 executed and except as provided in W.S. 1-39-120(b). The
11 claims procedures of W.S. 1-39-113 apply to contractual
12 claims against governmental entities.

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14 **1-39-118. Maximum liability; insurance authorized.**

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16 (d) Except as provided by W.S. 35-4-116, no judgment
17 against a governmental entity shall include an award for
18 exemplary or punitive damages, for interest prior to
19 judgments or for attorney's fees.

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21 **1-42-202. Local government self-insurance program;**
22 **creation; authorized payments.**

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1 (f) Notwithstanding any other provision of this act
2 and except as provided by W.S. 35-4-116, no expenditure
3 shall be made from the program in any action to pay any
4 claim or final judgment for exemplary or punitive damages.

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

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11

(END)