

ENROLLED ACT NO. 33, SENATE

SIXTY-EIGHTH LEGISLATURE OF THE STATE OF WYOMING
2026 BUDGET SESSION

AN ACT relating to criminal procedure; authorizing the department of health to enter into contracts with detention centers for holding and treating mentally ill detainees before a competency evaluation or restoration; amending the Wyoming Governmental Claims Act; providing immunity for persons providing competency evaluations or restoration services as specified; amending definitions; providing an appropriation; making conforming amendments; requiring reports; and providing for an effective date.

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

Section 1. W.S. 7-11-308 is created to read:

7-11-308. Duties of the department of health as to designated facilities other than the state hospital.

The department of health may designate county detention facilities as qualified to provide security, examination or treatment to accused persons under this act and enter into contracts with those designated facilities for the security, examination or treatment of accused persons under this act. The department may enter into contracts with counties under this section.

Section 2. W.S. 1-39-103(a)(iv) by creating a new subparagraph (J), 1-39-109(a), 1-39-110(a) and 7-11-301(a)(ii) and (iv) are amended to read:

1-39-103. Definitions.

(a) As used in this act:

(iv) "Public employee":

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(J) Includes persons employed by or contracted with facilities as defined by W.S. 7-11-301(a)(ii) that provide security, examination or treatment of accused persons housed in county detention facilities under W.S. 7-11-308.

1-39-109. Liability; medical facilities.

(a) Except as provided in subsection (b) of this section and except for services provided under W.S. 7-11-308, a governmental entity is liable for damages resulting from bodily injury, wrongful death or property damage caused by the negligence of public employees while acting within the scope of their duties in the operation of any public hospital or in providing public outpatient health care.

1-39-110. Liability; health care providers.

(a) Except for services provided under W.S. 7-11-308, a governmental entity is liable for damages resulting from bodily injury, wrongful death or property damage caused by the medical malpractice of health care providers who are employees of the governmental entity, including contract physicians, physician assistants, nurses, optometrists and dentists who are providing a service for state institutions or county jails, while acting within the scope of their duties.

7-11-301. Definitions.

(a) As used in this act:

(ii) "Facility" means the Wyoming state hospital or other facility designated by the court ~~which~~ or the

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department of health that can adequately provide for the security, examination or treatment of the accused. A "facility" shall include a county jail that is subject to a written contractual agreement under W.S. 7-11-308;

(iv) "This act" means W.S. 7-11-301 through ~~7-11-307~~ 7-11-308.

Section 3. There is appropriated five million dollars (\$5,000,000.00) from the general fund to the department of health for purposes of implementing this act. This appropriation shall be for the period beginning July 1, 2026 and ending June 30, 2028. This appropriation shall not be transferred or expended for any other purpose and any unexpended, unobligated funds remaining from this appropriation shall revert as provided by law on June 30, 2028. This general fund appropriation shall decrease by one dollar (\$1.00) for every one dollar (\$1.00) of funds appropriated in 2026 House Bill 0001 or 2026 Senate File 0001, as enacted into law, for this purpose. It is the intent of the legislature that this appropriation be included in the standard budget of the department of health for the immediately succeeding fiscal biennium.

Section 4. The department of health shall report to the joint judiciary interim committee by October 1, 2027 on the designation of county detention facilities and the utilization and implementation of contracts with those facilities as authorized under W.S. 7-11-308, created by this act.

ORIGINAL SENATE
FILE NO. SF0010

ENGROSSED

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Section 5. This act is effective July 1, 2026.

(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