

**DRAFT ONLY  
NOT APPROVED FOR  
INTRODUCTION**

HOUSE BILL NO.

Protection orders-effective during appeal or review.

Sponsored by: Joint Judiciary Interim Committee

A BILL

for

1 AN ACT relating to protection orders; specifying the  
2 applicability of stalking, sexual assault and domestic  
3 violence protection orders during appeal or review; and  
4 providing for an effective date.

5

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

7

8 **Section 1.** W.S. 7-3-510 by creating a new subsection  
9 (e) and 35-21-106 by creating a new subsection (f) are  
10 amended to read:

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12 **7-3-510. Service of order; duration and extension of**  
13 **order; violation; remedies not exclusive.**



1 circuit court may be appealed to the district courts and  
2 thereafter to the Wyoming supreme court only if the supreme  
3 court grants a writ of certiorari agreeing to hear the  
4 appeal."); Saunders v. Hornecker, 2015 WY 34, ¶ 12 n.2, 344  
5 P.3d 771, 775 n.2 (Wyo. 2015) ("All applications to the  
6 supreme court for interlocutory or extraordinary relief  
7 from orders of the district courts, including such  
8 applications as are established by statute (e.g., Wyo.  
9 Stat. 5-2-119 and 7-14-107), may be made as petitions for a  
10 writ of review."); Kittles v. Rocky Mountain Recovery,  
11 Inc., 1 P.3d 1220, 1222 (Wyo. 2000) ("[W]hen an appeal is  
12 taken to a district court from an order of a [circuit  
13 court], review of the district court's order comes to this  
14 Court, not as a notice of appeal, but as a petition for  
15 writ of review pursuant to W.R.A.P. 13.").

16  
17 In addition, it should be noted that this bill draft does  
18 not limit the authority of courts to issue stays during the  
19 pendency of appeal or review. Prohibiting courts from  
20 issuing stays during the pendency of appeal or review could  
21 raise separation of powers questions by interfering with  
22 the authority of the Wyoming Supreme Court to prescribe  
23 rules regarding procedural matters in the courts. See Wyo.  
24 Const. art. 2, § 1 ("The powers of the government of this  
25 state are divided into three distinct departments: The  
26 legislative, executive and judicial, and no person or  
27 collection of persons charged with the exercise of powers  
28 properly belonging to one of these departments shall  
29 exercise any powers properly belonging to either of the  
30 others, except as in this constitution expressly directed  
31 or permitted."); Wyo. Const. art. 5, § 2 ("The supreme  
32 court shall have general appellate jurisdiction, co-  
33 extensive with the state, in both civil and criminal  
34 causes, and shall have a general superintending control  
35 over all inferior courts, under such rules and regulations  
36 as may be prescribed by law."); Squillace v. Kelley, 990  
37 P.2d 497 (Wyo. 1999) (holding that a statute was  
38 unconstitutional because it interfered with the authority  
39 of the Wyoming Supreme Court over procedural matters in the  
40 courts).

41  
42 Furthermore, "it is generally recognized that courts have  
43 inherent power to stay an action." TEP Rocky Mt. Ltd. Liab.  
44 Co. v. Record TJ Ranch Ltd. P'ship, 2022 WY 105, ¶ 58, 516  
45 P.3d 459, 477 (Wyo. 2022). See also Khan v. Khan, 2023 IL

1 App (1st) 230840-U, ¶¶ 20-21 (stating that the statute in  
 2 question did not, and could not, limit a court's inherent  
 3 authority to stay an action); Rachel M. Weldon, LPC v. Bd.  
 4 of Licensed Prof'l Counselors & Therapists, 353 Or. 85,  
 5 101, 293 P.3d 1023, 1032 (2012) ("Because we decide that  
 6 the legislature did not intend to deprive courts of their  
 7 inherent authority to issue stays when it enacted ORS  
 8 676.210, we need not decide whether that statute violates  
 9 the separation of powers under Article III, section 1, of  
 10 the Oregon Constitution.").

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15 Section 2. This act is effective July 1, 2025.

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17 (END)