

**DRAFT ONLY  
NOT APPROVED FOR  
INTRODUCTION**

HOUSE BILL NO. [BILL NUMBER]

Protection of military equipment.

Sponsored by: Joint Transportation, Highways & Military  
Affairs Interim Committee

A BILL

for

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

8

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

10

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

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2 \*\*\*\*\*

3 STAFF COMMENT

4 This bill draft is based on Montana statute 45-3-116 as  
5 requested by the Committee at its June meeting. The bill  
6 draft does not contain the following provision from the  
7 Montana statute:

8

9 (2) The servicing staff judge advocate shall provide a  
10 briefing on the rules for the use of force to members of  
11 the armed forces and members of the national guard prior to  
12 defending military equipment. The failure of a member of  
13 the armed forces or a member of the national guard to  
14 receive a briefing on the rules for the use of force,  
15 through no fault of the individual member, does not  
16 preclude the individual member from asserting the  
17 privilege.

18

19 There is no similar Wyoming statute that requires a  
20 briefing about the law before a legal defense is available  
21 to a defendant. Requiring a briefing may raise  
22 constitutional equal protection concerns. For example,  
23 person A who commits a crime defending military equipment,  
24 who receives a briefing, is entitled to assert the defense  
25 but person B who commits the same crime defending military  
26 equipment, who did not receive a briefing is not entitled  
27 to assert the defense unless it is no fault of person B.

28 \*\*\*\*\*

29 \*\*\*\*\*

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31 6-2-603. Use of force in defense of military  
32 equipment.

33

34 A state security officer as defined by W.S. 19-7-  
35 101(a)(xiii), a member of the armed forces or a member of  
36 the Wyoming national guard in active state service as  
37 defined by W.S. 19-7-101(a)(v) who is on official duty

1 defending military equipment is privileged to use  
 2 reasonable force as necessary to defend military equipment,  
 3 including deadly force as defined by W.S. 6-2-602(g)(iii),  
 4 in accordance with the requirements of this section and  
 5 published military regulations and doctrine regarding the  
 6 use of force.

7

8 \*\*\*\*\*  
 9 \*\*\*\*\*

10 STAFF COMMENT

11 The Committee may wish to consider providing a definition  
 12 of "military equipment." The Montana statute that this bill  
 13 draft is based on does not include a definition of  
 14 "military equipment." Other states define military  
 15 equipment in other contexts including for funding as  
 16 follows:

- 17 • California (Cal.Gov. Code § 7070(c)).
  - 18 ○ (c) "Military equipment" means the following:
    - 19 ▪ (1) Unmanned, remotely piloted, powered
    - 20 aerial or ground vehicles.
    - 21 ▪ (2) Mine-resistant ambush-protected (MRAP)
    - 22 vehicles or armored personnel carriers.
    - 23 However, police versions of standard
    - 24 consumer vehicles are specifically excluded
    - 25 from this subdivision.
    - 26 ▪ (3) High mobility multipurpose wheeled
    - 27 vehicles (HMMWV), commonly referred to as
    - 28 Humvees, two and one-half-ton trucks, five-
    - 29 ton trucks, or wheeled vehicles that have a
    - 30 breaching or entry apparatus attached.
    - 31 However, unarmored all-terrain vehicles
    - 32 (ATVs) and motorized dirt bikes are
    - 33 specifically excluded from this subdivision.
    - 34 ▪ (4) Tracked armored vehicles that provide
    - 35 ballistic protection to their occupants and
    - 36 utilize a tracked system instead of wheels
    - 37 for forward motion.

- 1           ▪ (5) Command and control vehicles that are  
2           either built or modified to facilitate the  
3           operational control and direction of public  
4           safety units.
- 5           ▪ (6) Weaponized aircraft, vessels, or  
6           vehicles of any kind.
- 7           ▪ (7) Battering rams, slugs, and breaching  
8           apparatuses that are explosive in nature.  
9           However, items designed to remove a lock,  
10          such as bolt cutters, or a handheld ram  
11          designed to be operated by one person, are  
12          specifically excluded from this subdivision.
- 13          ▪ (8) Firearms of .50 caliber or greater.  
14          However, standard issue shotguns are  
15          specifically excluded from this subdivision.
- 16          ▪ (9) Ammunition of .50 caliber or greater.  
17          However, standard issue shotgun ammunition  
18          is specifically excluded from this  
19          subdivision.
- 20          ▪ (10) Specialized firearms and ammunition of  
21          less than .50 caliber, including assault  
22          weapons as defined in Sections 30510 and  
23          30515 of the Penal Code, with the exception  
24          of standard issue service weapons and  
25          ammunition of less than .50 caliber that are  
26          issued to officers, agents, or employees of  
27          a law enforcement agency or a state agency.
- 28          ▪ (11) Any firearm or firearm accessory that  
29          is designed to launch explosive projectiles.
- 30          ▪ (12) "Flashbang" grenades and explosive  
31          breaching tools, "tear gas," and "pepper  
32          balls," excluding standard, service-issued  
33          handheld pepper spray.
- 34          ▪ (13) Taser Shockwave, microwave weapons,  
35          water cannons, and the Long Range Acoustic  
36          Device (LRAD).
- 37          ▪ (14) The following projectile launch  
38          platforms and their associated munitions:  
39          40mm projectile launchers, "bean bag,"  
40          rubber bullet, and specialty impact munition  
41          (SIM) weapons.
- 42          ▪ (15) Any other equipment as determined by a  
43          governing body or a state agency to require  
44          additional oversight.

- 1                   ▪ (16) Notwithstanding paragraphs (1) through
- 2                               (15), "military equipment" does not include
- 3                               general equipment not designated as
- 4                               prohibited or controlled by the federal
- 5                               Defense Logistics Agency.
- 6       • Pennsylvania (72 Pa. Cons. Stat. § 3837.2)
- 7           ○ Military equipment means "weapons, arms, military
- 8                       supplies and equipment that may be used readily
- 9                       for military purposes, including, but not limited
- 10                      to, radar systems or military-grade transport
- 11                      vehicles. This term shall also include supplies
- 12                      or services sold or provided directly or
- 13                      indirectly to any force actively participating in
- 14                      armed conflict in Sudan."
- 15       • Washington (Wash. Rev. Code § 10.116.040)
- 16           ○ Military equipment means "rifles of .50 caliber
- 17                       or greater, machine guns, armed helicopters,
- 18                       armed or armored drones, armed vessels, armed
- 19                       vehicles, armed aircraft, tanks, long range
- 20                       acoustic hailing devices, rockets, rocket
- 21                       launchers, bayonets, grenades, missiles, directed
- 22                       energy systems, and electromagnetic spectrum
- 23                       weapons."
- 24       \*\*\*\*\*
- 25                       \*\*\*\*\*
- 26

27           **Section 2.**     W.S. 19-7-101(a) by creating a new

28 paragraph (xiii) and 19-9-401(c)(intro) are amended to

29 read:

31           **19-7-101. Definitions.**

33           (a) As used in this act:

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1           (xiii) "State security officer" means a person  
2 employed by the military department whose primary duties  
3 include being armed and securing military assets controlled  
4 by the military department.

5  
6           **19-9-401. National Guard members granted certain**  
7 **exemptions.**

8  
9           (c) No member of the Wyoming national guard in active  
10 state service or a state security officer shall incur any  
11 personal liability, civil or criminal, by reason of acts  
12 committed in the performance of his necessary duties  
13 incident to service under orders of the governor or any  
14 lawful superior if the acts are not palpably illegal,  
15 excessively violent or malicious. If any civil action is  
16 brought against a member or state security officer by  
17 reason of an act or acts committed in the performance of  
18 his necessary duties, he is entitled to legal counsel to  
19 assist in his defense at state expense. Legal counsel for  
20 such purposes may be chosen by the guardsman or state  
21 security officer subject to approval by the Wyoming  
22 attorney general and legal fees incurred shall be approved  
23 by either:

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2           **Section 3.** The affirmative defense created by section  
3 1 of this act shall be available as an affirmative defense  
4 to conduct occurring on and after July 1, 2025.

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6           **Section 4.** This act is effective July 1, 2025.

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8

(END)