

**DRAFT ONLY
NOT APPROVED FOR
INTRODUCTION**

HOUSE BILL NO.

Protection of nuclear reactors.

Sponsored by: Joint Minerals, Business & Economic
Development Interim Committee

A BILL

for

1 AN ACT relating to crimes and offenses; providing an
2 affirmative defense for the use of defensive force for the
3 protection or defense of nuclear facilities; providing
4 definitions; establishing an offense of trespass on
5 commercial nuclear generating facilities; specifying
6 penalties; providing armed nuclear facility security guards
7 the authority to detain persons as specified; and providing
8 for an effective date.

9

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

11

1 **Section 1.** W.S. 6-2-604 and 6-3-308 are created to
2 read:

3

4 **6-2-604. Use of force in defense of nuclear**
5 **facilities; definitions; detention authority.**

6

7 (a) As used in this section:

8

9 (i) "Armed nuclear security guard" means a person
10 who is:

11

12 (A) Employed by or contracted with a nuclear
13 power reactor that is licensed by the United States nuclear
14 regulatory commission and is located at a commercial
15 nuclear generating station; and

16

17 (B) Employed or contracted as part of the
18 security plan approved by the United States nuclear
19 regulatory commission and who meets the requirements
20 mandated by the commission for carrying a firearm.

21

22 (ii) "Commercial nuclear generating station"
23 means a facility that is owned by any person except for the

1 United States nuclear regulatory commission and that
2 produces electricity by means of a nuclear reactor under a
3 license issued by the United States nuclear regulatory
4 commission. "Commercial nuclear generating station"
5 includes the property on which the generating station is
6 located and any other structure and fencing associated with
7 the generating station;

8
9 (iii) "Enter" means the intrusion of any part of
10 any instrument or any part of a person's body, no matter
11 how slight, on or inside of a commercial nuclear generating
12 station;

13
14 (iv) "Entering or remaining unlawfully" means an
15 act by a person who enters or remains in or on a commercial
16 nuclear generating station or a structure or fencing of a
17 commercial nuclear generating station if that person's
18 intent for entering or remaining is not licensed,
19 authorized or otherwise privileged;

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23 STAFF COMMENT

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1 -The Committee may wish to consider whether a definition of
2 "enter" or "enter or remaining unlawfully" is necessary.
3 Generally, the Wyoming Supreme Court would interpret
4 "enter" based on its plain-language meaning. See Anderson
5 v. State, 2023 WY 65, ¶ 12, 531 P.3d 912, 915 (Wyo. 2023).
6

7 The term "enters" is used in both Wyoming's burglary and
8 criminal entry statutes. W.S. 6-3-301 and 6-3-302. In both
9 instances, the term is not defined.

10
11 -The Committee may also wish to consider defining "deadly
12 force" for purposes of this section; that term is already
13 defined in Wyoming's self-defense law:
14

15 6-2-602. Use of force in self defense; no duty to
16 retreat.
17

18 (g) As used in this section:
19

20 (iii) "Deadly force" means force that is
21 intended or likely to cause death or serious bodily injury.
22

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26 (v) "Exclusion area" means the area of a
27 commercial nuclear generating station in which a United
28 States nuclear regulatory commission licensee has the
29 authority to determine all activities, including the
30 exclusion or removal of property and personnel from the
31 area;
32

33 (vi) "Protected area" means the area of a
34 commercial nuclear generating station within the exclusion
35 area that is encompassed by physical barriers;

1

2 (vii) "Structure and fencing" means any
3 structure, fenced yard, wall, building or other similar
4 barrier or combination thereof that surrounds a commercial
5 nuclear generating station and that is posted with signage
6 stating that it is a felony to trespass at the commercial
7 nuclear generating station.

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11 STAFF COMMENT

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13 The language provided to the Committee at the May meeting
14 uses the term "physical force" when describing the force an
15 armed guard at a nuclear generation facility may use. To be
16 consistent with Wyoming's law governing self-defense, the
17 term "defensive force" is used throughout this bill draft.

18

19 Similarly, the term "privileged" has been used elsewhere in
20 Wyoming law concerning the use of defensive force; that
21 term is used in this bill draft instead of the term
22 "justified."

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27 (b) An armed nuclear security guard is privileged to
28 use defensive force against another person at a commercial
29 nuclear generating station if the guard reasonably believes
30 that the defensive force is necessary to prevent or
31 terminate the commission of a burglary under W.S. 6-3-301,

1 criminal entry under W.S. 6-3-302, criminal trespass under
2 W.S. 6-3-303 or criminal trespass at a commercial nuclear
3 generating station under 6-3-308 within or upon a protected
4 area.

5

6 (c) An armed nuclear security guard is privileged to
7 use defensive force, including deadly force, against
8 another person at a commercial nuclear generating station
9 if the guard reasonably believes that defensive force or
10 deadly force is necessary to:

11

12 (i) Prevent the commission of a murder,
13 manslaughter, aggravated assault, kidnapping, burglary,
14 criminal entry, arson or robbery within or upon a protected
15 area;

16

17 (ii) Prevent acts of radiological sabotage or the
18 theft or diversion of special nuclear material within or
19 upon a protected area under a security plan approved by the
20 United States nuclear regulatory commission;

21

1 (iii) Defend against the use or imminent use of
2 deadly force against the guard or other person within or
3 upon a protected area.

4
5 (d) Notwithstanding any other provision of this
6 section, an armed nuclear security guard is privileged to
7 threaten to use defensive force, including deadly force, if
8 and to the extent that a reasonable armed nuclear security
9 guard believes that the force is necessary to protect the
10 guard or others against another person's potential use of
11 force or deadly force within or upon a protected area.

12
13 (e) An armed nuclear security guard using defensive
14 force, including deadly force, in accordance with this
15 section shall not be liable under civil or criminal law for
16 engaging in conduct that is privileged under this section.

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19 *****
20 STAFF COMMENT
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22 The Committee may wish to consider modeling the use-of-
23 force language in subsections (b) through (e) on the
24 language adopted in the 2025 General Session for the use of
25 force in protection of military equipment:

26
27 6-2-603. Use of force in defense of military
28 equipment.

1
2 A state security officer as defined by W.S. 19-7-
3 101(a)(xiii), a member of the armed forces or a member of
4 the Wyoming national guard in active state service as
5 defined by W.S. 19-7-101(a)(v) who is on official duty
6 defending military equipment is privileged to use
7 reasonable force as necessary to defend military equipment,
8 including deadly force as defined by W.S. 6-2-602(g)(iii),
9 in accordance with published military regulations and
10 doctrine regarding the use of force.

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15 (f) An armed nuclear security guard, acting upon
16 reasonable belief, may detain a person in or at a
17 commercial nuclear generating station in a reasonable
18 manner and for a reasonable time if the person is suspected
19 of committing or attempting to commit any of the offenses
20 specified in subsection (b) and paragraph (c)(i) of this
21 section for purposes of summoning law enforcement.

22
23 (g) For purposes of subsection (f) of this section, an
24 armed nuclear security guard's reasonable belief to detain
25 a person under subsection (f) of this section shall
26 constitute an affirmative defense in any civil or criminal
27 action against the armed nuclear security guard, the
28 guard's employer or the owner of the commercial nuclear
29 generating facility where the guard was employed for false

1 arrest, false imprisonment, unlawful imprisonment or
2 unlawful detention.

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6 STAFF COMMENT

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8 The Committee may wish to consider modeling the language of
9 subsections (f) and (g) above on W.S. 6-3-405, which
10 provides the process by which persons suspected of
11 shoplifting may be detained and the defense to liability
12 available to those detaining suspected shoplifters.

13
14 6-3-405. Reasonable detention and interrogation of
15 persons suspected of shoplifting or altering price tag;
16 defense in civil or criminal action.

17
18 (a) A peace officer, merchant or merchant's employee
19 who has reasonable cause to believe a person is violating
20 W.S. 6-3-402 with regard to property offered for sale by a
21 wholesale or retail store may detain and interrogate the
22 person in regard to the suspected violation in a reasonable
23 manner and for a reasonable time.

24
25 (b) In a civil or criminal action for slander, false
26 arrest, false imprisonment, assault, battery or wrongful
27 detention based upon a detention and interrogation pursuant
28 to this section, it is a defense that the peace officer,
29 merchant or merchant's employee had reasonable cause to
30 believe the person was violating W.S. 6-3-402 with regard
31 to property offered for sale by a wholesale or retail store
32 and the detention and interrogation were conducted in a
33 reasonable manner and for a reasonable time.

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38 6-3-308. Criminal trespass at a commercial nuclear
39 generating station.

1

2 (a) The definitions of W.S. 6-2-604 shall apply to
3 this section.

4

5 (b) A person is guilty of criminal trespass at a
6 commercial nuclear generating station if the person
7 knowingly:

8

9 (i) Enters or remains unlawfully in or on a
10 commercial nuclear generating station; or

11

12 (ii) Enters or remains unlawfully within the
13 structure and fencing of a commercial nuclear generating
14 station.

15

16 (c) Criminal trespass at a commercial nuclear
17 generating facility is a felony punishable by imprisonment
18 for not more than five (5) years, a fine of not more than
19 one thousand dollars (\$1,000.00), or both.

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23 STAFF COMMENT

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1 The Committee may wish to consider whether amendments to
2 W.S. 6-1-204 (concerning immunity from civil action for the
3 justifiable use of force) and W.S. 6-2-504(b) (reckless
4 endangering) are necessary in light of the provisions of
5 this bill draft. Both sections are reproduced below:

6
7 **6-1-204. Immunity from civil action for justifiable**
8 **use of force; attorney fees.**
9

10 (a) Except as provided by W.S. 6-1-103(a), a person
11 who uses reasonable defensive force pursuant to W.S. 6-2-
12 602 is immune from civil action for the use of the force.

13
14 (b) In a civil action filed against a person related
15 to the person's use of defensive force, the person may file
16 a motion with the court asserting that the person used
17 reasonable defensive force under W.S. 6-2-602. Upon the
18 filing of the motion the court shall hold a hearing prior
19 to trial and shall grant the person's motion if he proves
20 by a preponderance of the evidence that he used reasonable
21 defensive force under W.S. 6-2-602.

22
23 (c) A court shall award reasonable attorney fees,
24 court costs, compensation for any loss of income and all
25 other expenses incurred by a person in defense of any civil
26 action arising from the person's use of reasonable
27 defensive force pursuant to W.S. 6-2-602 if the court finds
28 that the defendant is immune from civil action under
29 subsection (a) of this section.

30
31 **6-2-504. Reckless endangering; penalty.**
32

33 (a) A person is guilty of reckless endangering if he
34 recklessly engages in conduct which places another person
35 in danger of death or serious bodily injury.

36
37 (b) Any person who knowingly points a firearm at or
38 in the direction of another, whether or not the person
39 believes the firearm is loaded, is guilty of reckless
40 endangering unless reasonably necessary in defense of his
41 person, property or abode or to prevent serious bodily
42 injury to another or as provided for under W.S. 6-2-602.

43
44 (c) Reckless endangering is a misdemeanor punishable
45 by imprisonment for not more than one (1) year.

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Section 2. This act is effective July 1, 2026.

(END)