

**DRAFT ONLY
NOT APPROVED FOR
INTRODUCTION**

HOUSE BILL NO.

Anti-money laundering.

Sponsored by: Representative(s) Lien

A BILL

for

1 AN ACT relating to crimes and offenses; creating the
2 offenses of money laundering and illegal investments;
3 providing definitions; providing penalties; and providing
4 for an effective date.

5

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

7

8 **Section 1.** W.S. 6-3-1101 through 6-3-1103 are created
9 to read:

10 *****
11 *****
12 **STAFF COMMENT**
13 This bill draft is modeled on 2025 Senate File 0116, "Anti-
14 money laundering" with technical changes. Senate File 116
15 was originally modeled on New Jersey's Money Laundering and
16 Illegal Investment statute, N.J. Stat. § 2C:21-25.

1
2 As background, New Jersey's statute was enacted in 1999 in
3 response to the state's "profound and well documented
4 problem in preventing and detecting those who are involved
5 in the crime of money laundering" (30 Seton Hall Legis. J.
6 1, 3 (2005)). The statute was challenged as
7 unconstitutionally vague, among other things, in that it
8 criminalizes knowingly transporting property of unknown
9 origins. The federal district court held, and the United
10 States Third Circuit Court of Appeals affirmed, that the
11 statute was not unconstitutionally vague, as the challenged
12 provisions provided sufficient notice of prohibited conduct
13 and did not invite arbitrary enforcement. Amaya v. New
14 Jersey, 766 F. Supp. 2d 533, 540 (D.N.J. 2011), aff'd sub
15 nom., Kress v. New Jersey, 455 F. App'x 266 (3d Cir. 2011).

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18 ARTICLE 11

19 MONEY LAUNDERING AND ILLEGAL INVESTMENT

20
21 6-3-1101. Definitions.

22
23 (a) As used in this article:

24
25 (i) "Derived from" means obtained directly or
26 indirectly from, maintained by or realized through;

27
28 (ii) "Financial institution" includes a foreign
29 or domestic money transmitter or an authorized agent
30 thereof, casino, check casher, person engaged in a trade or
31 business or any other person required by state or federal

1 law to report regarding currency transactions or suspicious
2 transactions;

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5 STAFF COMMENT

6 The definition of "financial institution" broadly includes
7 persons "engaged in a trade or business". This could be
8 conformed to more closely match the Federal Bank Secrecy
9 Act (31 U.S. Code § 5312), which is included below. It
10 also references "casinos" which could be revised to include
11 persons operating under a license or permit issued by the
12 Wyoming gaming commission in lieu of or in addition to
13 casinos.

14
15 31 U.S. Code § 5312

16
17 (2) "financial institution" means—

18 (A) an insured bank (as defined in section
19 3(h) of the Federal Deposit Insurance Act (12
20 U.S.C. 1813(h)));

21 (B) a commercial bank or trust company;

22 (C) a private banker;

23 (D) an agency or branch of a foreign bank in
24 the United States;

25 (E) any credit union;

26 (F) a thrift institution;

27 (G) a broker or dealer registered with the
28 Securities and Exchange Commission under the
29 Securities Exchange Act of 1934 (15 U.S.C. 78a et
30 seq.); (H) a broker or dealer in securities or
31 commodities;

32 (I) an investment banker or investment
33 company;

34 (J) a currency exchange, or a business
35 engaged in the exchange of currency, funds, or
36 value that substitutes for currency or funds;

37 (K) an issuer, redeemer, or cashier of
38 travelers' checks, checks, money orders, or
39 similar instruments;

40 (L) an operator of a credit card system;

41 (M) an insurance company;

42 (N) a dealer in precious metals, stones, or
43 jewels;

1 (O) a pawnbroker;
2 (P) a loan or finance company;
3 (Q) a travel agency;
4 (R) a licensed sender of money or any other
5 person who engages as a business in the
6 transmission of currency, funds, or value that
7 substitutes for currency, including any person
8 who engages as a business in an informal money
9 transfer system or any network of people who
10 engage as a business in facilitating the transfer
11 of money domestically or internationally outside
12 of the conventional financial institutions
13 system;
14 (S) a telegraph company;
15 (T) a business engaged in vehicle sales,
16 including automobile, airplane, and boat sales;
17 (U) persons involved in real estate closings
18 and settlements;
19 (V) the United States Postal Service;
20 (W) an agency of the United States
21 Government or of a State or local government
22 carrying out a duty or power of a business
23 described in this paragraph;
24 (X) a casino, gambling casino, or gaming
25 establishment with an annual gaming revenue of
26 more than \$1,000,000 which—
27 (i) is licensed as a casino, gambling
28 casino, or gaming establishment under the laws of
29 any State or any political subdivision of any
30 State; or
31 (ii) is an Indian gaming operation
32 conducted under or pursuant to the Indian Gaming
33 Regulatory Act other than an operation which is
34 limited to class I gaming (as defined in section
35 4(6) of such Act [25 USCS § 2703(6)]);
36 (Y) any business or agency which engages in
37 any activity which the Secretary of the Treasury
38 determines, by regulation, to be an activity
39 which is similar to, related to, or a substitute
40 for any activity in which any business described
41 in this paragraph is authorized to engage; or
42 (Z) any other business designated by the
43 Secretary whose cash transactions have a high
44 degree of usefulness in criminal, tax, or
45 regulatory matters.

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(iii) "Property" means anything of value, including but not limited to real estate, tangible and intangible personal property and includes any benefit or interest without reduction for expenses incurred for acquisition, maintenance or any other purpose.

STAFF COMMENT

For purposes of the Wyoming Criminal Code, W.S. 6-1-104(a)(viii) defines "property" as:

(viii) "Property" means anything of value whether tangible or intangible, real or personal, public or private;

6-3-1102. Money laundering; penalties.

(a) A person is guilty of money laundering if the person:

(i) Transports or possesses property the person knows or reasonably should know to be derived from criminal activity;

STAFF COMMENT

Paragraph (a)(i) makes it a felony to transport or possess property of any value if it is derived from criminal activity. As drafted, this could turn conduct that would otherwise be a misdemeanor, such as theft of property valued under \$1,000, into a felony based solely on possession or transportation of the property.

The New Jersey statute on which this draft is based includes graduated penalties tied to the monetary value of the property involved. Under that statute, it is a first-degree crime if the amount involved is \$500,000 or more, a second-degree crime if the amount is at least \$75,000 but less than \$500,000, and a third-degree crime if the amount is less than \$75,000. This tiered structure likely explains why New Jersey's definition of "property" is tied to gross value without reduction for expenses.

(ii) Directs, organizes, finances, plans, manages, supervises or controls the transportation of or transactions in property the person knows or reasonably should know to be derived from criminal activity; or

(iii) Engages in a transaction involving property the person knows or reasonably should know to be derived from criminal activity:

(A) With the intent to facilitate or promote the criminal activity; or

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2 (B) Knowing that the transaction is
3 designed, in whole or in part:

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5 (I) To conceal or disguise the nature,
6 location, source, ownership or control of the property
7 derived from criminal activity; or

8

9 (II) To avoid a transaction reporting
10 requirement under the laws of this state, any other state
11 or of the United States. For purposes of this subdivision,
12 the transaction or transactions shall not be required to
13 exceed any transaction reporting threshold under state or
14 federal law at any single financial institution on any
15 single day.

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18 STAFF COMMENT

19 Paragraph (a)(iii) combines different mental states within
20 a single offense. It would require that a person:

21 1. Engage in a transaction involving property they
22 knew (actual knowledge) or reasonably should have known (a
23 negligence or constructive knowledge standard) was
24 criminally derived; and

25 2. Either have the specific intent to facilitate or
26 promote further criminal conduct or have actual knowledge
27 that the transaction was designed to conceal the origin of
28 the property or avoid financial reporting laws (a specific
29 intent or knowledge standard).

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4 (b) For purposes of this article, property is known
5 to be derived from criminal activity if the person knows or
6 reasonably should know that the property represents
7 proceeds from any form of criminal activity.

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9 *****
10 STAFF COMMENT
11 Subsection (b) defines actual knowledge ("property is
12 known") to include constructive knowledge ("reasonably
13 should know the property represents proceeds"). The
14 committee may wish to consider deleting this subsection and
15 restructuring the offense element to refer simply to
16 "property that is derived from criminal activity or
17 represents proceeds of criminal activity."
18 *****
19 *****
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21 (c) Money laundering is a felony punishable by
22 imprisonment for not more than ten (10) years, a fine of
23 not more than ten thousand dollars (\$10,000.00), or both.

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25 **6-3-1103. Illegal investment; penalties.**

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27 (a) A person is guilty of illegal investment if, with
28 the intent to evade a transaction reporting requirement of
29 this state or of 31 U.S.C. § 5311 et seq. or 31 C.F.R. §

1 1010.100 et seq., or any rules or regulations adopted under
2 those chapters and sections, the person:

3
4 *****
5 *****
6 STAFF COMMENT
7 31 U.S.C. § 5311 et seq. is part of the federal Bank
8 Secrecy Act. The Bank Secrecy Act authorizes the federal
9 Department of the Treasury to impose reporting and other
10 requirements on financial institutions and other businesses
11 to help detect and prevent money laundering. 31 C.F.R. §
12 1010.100 et seq. are the implementing regulations
13 administered by the U.S. Department of the Treasury's
14 Financial Crimes Enforcement Network (FinCEN).

15 *****
16 *****
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18 (i) Causes a financial institution to fail to
19 report or to file a report that contains a material
20 omission or misstatement of fact; or

21
22 (ii) Structures or assists in structuring any
23 transaction with one (1) or more financial institutions.
24 For purposes of this paragraph, "structures" or
25 "structuring" means that a person, acting alone, or in
26 conjunction with or on behalf of other persons, conducts
27 one (1) or more currency transactions, in any amount, at
28 one (1) or more financial institutions, on one (1) or more
29 days, in any manner, for the purpose of evading currency

1 transaction reporting requirement of this state or of 31
2 U.S.C. § 5311 et seq. or 31 C.F.R. § 1010.100 et seq., or
3 any rules or regulations adopted under those chapters and
4 sections. For purposes of this paragraph, the transaction
5 or transactions need not exceed any reporting threshold
6 under state or federal law at any single financial
7 institution on any single day.

8

9 (b) Illegal investment is a felony punishable by
10 imprisonment for not more than ten (10) years, a fine of
11 not more than ten thousand dollars (\$10,000.00), or both.

12

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

14

15 (END)