

**DRAFT ONLY
NOT APPROVED FOR
INTRODUCTION**

HOUSE BILL NO.

Protected expression-limits on foreign judgments.

Sponsored by: Select Committee on Blockchain, Financial
Technology and Digital Innovation Technology

A BILL

for

1 AN ACT relating to civil procedure; creating the Wyoming
2 Guaranteeing Rights Against Novel International Tyranny and
3 Extortion (GRANITE) Act; prohibiting the state of Wyoming
4 from recognizing, enforcing or cooperating with certain
5 foreign judgments; creating a cause of action against the
6 state of Wyoming for the recognition of, enforcement of or
7 cooperation with certain foreign judgments; providing
8 definitions; specifying applicability; and providing for an
9 effective date.

10

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

12

1 **Section 1.** W.S. 1-44-101 through 1-44-105 are created
2 to read:

3

4

CHAPTER 44

5

WYOMING GRANITE ACT

6

7

1-44-101. Short title.

8

9 This chapter shall be known and may be cited as the
10 "Wyoming Guaranteeing Rights Against Novel International
11 Tyranny and Extortion (GRANITE) Act."

12

13

1-44-102. Purposes.

14

15

(a) The purposes of this chapter are to:

16

17

(i) Protect the constitutional rights of Wyoming
18 residents and business entities from the extraterritorial
19 application of foreign censorship laws by prohibiting the
20 recognition of, enforcement of and cooperation with foreign
21 censorship laws and any resulting foreign judgments;

22

1 (ii) Promote Wyoming's economy by fostering a
2 safe harbor for digital innovation and by ensuring that
3 foreign threats do not deter investment in Wyoming.

4
5 **1-44-103. Definitions.**

6
7 (a) As used in this chapter:

8
9 (i) "Foreign judgment" means any judgment,
10 decree, order, conviction, sentence, subpoena,
11 administrative action, fine, penalty or similar measure
12 issued by a foreign state or international organization
13 that is final, binding and enforceable under the laws of
14 that foreign state or country where the international
15 organization is headquartered;

16
17 (ii) "Foreign state" means as defined in 28
18 U.S.C. § 1603(a). "Foreign state" shall include an agency
19 or instrumentality of a foreign state as defined in 28
20 U.S.C. § 1603(b);

21
22 (iii) "International organization" means:

1 (A) As defined in 22 U.S.C. § 288;

2

3 (B) Any supranational organization,
4 intergovernmental organization or multilateral institution
5 that exercises binding regulatory or adjudicative authority
6 over conduct occurring outside the United States, including
7 authority delegated by its member states;

8

9 (C) Any member state, organ, agency,
10 commission, court or instrumentality of an organization in
11 subparagraph (A) or (B) of this paragraph.

12

13 (iv) "Protected expression" means expression,
14 expressive conduct or expressive association that would be
15 protected by the first amendment to the United States
16 constitution, Article 1, Section 20 of the Wyoming
17 constitution or Article 1, Section 21 of the Wyoming
18 constitution;

19

20 (v) "Substantial factor" means that protected
21 expression materially contributes to the foreign judgment,
22 liability, compelled action, offense or underlying conduct
23 at issue and is more than incidental or tangential to that

1 foreign judgment, liability, compelled action, offense or
2 conduct.

3
4 **1-44-104. Nonrecognition of foreign judgments;**
5 **noncooperation with foreign judgments and extradition**
6 **requests; cause of action.**

7
8 (a) Except as provided by federal law and subsection
9 (b) of this section, no state court shall recognize,
10 enforce or give effect to any foreign judgment that imposes
11 liability or compels action arising from conduct where
12 protected expression is a substantial factor in or a
13 necessary element of the liability or compelled action.

14
15 (b) A state court may sever any portion of a foreign
16 judgment that is unenforceable under subsection (a) of this
17 section and may recognize, enforce or give effect to the
18 remaining portions of the foreign judgment that are not
19 prohibited by subsection (a) of this section.

20
21 (c) Except as required by federal law, the state, its
22 political subdivisions and its employees acting within the
23 scope of their official duties shall not:

1

2 (i) Provide assistance or cooperation in
3 collecting, enforcing or giving effect to any foreign
4 judgment that imposes liability or compels action arising
5 from conduct where protected expression is a substantial
6 factor in or a necessary element of the liability or
7 compelled action;

8

9 (ii) Arrest, detain or surrender any person
10 pursuant to a foreign extradition request, international
11 arrest warrant or similar process when the underlying
12 offense arises from conduct where protected expression is a
13 substantial factor in or a necessary element of the
14 offense;

15

16 (iii) Provide assistance or cooperation to any
17 foreign state or international organization in
18 investigating, prosecuting, sanctioning or punishing any
19 person where the conduct being investigated, prosecuted,
20 sanctioned or punished arises from conduct where protected
21 expression is a substantial factor in or a necessary
22 element of that conduct;

23

STAFF COMMENT

The Select Committee may wish to consider what happens in cases where a warrant, extradition request, or request for assistance or cooperation is based on both conduct that is prohibited under paragraphs (ii) and (iii) of this subsection and conduct that is not. As currently drafted, paragraphs (ii) and (iii) may be interpreted to require an all-or-nothing result, potentially preventing issuance, recognition, enforcement, assistance, or cooperation even where part of the underlying conduct is not prohibited.

(iv) Honor or execute a request under a mutual legal assistance treaty, letters rogatory or other international agreement or mechanism if the request seeks service of process, evidence, testimony or any other assistance in connection with a proceeding arising from conduct where protected expression is a substantial factor in or a necessary element of the liability or compelled action;

(v) For the purposes of this subsection, "assistance or cooperation" shall not include routine, administrative or ministerial actions that do not materially aid in enforcing, investigating, prosecuting or giving effect to a foreign judgment, foreign proceeding or

1 related request that involves protected expression under
2 this chapter.

4 *****
5 *****

6 STAFF COMMENT

7 Subsection (c) requires state entities, political
8 subdivisions and employees to determine whether a foreign
9 judgment or other actions are based on protected
10 expression. The Select Committee may wish to consider that
11 this determination may require a complex legal and
12 constitutional analysis that may be difficult for
13 individual employees to make in the absence of guidance
14 from the courts or the Attorney General.

15 *****
16 *****

18 (d) No state entity, political subdivision or
19 employee acting within the scope of the entity's, political
20 subdivision's or employee's official duties shall be
21 subject to civil or criminal liability for any act or
22 failure to act taken in good faith pursuant to or
23 consistent with subsection (c) of this section.

25 *****
26 *****

27 STAFF COMMENT

28 Subsection (d) governs the effect of subsection (c) within
29 Wyoming courts and governmental entities. This subsection
30 does not address potential liability or other consequences
31 that may be imposed by other courts or jurisdictions for
32 failure to comply with an arrest warrant, extradition
33 request, investigation, prosecution, or request for
34 assistance or cooperation.

1 *****
2 *****
3

4 (e) This section shall apply regardless of the manner
5 in which service of process was effectuated in a foreign
6 proceeding.

7
8 (f) Any person that is subject or may be subject to a
9 foreign judgment, foreign extradition request or foreign
10 proceeding, to the extent the judgment, proceeding or
11 request imposes liability or compels action arising from
12 conduct in which protected expression is a substantial
13 factor in or a necessary element of the liability or
14 compelled action, may bring a cause of action against the
15 state, its political subdivisions and its employees acting
16 within the scope of their official duties in any court of
17 competent jurisdiction in this state for one (1) or more of
18 the following:

19
20 (i) A declaratory judgment that the foreign
21 judgment, foreign extradition request or foreign proceeding
22 is unenforceable in Wyoming under this section;

23

1 (ii) Injunctive relief prohibiting any person
2 from seeking to enforce a foreign judgment, foreign
3 extradition request or foreign proceeding in this state or
4 prohibiting any person from taking action in Wyoming that
5 is prohibited by this section.

6
7 (g) No cause of action authorized under subsection (f)
8 of this section shall be construed to authorize the award
9 of monetary damages or attorney fees.

10
11 **1-44-105. Construction.**

12
13 (a) This chapter shall not be construed to:
14

15 (i) Regulate or control the conduct of a foreign
16 state or international organization outside the
17 jurisdiction of this state;

18
19 (ii) Waive, limit or otherwise alter sovereign
20 immunity of any foreign state or international
21 organization;

1 (iii) Conflict with, impede or control the
2 foreign affairs powers of the United States.

3
4 **Section 2.**

5
6 (a) This act shall apply to:

7
8 (i) Any foreign judgment where recognition,
9 enforcement or cooperation is sought in this state on or
10 after the effective date of this act if the foreign
11 judgment imposes liability or compels action arising from
12 conduct where protected expression is a substantial factor
13 in or a necessary element of the liability or compelled
14 action;

15
16 (ii) Any foreign proceeding that is pending on or
17 after the effective date of this act if the foreign
18 proceeding arises from conduct where protected expression
19 is a substantial factor in or a necessary element of the
20 liability or compelled action at issue in the proceeding;

21
22 (iii) Any foreign extradition request,
23 international arrest warrant or similar process issued on

1 or after the effective date of this act where the
2 underlying offense arises from conduct where protected
3 expression is a substantial factor in or a necessary
4 element of the offense.

5

6 **Section 3.** This act is effective July 1, 2027.

7

8 (END)