

HOUSE BILL NO. HB0071

Governmental claims-circuit court.

Sponsored by: Representative(s) Throne and Pelkey and
Senator(s) Ross

A BILL

for

1 AN ACT relating to governmental claims; providing
2 jurisdiction to circuit courts; and providing for an
3 effective date.

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

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7 **Section 1.** W.S. 1-39-117(a), 5-9-128 by creating a
8 new subsection (e) and 7-2-106(c) are amended to read:

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10 **1-39-117. Jurisdiction; appeals; venue; trial by**
11 **jury; liability insurance.**

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13 (a) Original and ~~exclusive~~concurrent jurisdiction
14 for any claim filed in state court under this act shall be
15 in the district courts of Wyoming or in the circuit courts

1 of Wyoming pursuant to W.S. 5-9-128(e). Appeals may be
2 taken as provided by law.

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4 **5-9-128. Civil jurisdiction.**

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6 (e) Each circuit court has original and concurrent
7 jurisdiction with the district courts of Wyoming within the
8 boundaries of the state for an action brought under the
9 Wyoming Governmental Claims Act, where the prayer for
10 recovery is an amount not exceeding fifty thousand dollars
11 (\$50,000.00) exclusive of costs.

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13 **7-2-106. Extraterritorial authority of peace**
14 **officers; requests for assignment of peace officers;**
15 **liability; compensation.**

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17 (c) A peace officer acting pursuant to subsection
18 (a), (b) or (f) of this section outside his own
19 jurisdiction, or a peace officer when providing law
20 enforcement assistance on the Wind River Indian Reservation
21 pursuant to a memorandum of understanding entered in
22 advance and approved by the attorney general, between the
23 department of the interior, Federal Bureau of Indian

1 Affairs or the tribes and the state, county, city or town
2 providing the assistance, shall be deemed to be acting
3 within the scope of his duties for purposes of the Wyoming
4 Governmental Claims Act and the state self-insurance
5 program, W.S. 1-41-101 through 1-41-111, or the local
6 government self-insurance program, W.S. 1-42-201 through
7 1-42-206. The memorandum of understanding shall contain a
8 provision for immunity from suit in tribal court for
9 activities occurring pursuant to any law enforcement
10 assistance provided under this subsection. Any suit
11 relating to those activities shall be brought only under
12 the terms of the Wyoming Governmental Claims Act in the
13 state ~~district~~ court having jurisdiction, or in the federal
14 district court for the district of Wyoming, if appropriate.
15 All privileges and immunities from liability, and all
16 pension, disability, worker's compensation and other
17 benefits which normally apply to peace officers while they
18 perform their duties in their own jurisdiction shall also
19 apply to them when acting as provided in subsection (a),
20 (b) or (f) of this section and shall apply to peace
21 officers when providing law enforcement assistance on the
22 Wind River Indian Reservation pursuant to this subsection.
23 For purposes of W.S. 27-14-104 and subsection (a), (b) or

1 (f) of this section, the requesting and assigning law
2 enforcement agencies shall be a joint employer as defined
3 under W.S. 27-14-102(a)(xix) and the designated peace
4 officer shall be a joint employee as defined under W.S.
5 27-14-102(a)(xxi).

6

7 **Section 2.** This act is effective July 1, 2016.

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(END)