

HOUSE BILL NO. HB0117

Domestic abuse-phone numbers.

Sponsored by: Representative(s) Biteman, Brown, Clem,
Halverson, Jennings, Lindholm, Olsen, Pelkey
and Salazar and Senator(s) Nethercott

A BILL

for

1 AN ACT relating to domestic abuse and sexual violence;
2 allowing a court to transfer to a petitioner the sole right
3 to use and sole financial responsibility for a telephone
4 number as part of an order of protection; providing
5 conditions on transfers of telephone numbers; providing
6 immunity; providing notice and compliance requirements
7 regarding telecommunications providers; and providing for
8 an effective date.

9

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

11

12 **Section 1.** W.S. 35-21-102(a) by creating new
13 paragraphs (vi) and (vii) and by renumbering (vi) as
14 (viii), 35-21-105(a) by creating a new paragraph (viii) and

1 35-21-106 by creating a new subsection (e) are amended to
2 read:

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4 **35-21-102. Definitions.**

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6 (a) As used in this act:

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8 (vi) "Financial responsibility" means an
9 obligation to pay to a provider service fees and other
10 costs and charges associated with the provision of
11 commercial mobile services;

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13 (vii) "Provider" means a person or entity that
14 provides commercial mobile services as defined in 47 U.S.C.
15 § 332(d);

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17 ~~(vi)~~ (viii) "This act" means W.S. 35-21-101
18 through 35-21-111.

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20 **35-21-105. Order of protection; contents; remedies;**
21 **order not to affect title to property; conditions.**

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1 (a) Upon finding that an act of domestic abuse has
2 occurred, the court shall enter an order of protection
3 ordering the respondent household member to refrain from
4 abusing the petitioner or any other household member. The
5 order shall specifically describe the behavior that the
6 court has ordered the respondent to do or refrain from
7 doing. As a part of any order of protection, the court may:

8
9 (viii) If the petitioner is not the account
10 holder, grant the petitioner and order a provider to
11 transfer to the petitioner the sole right to use and sole
12 financial responsibility for a telephone number used by the
13 petitioner or a minor child in the petitioner's custody and
14 terminate in the provider's system the respondent's ability
15 to use, and to access any data associated with, the
16 telephone number. An order issued under this paragraph
17 shall list the name and billing telephone number of the
18 account holder, the name and contact information of the
19 petitioner and each telephone number to be transferred to
20 the petitioner. In issuing an order under this paragraph,
21 the court shall ensure that the petitioner's contact
22 information is not disclosed to the respondent or any
23 account holder. The order shall be served on the provider

1 pursuant to W.S. 35-21-106(e). A provider may, not later
2 than five (5) business days after being served with an
3 order under this paragraph, notify the petitioner and the
4 court that compliance with the order is not possible or
5 practicable because an account holder named in the order
6 has terminated the account, differences in network
7 technology would prevent the functionality of a device on
8 the network or there are geographic limitations on network
9 or service availability. In complying with an order issued
10 under this paragraph, a provider may apply any customary
11 requirements for establishing an account and transferring a
12 telephone number. A provider is immune from civil liability
13 for complying with an order issued under this paragraph.

14
15 **35-21-106. Service of order; duration and extension**
16 **of order; violation; remedies not exclusive.**

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18 (e) The clerk of the court shall cause that part of
19 an order of protection directing the transfer of a
20 telephone number to a petitioner as provided in W.S.
21 35-21-105(a)(viii) to be served on the affected provider
22 pursuant to W.S. 17-28-104.

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1 **Section 2.** This act is effective July 1, 2018.

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(END)