

HOUSE BILL NO. HB0011

Servicemembers Civil Relief Act.

Sponsored by: Joint Transportation and Highways Interim
Committee

A BILL

for

1 AN ACT relating to the Wyoming national guard; applying the
2 protections of the Servicemembers Civil Relief Act to
3 national guard members as specified; providing a penalty;
4 specifying how the protections may be used; specifying
5 jurisdiction; providing definitions; making conforming
6 amendments; and providing for an effective date.

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

9

10 **Section 1.** W.S. 19-11-102(c) and 19-11-122 are
11 amended to read:

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13 **19-11-102. Purpose.**

14

15 (c) The provisions of this article are intended to be
16 supplemental to any rights that persons called to military

1 service have under any applicable federal statutes,
2 including the ~~Soldiers' and Sailors'~~ Servicemembers Civil
3 Relief Act ~~of 1940, as amended, 50 U.S.C. 501 et seq.~~
4 Public Law 108-189, the Uniformed Services Employment and
5 Reemployment Rights Act, 43 U.S.C. 4301 et seq., and under
6 any other applicable laws of this state.

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8 **19-11-122. Servicemembers Civil Relief Act;**
9 **application to national guard; penalty for violation of**
10 **rights afforded to guard members; enforcement; preferences.**

11

12 (a) Members of the Wyoming national guard ordered to
13 active state service by the state or federal government for
14 a period of more than thirty (30) consecutive days shall
15 have all protections afforded to persons in the military
16 service of the United States under the Servicemembers Civil
17 Relief Act, Public Law 108-189. Except as provided in
18 subsection (b) of this section, nothing in this subsection
19 shall be construed to authorize the imposition of any
20 penalty under the Servicemembers Civil Relief Act for
21 violation of the protections afforded to members of the
22 Wyoming national guard pursuant to this subsection. As
23 used in this subsection, "active state service" means as
24 defined in W.S. 19-7-101(a)(v).

1

2 (b) Any person who knowingly violates the protections
3 provided to members of the Wyoming national guard pursuant
4 to subsection (a) of this section shall be guilty of a
5 misdemeanor punishable by a fine not to exceed one thousand
6 dollars (\$1,000.00).

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8 ~~(a)~~(c) The protections afforded to members of the
9 Wyoming national guard pursuant to subsection (a) of this
10 section may serve as the basis for an action or as a
11 defense. The ~~district~~ courts of this state that would
12 otherwise have jurisdiction over a case shall have
13 jurisdiction over proceedings involving the ~~Soldiers' and~~
14 ~~Sailors'~~ Servicemembers Civil Relief Act ~~of 1940, as~~
15 ~~amended,~~ and the Uniformed Services Employment and
16 Reemployment Rights Act, which shall be governed by the
17 rules applicable to ordinary proceedings.

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19 ~~(b)~~(d) The ~~district and appellate~~ courts shall give
20 preference in scheduling such proceedings, upon the motion
21 of any person in the uniformed services, or the person's
22 attorney, who presents certification that the person has
23 performed service in the uniformed services or is in
24 service in the uniformed services.

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2 **Section 2.** This act is effective immediately upon
3 completion of all acts necessary for a bill to become law
4 as provided by Article 4, Section 8 of the Wyoming
5 Constitution.

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7

(END)