

ORIGINAL HOUSE
BILL NO. 0011

ENROLLED ACT NO. 4, HOUSE OF REPRESENTATIVES

FIFTY-SEVENTH LEGISLATURE OF THE STATE OF WYOMING
2004 BUDGET SESSION

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

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

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

19-11-102. Purpose.

(c) The provisions of this article are intended to be supplemental to any rights that persons called to military service have under any applicable federal statutes, including the ~~Soldiers' and Sailors'~~ Servicemembers Civil Relief Act ~~of 1940, as amended, 50 U.S.C. 501 et seq.~~ Public Law 108-189, the Uniformed Services Employment and Reemployment Rights Act, 43 U.S.C. 4301 et seq., and under any other applicable laws of this state.

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

(a) Members of the Wyoming national guard ordered to active state service by the state or federal government for a period of more than thirty (30) consecutive days shall have all protections afforded to persons in the military service of the United States under the Servicemembers Civil Relief Act, Public Law 108-189. Except as provided in subsection (b) of this section, nothing in this subsection shall be construed to authorize the imposition of any

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penalty under the Servicemembers Civil Relief Act for violation of the protections afforded to members of the Wyoming national guard pursuant to this subsection. As used in this subsection, "active state service" means as defined in W.S. 19-7-101(a)(v).

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

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

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

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

(END)

Speaker of the House

President of the Senate

Governor

TIME APPROVED: _____
DATE APPROVED: _____

I hereby certify that this act originated in the House.

Chief Clerk