

SENATE FILE NO. SF0172

State self-insurance.

Sponsored by: Senator(s) Nicholas

A BILL

for

1 AN ACT relating to the code of civil procedure; amending  
2 provisions relating to public employees and indemnity for  
3 acts committed within the scope of employment as specified;  
4 and providing for an effective date.

5

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

7

8 **Section 1.** W.S. 1-39-104(c)(i), 1-41-103(e)(i), (iii)  
9 and (v) and 18-3-603(a) are amended to read:

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11 **1-39-104. Granting immunity from tort liability;**  
12 **liability on contracts; exceptions.**

13

14 (c) A governmental entity shall assume and pay a  
15 judgment entered under this act against any of its public  
16 employees, provided:

17

1 (i) The act or omission upon which the claim is  
2 based has been determined by a court or jury at a trial on  
3 the merits to be within the public employee's scope of  
4 duties;

5

6 **1-41-103. Self-insurance account; creation;**  
7 **authorized payments.**

8

9 (e) The state shall defend claims against its public  
10 employees, or a state judicial officer exercising the  
11 authority vested in him, arising under 42 U.S.C. 1983 or  
12 other federal statutes, subject to the following  
13 conditions:

14

15 (i) The state shall defend and, to the extent  
16 provided by paragraph (v) of this subsection, indemnify any  
17 of its public employees against any claim or demand,  
18 whether groundless or otherwise, arising out of an alleged  
19 act or omission occurring in the scope of duty as  
20 determined by the attorney general at any point in the  
21 litigation;

22

23 (iii) If any civil action, suit or proceeding is  
24 brought against any public employee of the state which ~~en~~

1 ~~its face~~ falls within the provisions of paragraph (i) of  
2 this subsection, ~~or which the public employee asserts to be~~  
3 ~~based in fact upon an alleged act or omission in the scope~~  
4 ~~of duty~~ as determined by the attorney general at any point  
5 in the litigation, the state shall appear and defend the  
6 public employee. At the discretion of the attorney  
7 general, the state may appear and defend the public  
8 employee under an automatic reservation of right by the  
9 state to reject the claim unless the act or omission is  
10 determined to be within the scope of duty;

11

12 (v) Unless the act or omission upon which a  
13 claim is based is determined by the court or jury at a  
14 trial on the merits to be within the public employee's  
15 scope of duty, no public funds shall be expended in payment  
16 of the final judgment against the public employee;

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18 **18-3-603. Duty as custodian of jail and prisoners;**  
19 **requirements for boarding prisoners; quarters or rental**  
20 **allowance to be furnished by county.**

21

22 (a) Each sheriff has charge of the jail and the  
23 prisoners therein confined in his county. The prisoners  
24 shall be kept by the sheriff or by a deputy or detention

1 officer appointed for that purpose, and for whose acts  
2 occurring within the scope of his duties, he and his  
3 sureties are liable. The sheriff shall provide three (3)  
4 nutritionally balanced meals each day for each prisoner.  
5 Each sheriff shall make a monthly accounting to the board  
6 of county commissioners to show that the expenditures have  
7 actually been made.

8

9 **Section 2.** This act is effective July 1, 2007.

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11

(END)