

HOUSE BILL NO. HB0091

Restoring constitutional governance act.

Sponsored by: Representative(s) Kroeker, Baker, Halverson, Hunt, Jennings, Lindholm, Loucks, McKim and Miller and Senator(s) Case

A BILL

for

1 AN ACT relating to criminal law; prohibiting enforcement of  
2 federal law as specified; providing legislative declaration  
3 that Wyoming is not a battlefield; providing definitions;  
4 providing penalties; and providing for an effective date.

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

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8 **Section 1.** W.S. 6-5-401 is created to read:

9

10 ARTICLE 4

11 RESTORING CONSTITUTIONAL GOVERNANCE ACT

12

13 **6-5-401. Prohibition on enforcement of laws under**  
14 **laws of war; penalties.**

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1           (a) Notwithstanding any treaty, federal, state or  
2 local law or authority, enacted or claimed, including, but  
3 not limited to, an authorization for use of military force,  
4 National Defense Authorization Act or any similar law or  
5 authority enacted or claimed by congress or the office of  
6 the President, it is unlawful for any person to:

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8           (i) Arrest or capture any person in Wyoming, or  
9 citizen of Wyoming, "under the law of war";

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11           (ii) Actually subject a person in Wyoming to  
12 "disposition under the law of war"; or

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14           (iii) Use deadly force "under the laws of war"  
15 against any person in Wyoming, or intentionally subject any  
16 citizen of Wyoming for targeted killing or murder.

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18           (b) Subsection (a) of this section shall not prohibit  
19 the application of the Uniform Code of Military Justice,  
20 including military detention and trial, in "cases arising  
21 in the land or naval forces, or in the militia, when in  
22 actual service in time of war or public danger" to

1 discipline service members who have violated the Uniform  
2 Code of Military Justice and laws of war.

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4 (c) For the purposes of this section, the terms  
5 "arrest," "capture," "detention under the law of war,"  
6 "disposition under the law of war," and "law of war" are  
7 used in the same sense and shall have the same meaning as  
8 those terms have in the 2012 National Defense Authorization  
9 Act, Section 1021.

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11 (d) It is the determination of the state of Wyoming  
12 that Wyoming is not a "battlefield" subject to the "laws of  
13 war," and that neither congress nor the President can  
14 constitutionally apply the "laws of war" to any person in  
15 Wyoming, or citizen of Wyoming, who is not serving "in the  
16 land or naval forces, or in the militia, when in actual  
17 service in time of war or public danger."

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19 (e) Any person in violation of this section shall be  
20 subject to prosecution under the Wyoming Criminal Code  
21 relating to, but not limited to, assault, battery,  
22 kidnapping or murder, as applicable.

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1       **Section 2.** This act is effective July 1, 2015.

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(END)