

**DRAFT ONLY
NOT APPROVED FOR
INTRODUCTION**

HOUSE BILL NO.

Protected expression-limits on foreign judgments.

Sponsored by: Select Committee on Blockchain, Financial
Technology and Digital Innovation Technology

A BILL

for

1 AN ACT relating to civil procedure; creating the Wyoming
2 Guaranteeing Rights Against Novel International Tyranny and
3 Extortion (GRANITE) Act; prohibiting the state of Wyoming
4 from recognizing, enforcing or cooperating with certain
5 foreign judgments; creating a cause of action against the
6 state of Wyoming for the recognition of, enforcement of or
7 cooperation with certain foreign judgments; providing
8 immunity and defense provisions; authorizing requests for
9 legal opinions as specified; providing definitions;
10 specifying applicability; and providing for an effective
11 date.

12

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

2

3 **Section 1.** W.S. 1-44-101 through 1-44-105 are created
4 to read:

5

6

CHAPTER 44

7

WYOMING GRANITE ACT

8

9 **1-44-101. Short title.**

10

11 This chapter shall be known and may be cited as the
12 "Wyoming Guaranteeing Rights Against Novel International
13 Tyranny and Extortion (GRANITE) Act."

14

15 **1-44-102. Purposes.**

16

17 (a) The purposes of this chapter are to:

18

19 (i) Protect the constitutional rights of Wyoming
20 residents and business entities from the extraterritorial
21 application of foreign censorship laws by prohibiting the
22 recognition of, enforcement of and cooperation with foreign
23 censorship laws and any resulting foreign judgments;

1

2 (ii) Promote Wyoming's economy by fostering a
3 safe harbor for digital innovation and by ensuring that
4 foreign threats do not deter investment in Wyoming.

5

6 **1-44-103. Definitions.**

7

8 (a) As used in this chapter:

9

10 (i) "Foreign judgment" means any judgment,
11 decree, order, conviction, sentence, subpoena,
12 administrative action, fine, penalty or similar measure
13 issued by a foreign state or international organization
14 that is final, binding and enforceable under the laws of
15 that foreign state or country where the international
16 organization is headquartered;

17

18 (ii) "Foreign state" means as defined in 28
19 U.S.C. § 1603(a). "Foreign state" shall include an agency
20 or instrumentality of a foreign state as defined in 28
21 U.S.C. § 1603(b);

22

23 (iii) "International organization" means:

1

2

(A) As defined in 22 U.S.C. § 288;

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

(v) "Substantial factor" means that protected expression materially contributes to the foreign judgment, liability, compelled action, offense or underlying conduct

1 at issue and is more than incidental or tangential to that
2 foreign judgment, liability, compelled action, offense or
3 conduct.

4
5 **1-44-104. Nonrecognition of foreign judgments;**
6 **noncooperation with foreign judgments and extradition**
7 **requests; cause of action.**

8
9 (a) Except as provided by federal law and subsection
10 (b) of this section, no Wyoming state court shall
11 recognize, enforce or give effect to any foreign judgment
12 that imposes liability or compels action arising from
13 conduct where protected expression is a substantial factor
14 in or a necessary element of the liability or compelled
15 action.

16
17 (b) A Wyoming state court may sever any portion of a
18 foreign judgment that is unenforceable under subsection (a)
19 of this section and may recognize, enforce or give effect
20 to the remaining portions of the foreign judgment that are
21 not prohibited by subsection (a) of this section.

22

1 (c) Except as required by federal law, the state and
2 its political subdivisions shall not:

3
4 (i) Provide assistance or cooperation in
5 collecting, enforcing or giving effect to any foreign
6 judgment that imposes liability or compels action arising
7 from conduct where protected expression is a substantial
8 factor in or a necessary element of the liability or
9 compelled action;

10
11 (ii) Arrest, detain or surrender any person
12 pursuant to a foreign extradition request, international
13 arrest warrant or similar process when the underlying
14 offense arises from conduct where protected expression is a
15 substantial factor in or a necessary element of the
16 underlying offense;

17
18 (iii) Provide assistance or cooperation to any
19 foreign state or international organization in
20 investigating, prosecuting, sanctioning or punishing any
21 person where the conduct being investigated, prosecuted,
22 sanctioned or punished arises from conduct where protected

1 expression is a substantial factor in or a necessary
2 element of that conduct;

3
4 (iv) Honor or execute a request under a mutual
5 legal assistance treaty, letters rogatory or other
6 international agreement or mechanism if the request seeks
7 service of process, evidence, testimony or any other
8 assistance in connection with a proceeding arising from
9 conduct where protected expression is a substantial factor
10 in or a necessary element of the liability or compelled
11 action.

12
13 (d) For the purposes of subsection (c) of this
14 section, "assistance or cooperation" shall not include
15 routine, administrative or ministerial actions that do not
16 materially aid in enforcing, investigating, prosecuting or
17 giving effect to a foreign judgment, foreign proceeding or
18 related request that involves protected expression under
19 this chapter.

20
21 (e) Nothing in subsection (c) of this section shall be
22 construed to prohibit the state and its political
23 subdivisions from taking action or providing assistance or

1 cooperation with respect to conduct where protected
2 expression is not a substantial factor in or a necessary
3 element of that conduct.

4
5 (f) A state agency may request an opinion from the
6 Wyoming attorney general, and a political subdivision may
7 request an opinion from the district attorney for the
8 county in which the political subdivision is located,
9 regarding whether protected expression is a substantial
10 factor in or a necessary element of the conduct at issue
11 for purposes of implementing this chapter.

12
13 (g) The state or any political subdivision shall not
14 be subject to civil or criminal liability for any act or
15 failure to act taken in good faith pursuant to or
16 consistent with subsections (c) and (f) of this section,
17 including good faith reliance on an opinion requested or
18 provided under subsection (f) of this section. If liability
19 is alleged against an employee of the state or a political
20 subdivision for an act or failure to act taken in good
21 faith pursuant to or consistent with subsections (c) and
22 (f) of this section, if the state or political subdivision
23 determines the employee was acting within the scope of the

1 employee's duty, the state or political subdivision shall
2 provide a defense at the state's or political subdivision's
3 expense.

4

5 (h) This section shall apply regardless of the manner
6 in which service of process was effectuated in a foreign
7 proceeding.

8

9 (j) Any person that is subject or may be subject to a
10 foreign judgment, foreign extradition request or foreign
11 proceeding, to the extent the judgment, proceeding or
12 request imposes liability or compels action arising from
13 conduct in which protected expression is a substantial
14 factor in or a necessary element of the liability or
15 compelled action, may bring a cause of action against the
16 state, its political subdivisions and its employees acting
17 within the scope of their official duties in any court of
18 competent jurisdiction in this state for one (1) or more of
19 the following:

20

21 (i) A declaratory judgment that the foreign
22 judgment, foreign extradition request or foreign proceeding
23 is unenforceable in Wyoming under this section;

1

2 (ii) Injunctive relief prohibiting any person
3 from seeking to enforce a foreign judgment, foreign
4 extradition request or foreign proceeding in this state or
5 prohibiting any person from taking action in Wyoming that
6 is prohibited by this section.

7

8 (k) No cause of action authorized under subsection (j)
9 of this section shall be construed to authorize the award
10 of monetary damages, costs or attorney fees.

11

12 **1-44-105. Construction.**

13

14 (a) This chapter shall not be construed to:

15

16 (i) Regulate or control the conduct of a foreign
17 state or international organization outside the
18 jurisdiction of this state;

19

20 (ii) Waive, limit or otherwise alter sovereign
21 immunity of any foreign state or international
22 organization;

23

1 (iii) Conflict with, impede or control the
2 foreign affairs powers of the United States;

3
4 (iv) Waive, limit or otherwise alter any
5 provision of the Wyoming Governmental Claims Act.

6
7 **Section 2.**

8
9 (a) This act shall apply to:

10
11 (i) Any foreign judgment where recognition,
12 enforcement or cooperation is sought in this state on or
13 after the effective date of this act if the foreign
14 judgment imposes liability or compels action arising from
15 conduct where protected expression is a substantial factor
16 in or a necessary element of the liability or compelled
17 action;

18
19 (ii) Any foreign proceeding that is pending on or
20 after the effective date of this act if the foreign
21 proceeding arises from conduct where protected expression
22 is a substantial factor in or a necessary element of the
23 liability or compelled action at issue in the proceeding;

1

2 (iii) Any foreign extradition request,
3 international arrest warrant or similar process issued on
4 or after the effective date of this act where the
5 underlying offense arises from conduct where protected
6 expression is a substantial factor in or a necessary
7 element of the offense.

8

9 **Section 3.** This act is effective July 1, 2027.

10

11

(END)