

HOUSE BILL NO. HB0148

Railroad security officers.

Sponsored by: Representative(s) Gingery and Kasperik and
Senator(s) Christensen

A BILL

for

1 AN ACT relating to law enforcement; providing railroad
2 employees with law enforcement powers as specified;
3 specifying the force that can be used; placing limitations
4 on the exercise of authority; limiting the privileges and
5 obligations available to railroad security officers; and
6 providing for an effective date.

7

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

9

10 **Section 1.** W.S. 37-9-1401 is created to read:

11

ARTICLE 14

12

RAILROAD SECURITY OFFICERS

13

14

15 **37-9-1401. Railroad security officers; authority; use**
16 **of force; definitions.**

1

2 (a) Any railroad company operating a railroad in this
3 state and incorporated pursuant to the laws of this state,
4 or of the United States, or of any state or territory of
5 the United States, may hire a person who meets the minimum
6 background and training requirements for a peace officer
7 specified in W.S. 9-1-701 through 9-1-707, as a railroad
8 security officer. A railroad security officer shall have
9 the authority to enforce the laws of the state of Wyoming
10 for the protection of:

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12 (i) The railroad's employees, passengers or
13 patrons;

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15 (ii) The railroad's property or property
16 entrusted to the railroad for transportation purposes;

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18 (iii) The movement of cargo in the railroad's
19 possession or in the possession of another railroad or
20 nonrail carrier while on railroad property; and

21

22 (iv) The railroad movement of personnel,
23 equipment and materials vital to the national defense.

24

1 (b) A railroad security officer is authorized to use
2 only such nondeadly force as the circumstances require in
3 the following situations:

4
5 (i) To prevent the commission of a crime related
6 to the protections which the officer is empowered to
7 provide under subsection (a) of this section;

8
9 (ii) To defend himself or others against
10 physical assault; and

11
12 (iii) To prevent serious damage to property.

13
14 (c) A railroad security officer shall have the right
15 to use a firearm or otherwise employ deadly force only as a
16 last resort when reasonably necessary to prevent the
17 commission of a violent felony as defined in W.S.
18 6-1-104(a)(xii) or to defend himself or any other person
19 from imminent danger of death or serious bodily injury.

20
21 (d) Within three (3) days following any incident
22 involving the use of force by a railroad security officer,
23 the railroad security officer shall file a written report

1 describing the incident at the office of the county sheriff
2 in each county in which the incident occurred.

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4 (e) The powers and authority granted by this section
5 shall apply only to a railroad security officer acting
6 within the scope of his duties on railroad property. A
7 railroad security officer, however, shall have the same
8 authority off railroad property that applies to him on
9 railroad property when he is in fresh pursuit of a person
10 whom the officer has probable cause to believe has
11 committed a violation of Wyoming law related to the
12 protections which the officer is empowered to provide under
13 subsection (a) of this section.

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15 (f) A railroad security officer shall not be
16 considered a peace officer or law enforcement officer under
17 the statutes of this state.

18

19 (g) Neither the sovereign immunity of the state nor
20 the immunity applicable to any local government shall
21 extend to a railroad security officer. Neither the
22 railroad security officer nor the employing railroad
23 company may plead the defense of sovereign immunity in any

1 action arising out of the railroad security officer's
2 conduct.

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4 (h) As used in this section, "railroad property"
5 shall mean rights-of-way, easements, appurtenant property,
6 equipment, cargo, facilities, buildings and other
7 structures owned, leased, operated, maintained or
8 transported by a railroad company.

9

10 **Section 2.** This act is effective July 1, 2013.

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12

(END)