

**DRAFT ONLY
NOT APPROVED FOR
INTRODUCTION**

HOUSE BILL NO. [BILL NUMBER]

Wyoming GRANITE Act.

Sponsored by: Representative(s) Singh

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; creating a cause of action against
4 foreign states and international organizations regarding
5 foreign censorship laws that violate specific
6 constitutional provisions; providing for standing,
7 jurisdiction, venue, alternative service of process and a
8 statute of limitations; providing remedies; imposing joint
9 and several liability; prohibiting the state from
10 recognizing, enforcing or cooperating with certain foreign
11 judgments; creating a cause of action against the state for
12 the recognition, enforcement or cooperation with certain
13 foreign judgments; providing civil penalties; providing

1 definitions; providing legislative findings; making
2 conforming amendments; requiring rulemaking; and providing
3 for effective dates.

4

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

6

7 **Section 1.**

8

9 (a) The legislature finds that:

10

11 (i) Wyoming has a strong public policy favoring
12 robust protection of speech, association and innovation,
13 including in the fields of digital communication,
14 blockchain and internet services and relies on a
15 predictable legal environment for persons engaged in those
16 activities in this state;

17

18 (ii) Foreign states and international
19 organizations increasingly seek to restrict, penalize or
20 compel disclosure of speech that occurs wholly within the
21 United States by threatening or attempting to enforce
22 foreign censorship laws;

1

2 (iii) For example, the United Kingdom's
3 communications regulatory agency, the Office of
4 Communications, sent a letter to the United States based
5 platform 4chan threatening fines of not more than twenty
6 five million dollars (\$25,000,000.00) or ten percent (10%)
7 of that company's total worldwide revenue for noncompliance
8 with the United Kingdom's Online Safety Act. In addition,
9 the Brazilian supreme court Justice Alexandre de Moraes
10 ordered the United States based platforms X (formerly known
11 as Twitter) and Trump Media and Technology Group to censor
12 user accounts and disclose user data or the Brazilian
13 supreme court may order the shutdown of the platforms and
14 impose significant penalties;

15

16 (iv) These extraterritorial efforts taken by
17 foreign states and international organizations conflict
18 with the United States constitution and the Wyoming
19 constitution by chilling the speech of Wyoming residents,
20 including residents who operate in digital innovation
21 sectors like blockchain and decentralized technologies;

22

1 (v) Wyoming has a compelling state interest in
2 safeguarding the free exchange of ideas and protecting its
3 citizens and business entities against foreign coercion and
4 intimidation;

5

6 (vi) Censorship by foreign states and
7 international organizations threatens Wyoming's leadership
8 in decentralized finance and digital assets;

9

10 (vii) In order to effectively deter foreign
11 states and international organizations from enforcing
12 foreign censorship laws in Wyoming, there needs to be
13 meaningful civil remedies and joint and several liability
14 across foreign states, agencies and instrumentalities of
15 foreign states, international organizations and foreign
16 officials. Agencies and instrumentalities of foreign states
17 and foreign officials may be immune from judgment or
18 liability while foreign states and international
19 organizations often maintain assets or commercial
20 relationships within the United States;

21

1 (viii) Foreign censorship laws enforced by
2 foreign states or international organizations
3 characteristically restrict expression based on content,
4 viewpoint or speaker identity in ways that would be
5 presumptively unconstitutional under the first amendment to
6 the United States constitution, Article 1, Section 20 of
7 the Wyoming constitution and Article 1, Section 21 of the
8 Wyoming constitution;

9

10 (ix) It is appropriate to place the burden on
11 foreign states and international organizations to
12 demonstrate that the foreign states' or international
13 organizations' enforcement of foreign censorship laws would
14 satisfy strict scrutiny rather than requiring Wyoming
15 residents and business entities to prove the
16 unconstitutionality of foreign speech restrictions because
17 these foreign censorship laws are fundamentally
18 incompatible with the constitutional protections afforded
19 by the United States and Wyoming constitutions;

20

21 (x) Foreign states and international
22 organizations have increasingly sought to criminalize

1 constitutionally protected speech by issuing criminal
2 foreign judgments, arrest warrants and extradition requests
3 that deprive persons in the United States from lawful
4 expression that is constitutionally protected in the United
5 States. The dual criminality requirement in most United
6 States mutual legal assistance treaties reflects the
7 principle that the United States should not lend its
8 sovereign power to enforce foreign judgments that
9 criminalize conduct that is lawful in the United States.
10 Wyoming has a compelling state interest in ensuring its
11 legal infrastructure is not used to circumvent this
12 principle;

13

14 (xi) Foreign states and international
15 organizations have exploited procedural mechanisms,
16 including service of process through mutual legal
17 assistance treaties, upon registered agents and through
18 private process servers to advance foreign censorship
19 proceedings against citizens of the United States. Even
20 ministerial cooperation may result in substantial foreign
21 penalties for constitutionally protected speech, which
22 facilitates the clearance of procedural hurdles in the

1 foreign jurisdiction. Wyoming's registered agent system and
2 private process servers should not serve as vectors for
3 foreign censorship proceedings and service of process
4 effectuated through any means should not result in
5 recognition of any resulting foreign judgment in this
6 state;

7

8 (xii) This act operates defensively to protect
9 persons within Wyoming from coercion, rather than
10 offensively to regulate foreign conduct. Congress has
11 endorsed this approach through the federal SPEECH Act, 28
12 U.S.C. §§ 4101-4105, which prohibits recognition of foreign
13 defamation judgments that are inconsistent with the first
14 amendment to the United States constitution. This act
15 extends that principle to the broader category of foreign
16 censorship, consistent with Wyoming's sovereign authority
17 to determine which foreign judgments Wyoming's courts will
18 recognize and enforce;

19

20 (xiii) The executive branch of the United States
21 has not established a comprehensive policy to protect
22 United States persons from enforcement of foreign

1 censorship laws by foreign states and international
2 organizations. This act aims to protect state residents
3 from enforcement of foreign censorship laws and does not
4 conflict with any existing federal law or policy;

5

6 (xiv) When a foreign state or international
7 organization transmits an enforcement demand, fine or
8 threat to a person in Wyoming the tortious act is completed
9 upon receipt. The harm occurs in Wyoming when the person
10 receives and understands the communication and experiences
11 the coercive effect of the communication;

12

13 (xv) Wyoming seeks to establish itself as a
14 welcoming home for digital innovation and digital
15 infrastructure. Wyoming has a compelling state interest in
16 protecting digital innovation and digital infrastructure
17 located within the state, including servers, data centers
18 and other digital infrastructure from enforcement of
19 foreign censorship laws;

20

21 (xvi) No foreign state or international
22 organization has legitimate discretion to enforce foreign

1 censorship laws against persons or speech protected by the
2 first amendment of the United States constitution. The
3 suppression of constitutionally protected expression
4 violates fundamental rights recognized by the United
5 Nations Universal Declaration of Human Rights, the United
6 Nations International Covenant on Civil and Political
7 Rights and the first amendment to the United States
8 constitution. Foreign state's and international
9 organization's enforcement of foreign censorship laws is
10 conduct that falls outside any discretionary function
11 exception to foreign sovereignty immunity.

12

13 **Section 2.** W.S. 1-44-101 through 1-44-108 are created
14 to read:

15

16 CHAPTER 44

17 WYOMING GRANITE ACT

18

19 1-44-101. Short title.

20

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

4

5 **1-44-102. Purposes.**

6

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

8

9 (i) Protect the constitutional rights of Wyoming
10 residents and business entities from the extraterritorial
11 application of foreign censorship laws by establishing an
12 in-state forum, with clear and predictable jurisdictional
13 rules and effective remedies that are consistent with
14 federal law;

15

16 (ii) Promote Wyoming's economy by fostering a
17 safe harbor for digital innovation and by ensuring that
18 foreign threats do not deter investment in Wyoming business
19 entities.

20

21 **1-44-103. Definitions.**

22

1 (a) As used in this chapter:

2

3 (i) "Enforce" means to give effect to, carry out
4 or seek compliance with a foreign censorship law, including
5 by formal legal process, economic pressure, indirect
6 coercion through affiliates or intermediaries or any other
7 means:

8

13

14 (A) Is final, binding and enforceable under
15 the law of that foreign state or country where the
16 international organization is headquartered;

17

18 (B) Has the primary purpose or a
19 substantial effect of restricting, penalizing or compelling
20 disclosure regarding expression, expressive conduct or
21 expressive association;

22

1 (C) Targets expression, expressive conduct
2 or expressive association based on its content, viewpoint
3 or speaker identity or compels disclosure that would
4 reasonably chill that expression, expressive conduct or
5 expressive association; and

6

7 (D) Would be unenforceable in this state
8 because it conflicts with the protections of the first
9 amendment of the United States constitution, Article 1,
10 Section 20 of the Wyoming constitution or Article 1,
11 Section 21 of the Wyoming constitution.

12

19

20 (iv) "Foreign state" means as defined in 28
21 U.S.C. § 1603(a). "Foreign state" shall include an agency

1 or instrumentality of a foreign state as defined in 28
2 U.S.C. § 1603(b);

3

4 (v) "International organization" means:

5

6 (A) As defined in 22 U.S.C. § 288;

7

8 (B) An organization with which the United
9 States has official relations, including any supranational
10 organization, intergovernmental organization or
11 multilateral institution; or

12

13 (C) Any member state, organ, agency,
14 commission, court or instrumentality of an organization
15 described in subparagraph (A) or (B) of this paragraph.

16

17 (vi) "Threaten" means to communicate an intent
18 to enforce a foreign censorship law, including by sending
19 or directing any notice, demand, subpoena, request or
20 similar communication to a person by any medium;

21

1 (vii) "United States person" means a person who
2 is a citizen or permanent resident of the United States or
3 any business entity organized under the laws of the United
4 States or any state or territory thereof;

5

6 (viii) "United States related revenue" means
7 gross revenue from the sales of goods, provision of
8 services or conduct of business operations in or directed
9 to the United States, as determined under generally
10 accepted accounting principles, for the most recent twelve
11 (12) month period ending on the last day of the defendant's
12 fiscal year preceding the commencement of the cause of
13 action under W.S. 1-44-104(a). For purposes of this
14 paragraph, "defendant" shall include the named entity and
15 any parent, subsidiary or affiliate of the entity under
16 common control that participated in the relevant
17 transactions;

18

19 (ix) "Wyoming resident" means a natural person
20 who is domiciled in this state:

21

1 (x) "Wyoming business entity" means a business
2 entity that:

3

6

7 (B) Has its principal place of business in
8 this state.

9

10 1-44-104. Cause of action; statute of limitations;
11 construction.

12

1 constitution or Article 1, Section 21 of the Wyoming
2 constitution.

3

4 (b) The cause of action under subsection (a) of this
5 section shall apply only to the extent permitted by federal
6 law, including the Foreign Sovereign Immunities Act and the
7 International Organizations Immunities Act and any
8 applicable headquarters agreement, treaty or executive
9 order.

10

11 (c) Nothing in this chapter shall be construed to:

12

13 (i) Waive the sovereign immunity of any foreign
14 state or international organization;

15

16 (ii) Limit any exceptions to sovereign immunity
17 available to the plaintiff under the federal Foreign
18 Sovereign Immunities Act;

19

20 (iii) Limit any right of a defendant to remove
21 the case from state court to federal court as provided by
22 federal law;

1

2 (iv) Limit any defense available to the
3 defendant under federal law;

4

5 (v) Regulate foreign states or international
6 organizations or to conflict with the foreign affairs
7 powers of the United States.

8

9 (d) A cause of action brought under subsection (a) of
10 this section shall be commenced not later than four (4)
11 years after the latest of the following dates:

12

13 (i) The date of a foreign state's or
14 international organization's threat to enforce, attempt to
15 enforce or enforcement of a foreign censorship law;

16

17 (ii) The date of the last in a series of related
18 threats, attempts or enforcement actions by a foreign state
19 or international organization arising from the same
20 investigation or proceeding:

21

1 (iii) The date the plaintiff discovered or
2 reasonably could have discovered a foreign state's or
3 international organization's threat to enforce, attempt to
4 enforce or enforcement of a foreign censorship law.

5

6 1-44-105. Standing; jurisdiction; venue; alternative
7 service of process.

8

9 (a) A civil cause of action brought under W.S.
10 1-44-104(a) may be brought by:

11

12 (i) A Wyoming resident;

13

14 (ii) A natural person who is physically present
15 in this state when a foreign state or international
16 organization threatens to enforce, attempts to enforce or
17 enforces a foreign censorship law against the natural
18 person and who was specifically targeted by the foreign
19 censorship law while physically present in this state;

20

21 (iii) A Wyoming business entity; or

22

1 (iv) Any United States person whose protected
2 expression, expressive conduct or expressive association
3 originates from or is hosted on servers physically located
4 in this state.

5

13

14 (c) Notwithstanding W.S. 1-5-107, an action initiated
15 under W.S. 1-44-104(a) may be brought in:

16

17 (i) The district court of the county where the
18 plaintiff resides or is located;

19

20 (ii) The district court where the communication
21 that threatened to enforce, attempted to enforce or
22 enforced a foreign censorship law was received; or

1

2 (iii) The first judicial district court in
3 Laramie county.

4

5 (d) Except as provided by subsection (e) of this
6 section, upon a motion by the plaintiff, a court may
7 authorize an alternative method of service of process that
8 is reasonably calculated to give actual notice to an
9 international organization, including:

10

11 (i) Service by email to email addresses that
12 were used to transmit the threat to enforce, attempt to
13 enforce or enforcement of a foreign censorship law;

14

15 (ii) Service on the United States counsel of
16 record for the international organization;

17

18 (iii) Service by publishing on a website
19 maintained by an international organization, if the
20 international organization is evading notice;

21

1 (iv) Any other means of service that is
2 permitted by law or treaty.

3

4 (e) Service of process on:

5

8

13

14 1-44-106. Presumptions; rebuttal.

15

16 (a) A court shall presume that a foreign censorship
17 law violates the first amendment of the United States
18 constitution, Article 1, Section 20 of the Wyoming
19 constitution and Article 1, Section 21 of the Wyoming
20 constitution.

21

1 (b) A defendant may rebut the presumption under
2 subsection (a) of this section by proving by clear and
3 convincing evidence that:

4

5 (i) The foreign censorship law, on its face and
6 as applied to the plaintiff's expression, expressive
7 conduct or expressive association, would satisfy strict
8 scrutiny under the first amendment to the United States
9 constitution, Article 1, Section 20 of the Wyoming
10 constitution and Article 1, Section 21 of the Wyoming
11 constitution; and

12

13 (ii) The threatened enforcement, attempted
14 enforcement or enforcement of the foreign censorship law
15 does not burden expression, expressive conduct or
16 expressive association that is protected under the first
17 amendment to the United States constitution, Article 1,
18 Section 20 of the Wyoming constitution and Article 1,
19 Section 21 of the Wyoming constitution.

20

21 **1-44-107. Remedies; liability.**

22

1 (a) Upon proof by a preponderance of the evidence
2 that a defendant threatened to enforce, attempted to
3 enforce or enforced a foreign censorship law against a
4 plaintiff in violation of the first amendment of the United
5 States constitution, Article 1, Section 20 of the Wyoming
6 constitution or Article 1, Section 21 of the Wyoming
7 constitution, the court:

8

9 (i) Shall award the prevailing plaintiff:

10

11 (A) Actual damages as proven by the
12 plaintiff or nominal damages if actual damages are not
13 proven by the plaintiff;

14

15 (B) Statutory damages of one million
16 dollars (\$1,000,000.00) per violation, as adjusted for
17 inflation under subsection (c) of this section or ten
18 percent (10%) of the defendant's annual United States
19 related revenue, whichever is greater. Statutory damages
20 imposed under this subparagraph shall not be less than the
21 amount of any fine or penalty imposed by a foreign state or
22 international organization regarding the foreign censorship

1 law. The amount of the fine or penalty imposed by a foreign
2 state or international organization under this paragraph
3 shall be calculated in United States currency;

4

5 (C) Reasonable attorney fees and costs.

6

7 (ii) May award the prevailing plaintiff
8 declaratory judgment.

9

10 (b) The remedies provided under this section shall be
11 cumulative and shall be in addition to any other remedies
12 available at law or in equity. The statutory damages
13 provided under subparagraph (a)(i)(B) of this section shall
14 be compensatory damages that are intended to compensate
15 plaintiffs for harms that are inherently difficult to
16 quantify, including chilling effects on protected
17 expression, reputational harm, self-censorship costs and
18 litigation costs incurred in defending against enforcement
19 of foreign censorship laws and shall not be punitive
20 damages.

21

1

2 (d) Except as required by federal law, including the
3 Foreign Sovereign Immunities Act and the International
4 Organizations Immunities Act, all defendants liable under
5 subsection (a) of this section shall be jointly and
6 severally liable for all damages incurred by the plaintiff.

7

8 **1-44-108. Nonrecognition of foreign judgements;**
9 **noncooperation with foreign judgments and extradition**
10 **requests; penalties; cause of action.**

11

12 (a) Except as provided by federal law and otherwise
13 provided by this subsection, no court of this state shall
14 recognize, enforce or give effect to any foreign judgment,
15 order, subpoena, administrative action, fine, penalty or
16 similar measure that imposes liability or compels actions
17 based on expression, expressive conduct or expressive
18 association that would be protected by the first amendment
19 of the United States constitution, Article 1, Section 20 of
20 the Wyoming constitution or Article 1, Section 21 of the
21 Wyoming constitution. A court may sever and may recognize,
22 enforce or give effect to any foreign judgment, order,

1 subpoena, administrative action, fine, penalty or similar
2 measure that does not impose liability or compel action
3 based on expression, expressive conduct or expressive
4 association that would be protected by the first amendment
5 of the United States constitution, Article 1, Section 20 of
6 the Wyoming constitution or Article 1, Section 21 of the
7 Wyoming constitution.

8

9 (b) Except as required by federal law, the state, its
10 political subdivisions and its employees acting within the
11 scope of their official duties shall not provide assistance
12 or cooperation in collecting, enforcing or giving effect to
13 any foreign judgment, order, subpoena, administrative
14 action, fine, penalty or similar measure that imposes
15 liability or compels actions based on expression,
16 expressive conduct or expressive association that would be
17 protected by the first amendment of the United States
18 constitution, Article 1, Section 20 of the Wyoming
19 constitution or Article 1, Section 21 of the Wyoming
20 constitution.

21

1 (c) Any person who knowingly violates subsection (b)
2 of this section is liable for a civil penalty of not more
3 than ten thousand dollars (\$10,000.00) for each violation.
4 This civil penalty may be recovered in any action brought
5 by the attorney general or district attorney.

6

7 (d) The state and its political subdivisions shall
8 not indemnify or reimburse a person who violated subsection
9 (b) of this section for a civil penalty imposed under
10 subsection (c) of this section.

11

12 (e) Except as required by federal law, no court of
13 this state shall recognize, enforce or give effect to any
14 foreign criminal judgment, conviction, sentence, warrant or
15 similar order that imposes criminal liability based in
16 whole or in part on expression, expressive conduct or
17 expressive association that would be protected by the first
18 amendment of the United States constitution, Article 1,
19 Section 20 of the Wyoming constitution or Article 1,
20 Section 21 of the Wyoming constitution.

21

1 (f) Except as required by federal law, the state, its
2 political subdivisions and its employees acting within the
3 scope of their official duties shall not:

4

5 (i) Arrest, detain or surrender any person
6 pursuant to a foreign extradition request, international
7 arrest warrant or similar process when the underlying
8 offense is based on expression, expressive conduct or
9 expressive association that would be protected by the first
10 amendment of the United States constitution, Article 1,
11 Section 20 of the Wyoming constitution or Article 1,
12 Section 21 of the Wyoming constitution;

13

14 (ii) Provide any other assistance or cooperation
15 to any foreign state or international organization in
16 investigating, prosecuting, sanctioning or punishing any
17 person for expression, expressive conduct or expressive
18 association that would be protected by the first amendment
19 of the United States constitution, Article 1, Section 20 of
20 the Wyoming constitution or Article 1, Section 21 of the
21 Wyoming constitution;

22

1 (iii) Honor or execute a request under a mutual
2 legal assistance treaty, letters, rogatory or other
3 international agreement or mechanism if the request seeks
4 service of process, evidence testimony or any other
5 assistance in connection with a proceeding based on
6 expression, expressive conduct or expressive association
7 that would be protected by the first amendment of the
8 United States constitution, Article 1, Section 20 of the
9 Wyoming constitution or Article 1, Section 21 of the
10 Wyoming constitution.

11

12 (g) This section shall apply regardless of the manner
13 in which service of process was effectuated in a foreign
14 proceeding.

15

16 (h) Any person that is subject or may be subject to a
17 foreign judgment, order, extradition request or foreign
18 proceeding that is based on expression, expressive conduct
19 or expressive association that would be protected by the
20 first amendment of the United States constitution, Article
21 1, Section 20 of the Wyoming constitution or Article 1,
22 Section 21 of the Wyoming constitution may bring a cause of

1 action against the state, its political subdivisions and
2 its employees acting within the scope of their official
3 duties in any court of competent jurisdiction in this state
4 for:

5

6 (i) A declaratory judgment that the foreign
7 judgement, order, extradition request or proceeding is
8 unenforceable under this section; or

9

10 (ii) Injunctive relief prohibiting any person
11 from seeking to enforce a foreign judgment, order,
12 extradition request or proceeding in this state or
13 prohibiting any person from taking action that is
14 prohibited by this section.

15

16 (j) The state shall waive sovereign immunity for
17 claims brought under subsection (h) of this section seeking
18 declaratory or injunctive relief. The waiver under this
19 subsection shall not extend to claims brought under
20 subsection (h) of this section against the state for
21 monetary damages.

22

1 (k) If the plaintiff prevails in a civil cause of
2 action brought under subsection (h) of this section, the
3 court may:

4

5 (i) Award reasonable attorney fees and costs;

6

7 (ii) Impose civil penalties as provided by this
8 section.

9

10 (m) The attorney general shall promulgate rules to
11 provide guidance to state and local law enforcement
12 regarding implementation of this section, including
13 procedures for identifying foreign judgments, foreign
14 criminal judgments, orders, subpoenas, administrative
15 actions, fines and penalties from foreign states and
16 international organizations that may impose liability or
17 compel action based on expression, expressive conduct or
18 expressive association that would be protected by the first
19 amendment of the United States constitution, Article 1,
20 Section 20 of the Wyoming constitution or Article 1,
21 Section 21 of the Wyoming constitution.

22

1 **Section 3.** W.S. 1-5-107 is amended to read:

2

3 **1-5-107. Actions against nonresidents and foreign**
4 **corporations.**

5

6 An action, other than one (1) of those mentioned in W.S.
7 1-5-101 through 1-5-104 and 1-44-104, against a nonresident
8 of this state or a foreign corporation, whether or not
9 codefendants reside in Wyoming, may be brought in any
10 county where the cause of action arose or where the
11 plaintiff resides.

12

13 **Section 4.** The attorney general shall promulgate all
14 rules necessary to implement this act.

15

1 **Section 5.**

2

3 (a) Except as provided in subsection (b) of this
4 section, this act is effective July 1, 2026.

5

6 (b) Sections 4 and 5 of this act are effective
7 immediately upon completion of all acts necessary for a
8 bill to become law as provided by Article 4, Section 8 of
9 the Wyoming Constitution.

10

11

(END)