

25LSO-0XXX

STATE OF WYOMING

HOUSE BILL NO. _____

GRANITE Act—Guaranteeing Rights Against Novel International Tyranny & Extortion.

Sponsored by: [TO BE ASSIGNED]

A BILL

for

1 AN ACT relating to civil procedure; creating the Wyoming GRANITE Act;
2 providing legislative findings; creating a private right of action
3 against foreign censorship threats, attempts and enforcement;
4 establishing personal jurisdiction, venue and alternative service;
5 imposing joint and several liability across foreign states, agencies or
6 instrumentalities, and responsible foreign officials (subject to federal
7 law); providing remedies; providing nonrecognition of certain foreign
8 judgments; providing construction, FSIA savings, severability and an
9 effective date.

10
11 *Be It Enacted by the Legislature of the State of Wyoming:*

12
13 **Section 1.** W.S. 1-45-101 through 1-45-xxx are created to read:

14
15 CHAPTER 45

16 GUARANTEEING RIGHTS AGAINST NOVEL INTERNATIONAL TYRANNY & EXTORTION

1 **1-45-101. Short title; definitions; purposes.**

2 (a) Short Title. This act shall be known and may be cited as the
3 "Wyoming GRANITE Act (Guaranteeing Rights Against Novel
4 International Tyranny & Extortion)."

5 (b) Definitions. As used in this chapter:

6 (i) "FSIA" means the Foreign Sovereign Immunities Act,
7 codified as 28 U.S.C. §§ 1602-1611;

8 (ii) "Foreign state," "political subdivision" and "agency
9 or instrumentality of a foreign state" have the
10 meanings set forth in 28 U.S.C. § 1603, or successor
11 statute;

12 (iii) "Foreign censorship law" means any law, regulation,
13 judgment, order, subpoena, administrative action or
14 demand of a foreign state that would restrict,
15 penalize or compel disclosure concerning expression
16 or association that, if adjudicated in the United
17 States, would be protected by the United States or
18 Wyoming constitutions, when the relevant expression,
19 association, publishing, or hosting activity is
20 carried out from within the United States. The term
21 includes, without limitation, foreign online safety,
22 hate speech, misinformation, disinformation,
23 defamation, privacy, or "harmful content" laws or
24 regulations applied to United States-based internet
25 services, persons, or entities, or that compel
26 Wyoming-based persons or entities to censor,

1 moderate, or disclose user data in violation of
2 United States or Wyoming constitutional protections.
3 The term applies without regard to the nationality
4 of the speaker or audience;

5 (iv) "Enforce" or "attempts to enforce" includes indirect
6 coercion through affiliates, intermediaries, or
7 economic pressure;

8 (v) "Person" has the meaning in W.S. 8-1-102(a)(vi) and
9 includes natural persons and entities;

10 (vi) "Threaten" includes sending or directing any notice,
11 demand, subpoena, request or similar communication
12 to a Wyoming resident or into Wyoming by any medium;

13 (vii) "United States person" means a citizen or lawful
14 permanent resident of the United States, or any
15 entity organized under the laws of the United States
16 or any state thereof;

17 (viii) "United States related revenue" means gross revenue
18 derived from business, sales or services in or
19 directed to the United States, including Wyoming,
20 during the most recently completed fiscal year of the
21 defendant;

22 (ix) "Wyoming resident" means a natural person whose
23 domicile is in this state;

24 (x) "Wyoming entity" means an entity formed or
25 domesticated under the laws of this state, or an

1 entity with its principal place of business in this
2 state.

3 (c) Purposes.

4 (i) This act safeguards the constitutional rights of
5 Wyoming residents and entities from the
6 extraterritorial application of foreign censorship
7 laws by providing an in-state forum, clear
8 jurisdictional rules and effective remedies, while
9 respecting federal law.

10 (ii) This act also promotes Wyoming's economy by fostering
11 a safe harbor for digital innovation, ensuring
12 foreign threats do not deter investment in Wyoming
13 businesses.

14
15 **1-45-102. Jurisdiction, standing, venue, and service.**

16 (a) Standing. An action under this chapter may be brought by:

17 (i) A Wyoming resident;

18 (ii) Any natural person physically present in Wyoming when
19 threatened or targeted;

20 (iii) A Wyoming entity; or

21 (iv) Any United States person or entity whose protected
22 expression or association originates from or is
23 hosted on servers physically located in Wyoming.

24 (b) Personal jurisdiction. A court of this state has personal
25 jurisdiction over any defendant who, directly or through an
26 agent:

1 (i) directs or transmits any demand, notice, threat,
2 subpoena or similar communication into Wyoming or to
3 a Wyoming resident, whether electronically or
4 otherwise; or

5 (ii) threatens to enforce, attempts to enforce, or
6 enforces a foreign censorship law with respect to
7 expression or association originating from Wyoming
8 or hosted on servers physically located in Wyoming.

9 (c) Venue. Venue lies in any county where the plaintiff resides
10 or is located, where the communication was received, in
11 Laramie County, or in the Wyoming Chancery court sitting in
12 Laramie County.

13 (d) Alternative service. Upon motion, a court shall authorize
14 alternative service reasonably calculated to give notice,
15 including service by email to addresses used to transmit the
16 threat, service on United States counsel of record,
17 publication on a state-maintained website for foreign
18 defendants evading notice, or other means permitted by rule
19 or treaty, except that service on a "foreign state,"
20 "political subdivision" or "agency or instrumentality of a
21 foreign state," as defined in 28 U.S.C. § 1603, shall comply
22 with 28 U.S.C. § 1608 and be consistent with any applicable
23 treaty.

24
25 **1-45-103. Cause of action; joint and several liability; FSIA**
26 **savings.**

1 (a) Private right of action. A plaintiff described in W.S. 1-45-
2 102(a) may bring a civil action in any court of competent
3 jurisdiction in this state against any foreign state,
4 political subdivision, agency or instrumentality, and any
5 officer, employee or other person acting under color of
6 foreign law who threatens to enforce, attempts to enforce, or
7 enforces a foreign censorship law against the plaintiff.

8 (b) Joint and several liability. All defendants liable under
9 subsection (a) are jointly and severally liable for the
10 plaintiff's damages, attorney fees and costs, including
11 liability for successor entities or reorganized agencies of
12 the foreign state.

13 (c) Foreign state amenability; FSIA savings.

14 (i) As to any "foreign state," "political subdivision" or
15 "agency or instrumentality of a foreign state" as
16 defined in 28 U.S.C. § 1603, liability under this
17 chapter exists only to the extent, and in the manner,
18 permitted by federal law, including the Foreign
19 Sovereign Immunities Act (FSIA), 28 U.S.C. §§ 1602-1611.

20 (ii) Nothing in this chapter shall be construed to:

21 (A) Waive sovereign immunity of any foreign state;

22 (B) Authorize service of process, attachment,
23 execution or other proceedings against the
24 property of a foreign state in a manner
25 inconsistent with 28 U.S.C. §§ 1608-1611; or

1 (C) Limit any right of removal or other defense
2 available under federal law.

3 (iii) As to natural persons, including officers, employees or
4 agents of a foreign state, this chapter creates a cause
5 of action to the full extent permitted by federal law,
6 including any applicable common-law immunities.

7 (iv) This chapter shall be interpreted consistently with the
8 FSIA to make full use of any applicable exceptions to
9 immunity, including but not limited to the commercial
10 activity exception in 28 U.S.C. § 1605(a)(2).
11

12 **1-45-104. Remedies**

13 (a) Upon proof by a preponderance of the evidence that a defendant
14 acted to chill, restrict, penalize or compel disclosure
15 concerning constitutionally protected expression or
16 association, the court shall award the prevailing plaintiff:

17 (i) The greatest of:

18 (A) Treble actual damages;

19 (B) Statutory damages of ten million dollars
20 (\$10,000,000.00), adjusted for inflation under
21 paragraph (d) of this section, per discrete threat,
22 attempt or enforcement, or 10% of the defendant's
23 annual United States related revenue, whichever is
24 greater; or

25 (C) Three times the domestic-currency equivalent of any
26 threatened or imposed foreign fine or penalty;

1 (ii) Reasonable attorney fees and costs; and
2 (iii) Injunctive and declaratory relief sufficient to prevent
3 further violations, including anti-suit injunctions,
4 preliminary injunctions against United States based
5 enforcement of foreign orders, and orders barring
6 defendants from accessing Wyoming financial
7 institutions, where appropriate.

8 (b) For purposes of statutory damages under this section, each
9 demand, notice, threat, subpoena or equivalent communication
10 constitutes a discrete act. The court may, in the interest of
11 justice and consistent with constitutional limits, treat
12 closely related communications concerning the same
13 investigation or proceeding as a single act for purposes of
14 calculating the minimum statutory award.

15 (c) The remedies in this section are cumulative and in addition
16 to any other remedies available at law or in equity.

17 (d) In determining statutory damages under paragraph (a) (i) (B) of
18 this section, the court shall adjust the base amount of ten
19 million dollars (\$10,000,000.00) for inflation by multiplying
20 it by the ratio of the seasonally adjusted M2 money supply
21 value for the month in which the cause of action accrued to
22 the seasonally adjusted M2 money supply value for the month
23 in which the effective date of this act falls. The M2 values
24 used shall be as published by the Board of Governors of the
25 Federal Reserve System, using the most recent available data
26 at the time of judgment if the relevant month's data is not

1 yet published. The court may take judicial notice of such
2 published data pursuant to Wyoming Rule of Evidence 201. If
3 the Board of Governors ceases publishing seasonally adjusted
4 M2 money supply data, the court shall adjust the base amount
5 using a reasonably comparable monetary aggregate or price
6 index published by the Board of Governors or the Bureau of
7 Labor Statistics, selected to preserve the real value of the
8 statutory amount to the extent practicable.

- 9 (e) A plaintiff that elects statutory damages under this section
10 shall not recover additional punitive or exemplary damages
11 for the same conduct. Statutory damages awarded under this
12 section are intended to be punitive and deterrent in nature.

13
14 **1-45-105. Nonrecognition of certain foreign judgments.**

- 15 (a) No court of this state shall recognize, enforce or give effect
16 to any foreign judgment, order, subpoena, administrative
17 action, fine, penalty, or similar measure that imposes
18 liability or compels action based on expression or
19 association that would be protected by the United States or
20 Wyoming constitutions if adjudicated in the United States.

- 21 (b) No state agency, officer, political subdivision, or employee
22 thereof shall provide assistance or cooperation in
23 collecting, enforcing or giving effect to any measure
24 described in subsection (a), including by issuing or
25 enforcing subpoenas, orders or other compulsory process in
26 aid of such measure. This includes, to the maximum extent

1 permitted by federal law and any applicable treaties of the
2 United States, refusing to honor international assistance
3 requests under treaties if they conflict with this chapter,
4 consistent with the anticommandeering principles of the
5 United States Constitution.

6 (c) This section supplements and does not limit any other basis
7 for nonrecognition under Wyoming law.

8 (d) Civil penalty for violations.

9 (i) Any state employee who knowingly violates this section,
10 as limited by federal law and any applicable treaty of
11 the United States, shall be personally liable for a
12 civil penalty of up to ten thousand dollars (\$10,000.00)
13 per violation.

14 (ii) The penalty under this subsection may be recovered in a
15 civil action brought by the attorney general or a county
16 attorney.

17 (iii) No governmental entity shall indemnify or reimburse an
18 employee for penalties under this subsection if the
19 violation was willful or in bad faith. Qualified
20 immunity shall not be a defense to liability under this
21 section.

22 (iv) Penalties collected under this subsection shall be
23 deposited as required by the Wyoming Constitution, or
24 into the general fund.

1 (a) Courts shall construe this chapter liberally to provide
2 maximum protection for Wyoming residents and entities against
3 the extraterritorial enforcement of foreign censorship laws.
4 Nothing in this chapter shall limit any other cause of action
5 or remedy available under federal or state law.

6 (b) A court of this state shall not decline to exercise
7 jurisdiction over an action brought under this chapter on the
8 ground of forum non conveniens when the plaintiff is a Wyoming
9 resident or Wyoming entity, or the plaintiff was physically
10 present in Wyoming when threatened or targeted, except as
11 required by the constitutions of the United States or Wyoming.

12 (c) In any action under this chapter, liability and remedies shall
13 be determined under the law of the United States and this
14 state. No foreign censorship law shall be applied as
15 substantive law. The existence, content, and purported
16 application of any such law may be admitted only as a matter
17 of fact to determine whether a threat, attempt, or enforcement
18 occurred, and, where relevant, the nature or amount of any
19 associated foreign fine, penalty, or other consequence.

20
21 **1-45-107. Limitations period.**

22 (a) An action under this chapter shall be commenced within four
23 (4) years after the later of:
24 (i) The threat, attempt, or enforcement;

1 (ii) The last in a series of related threats or enforcement
2 actions arising from the same investigation or
3 proceeding; or

4 (iii) The plaintiff's discovery thereof.

5
6 **Section 2. Severability.**

7 If any provision of this act or its application is held invalid, the
8 invalidity does not affect other provisions or applications that can be
9 given effect without the invalid provision or application, and to this
10 end the provisions of this act are severable.

11
12 **Section 3. Legislative findings.**

13 (a) The legislature finds that:

14 (i) Wyoming has a strong public policy favoring robust
15 protection of speech, association and innovation,
16 including in the fields of digital communication,
17 blockchain, and internet services, and relies on a
18 predictable legal environment for businesses and
19 individuals engaged in such activities in this state;

20 (ii) Foreign governments and their agents increasingly seek
21 to restrict, penalize or compel disclosure concerning
22 speech occurring wholly within the United States by
23 threatening or attempting to apply foreign censorship
24 laws, such as the United Kingdom's communications
25 regulator, Ofcom, sending a letter to the United States
26 based platform 4chan threatening fines of up to \$25

1 million or 10% of global turnover for noncompliance with
2 the UK's Online Safety Act, or Brazilian Supreme Court
3 Justice Alexandre de Moraes ordering United States based
4 platforms like X (formerly Twitter) and Trump Media and
5 Technology Group to censor accounts and/or disclose user
6 data or face the prospect of shutdowns and massive
7 penalties;

8 (iii) Such extraterritorial efforts conflict with the
9 constitutions of the United States and of Wyoming and
10 chill speech by Wyoming residents and entities,
11 including those operating in digital innovation sectors
12 like blockchain and decentralized technologies;

13 (iv) Wyoming has a compelling interest in safeguarding the
14 free exchange of ideas and protecting its residents and
15 entities against foreign coercion and intimidation;

16 (v) Foreign censorship threatens Wyoming's leadership in
17 decentralized finance and digital assets;

18 (vi) Effective deterrence requires meaningful civil remedies
19 and joint and several liability across foreign states,
20 agencies or instrumentalities and responsible foreign
21 officials, recognizing that officials or agencies may
22 be judgment-proof while foreign states often maintain
23 assets or commercial relationships within the United
24 States;

25 (vii) The amenability of foreign states to suit and execution
26 is governed by federal law, including the Foreign

1 Sovereign Immunities Act (FSIA), 28 U.S.C. §§ 1602-1611;
2 nothing in this act purports to waive sovereign immunity
3 beyond what federal law permits; and

4 (viii) This act is remedial in nature and is intended solely
5 to protect persons and entities within Wyoming's
6 jurisdiction from foreign coercion concerning their
7 constitutionally protected expression. It shall not be
8 construed to regulate foreign states as such or to
9 conflict with the foreign affairs powers of the United
10 States.

11
12 **Section 4. Effective date.**

13 This act is effective immediately upon completion of all acts necessary
14 for a bill to become law as provided by Article 4, Section 8 of the
15 Wyoming Constitution and applies to conduct occurring on or after the
16 effective date, including threats, attempts, or enforcement actions that
17 are part of an investigation or proceeding first initiated before the
18 effective date.