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REPORT

TO: Honorable Mark Gordon
Governor

Joint Judiciary Interim Committee

FROM: Bridget Hill *BH*
Attorney General

Jay Jerde *JJ*
Special Assistant Attorney General

RE: Report #1465 – 2022 House Enrolled Act 57 (HB0092)

In House Enrolled Act 57 (2022), the Wyoming Legislature directed me to “review any final decisions of the supreme court of the United States related to *Roe v. Wade*, 410 U.S. 113 (1973) or otherwise related to abortion to determine whether the enforcement” of Wyo. Stat. Ann. § 35-6-102(b) as created by House Enrolled Act 57 “would be fully authorized” under any such decision. 2022 Wyo. Sess. Laws 305. The Legislature further directed me to report the result of any review completed under House Enrolled Act 57 to the Joint Judiciary Interim Committee and the Governor within thirty days of the date of any final decision of the United States Supreme Court. *Id.*

On June 24, 2022, the United States Supreme Court issued an opinion in *Dobbs v. Jackson Women’s Health Organization*, — U.S. —, 142 S. Ct. 2228 (2022). In *Dobbs*, a five-Justice majority held that the United States Constitution “does not prohibit the citizens of each State from regulating or prohibiting abortion. *Roe* and *Casey* arrogated that authority. We now overrule those decisions and return that authority to the people and their elected representatives.”¹ *Dobbs*, 142 S. Ct. at 2284; *see also Dobbs*, 142 S. Ct. at 2279 (The United States Constitution “does not confer a right to abortion. *Roe* and *Casey* must be overruled, and the authority to regulate abortion must be returned to the people and their elected representatives.”).

After reviewing the final decision in *Dobbs*, I have determined that the enforcement of Wyo. Stat. Ann. § 35-6-102(b) would be fully authorized under that decision. It should be noted that my analysis includes only that directed by House Enrolled Act 57: whether Wyo. Stat. Ann. § 35-6-102(b) is authorized to go into effect under the *Dobbs* decision. Analysis of additional factors is outside the scope of this review. As is true for all statutes, if Wyo. Stat. Ann. § 35-6-102(b) takes effect and is challenged in the courts, the Office of the Wyoming Attorney General stands ready to defend it.

¹ The reference to “*Roe* and *Casey*” in *Dobbs* means the United States Supreme Court decisions in *Roe v. Wade*, 410 U.S. 113 (1973) and *Planned Parenthood of Southeastern Pennsylvania v. Casey*, 505 U.S. 833 (1992).