

## HOUSE BILL NO. HB0103

Regulation of firearms-state preemption.

Sponsored by: Representative(s) Jaggi, Baker, Burkhart,  
Gingery, Hutchings, Kroeker, McKim, Miller,  
Reeder and Winters and Senator(s) Dockstader  
and Hicks

A BILL

for

1 AN ACT relating to firearms; providing that the state of  
2 Wyoming preempts the entire field of firearm and ammunition  
3 regulation; providing civil liability as specified;  
4 providing for attorney's fees and damages as specified; and  
5 providing for an effective date.

6

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

8

9 **Section 1.** W.S. 6-8-401(c) and by creating new  
10 subsections (d) through (m) is amended to read:

11

12 **6-8-401. Firearm, weapon and ammunition regulation**  
13 **and prohibition by state.**

14

1 (c) The sale, transfer, purchase, delivery, taxation,  
2 manufacture, ownership, transportation, storage, use and  
3 possession of firearms, weapons and ammunition shall be  
4 authorized, regulated and prohibited by the state, and  
5 regulation thereof is preempted by the state. ~~Except as~~  
6 ~~authorized by W.S. 15-1-103(a)(xviii),~~ No city, town,  
7 county, political subdivision or any other governmental  
8 entity shall authorize, regulate or prohibit the sale,  
9 transfer, purchase, delivery, taxation, manufacture,  
10 ownership, transportation, storage, use, carrying or  
11 possession of firearms, weapons, accessories, components or  
12 ammunition except as specifically provided by this chapter.  
13 This section shall not affect zoning or other ordinances  
14 which encompass firearms businesses along with other  
15 businesses. Zoning and other ordinances which are designed  
16 for the purpose of restricting or prohibiting the sale,  
17 purchase, transfer or manufacture of firearms or ammunition  
18 as a method of regulating firearms or ammunition are in  
19 conflict with this section and are prohibited.

20

21 (d) This section shall not prohibit regulation of:

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1           (i) Shooting galleries and shooting ranges  
2 specifically as authorized by W.S. 15-1-103(a)(xv) and  
3 16-11-101 through 16-11-103;

4  
5           (ii) The discharge of a firearm in a  
6 municipality or a subdivision for which a permit has been  
7 issued pursuant to W.S. 18-5-306 or 18-5-316.

8  
9           (e) The authority of a political subdivision to  
10 regulate firearms and ammunition shall not be inferred from  
11 any general or inherent power of the political subdivision  
12 including, but not limited to, the political subdivision's  
13 proprietary authority or home rule status or any other  
14 inherent power.

15  
16           (f) Any existing or future ordinance, resolution,  
17 administrative rule or regulation or order promulgated or  
18 enforced in violation of this section is hereby rendered  
19 without force or effect.

20  
21           (g) A person adversely affected by any ordinance,  
22 resolution, administrative rule or regulation or order  
23 promulgated or enforced in violation of this section may  
24 file suit in the district court for the district in which

1 the ordinance, administrative rule or regulation or order  
2 is in effect seeking declarative and injunctive relief and  
3 all actual and consequential damages.

4  
5 (h) The district court may award reasonable  
6 attorneys' fees and litigation expenses, including but not  
7 limited to expert witness fees, court costs and  
8 compensation for loss of income, to the plaintiff in an  
9 action filed pursuant to subsection (g) of this section if:

10  
11 (i) The plaintiff substantially prevails in the  
12 action; or

13  
14 (ii) The court finds that as a result of the  
15 action, but prior to a final determination in the action,  
16 the complained of ordinance, administrative rule or  
17 regulation or order is rescinded, repealed or amended.

18  
19 (j) Should any grant of immunity, exception or  
20 imposition of liability within the Wyoming Governmental  
21 Claims Act conflict with any provision of this section,  
22 this section shall prevail.

23

1       (k) An action may be brought under this subsection  
2 by:

3

4       (i) A person who may legally possess a firearm,  
5 and:

6

7               (A) Is adversely affected by an ordinance,  
8 administrative rule or regulation or order promulgated or  
9 enforced by a city, town, county, political subdivision or  
10 any other governmental entity in violation of this section;  
11 or

12

13               (B) May be adversely affected by an  
14 ordinance, administrative rule or regulation or order  
15 promulgated or enforced by a city, town, county, political  
16 subdivision or any other governmental entity alleged to be  
17 promulgated or enforced in violation of this section if he  
18 would enter the jurisdictional boundaries of the city,  
19 town, county, political subdivision or other entity.

20

21               (ii) An organization whose membership includes  
22 at least one (1) person who meets the requirements of  
23 paragraph (i) of this subsection.

24

1       (m) Nothing in this section shall be construed to  
2 affect private property rights.

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

5

6

(END)