

HOUSE BILL NO. HB0015

Restoration of voting rights by department of corrections.

Sponsored by: Joint Judiciary Interim Committee

A BILL

for

1 AN ACT relating to criminal procedure; amending and
2 conforming provisions relating to restoration of voting
3 rights to felons; providing an appropriation; and providing
4 for an effective date.

5

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

7

8 **Section 1.** W.S. 7-13-105(b)(intro), (i), (ii), (c),
9 by creating a new subsection (d) and by amending and
10 renumbering (d) as (e), 7-13-401(f), 7-13-402(f),
11 7-19-103(a)(ii), 18-16-102(a)(ix)(E), 22-3-102(e)(iv) and
12 25-1-104 by creating a new subsection (k) are amended to
13 read:

14

15 **7-13-105. Certificate of restoration of rights;**
16 **procedure for restoration in general; procedure for**

1 restoration of voting rights for nonviolent felonies;
2 filing requirements.

3
4 (b) The department of corrections shall issue a
5 certificate of restoration of voting rights as provided in
6 this subsection and subsection (c) of this section. Upon
7 issuance of a certificate, voting rights lost pursuant to
8 W.S. 6-10-106 shall be deemed restored. The department of
9 corrections shall issue a person convicted of a nonviolent
10 felony or nonviolent felonies arising out of the same
11 occurrence or related course of events ~~may apply in writing~~
12 ~~to the state board of parole for a certificate which~~
13 ~~restores the person's voting rights lost pursuant to W.S.~~
14 ~~6-10-106. The application shall specifically state that the~~
15 ~~requirements of this subsection have been met and shall be~~
16 ~~on a form approved by the state board of parole. The state~~
17 ~~board of parole shall issue a certificate restoring a~~
18 ~~person's voting rights~~ of restoration of voting rights if:

19
20 (i) The ~~applicant~~ person has ~~never~~ not been
21 convicted of any other felony other than convictions
22 arising out of the same occurrence or related course of

1 events for which restoration of rights is ~~sought~~ certified;
2 and

3
4 (ii) ~~All of the applicant's terms of~~ The person
5 has completed all of his sentence, ~~are expired, or in the~~
6 ~~ease of probation, the applicant has completed all~~
7 ~~probation periods; and~~ including probation or parole.

8
9 (c) ~~Upon receipt of the written application under~~
10 ~~subsection (b) of this section, the board shall review the~~
11 ~~materials and make an initial determination of eligibility.~~
12 ~~Should the board deny the application at this initial~~
13 ~~determination, the applicant shall have the right to~~
14 ~~request a contested case hearing before the board as~~
15 ~~provided by and in accordance with the Wyoming~~
16 ~~Administrative Procedure Act. The decision of the board~~
17 ~~after such hearing shall be deemed a final administrative~~
18 ~~determination, shall be in writing, and, shall in the case~~
19 ~~of a denial of the application, state the findings of the~~
20 ~~board and the reasons for the denial and shall not be~~
21 ~~subject to judicial review under W.S. 16-3-114.~~ The
22 department of corrections shall issue a certificate of

1 restoration of voting rights to eligible persons as
2 follows:

3
4 (i) For persons convicted within Wyoming of a
5 nonviolent felony or nonviolent felonies arising out of the
6 same occurrence or related course of events, the department
7 shall issue a certificate to eligible persons who completed
8 their sentence before January 1, 2016, upon receipt of the
9 person's application for restoration. The application shall
10 specifically state that the requirements of this subsection
11 and subsection (b) have been met and shall be on a form
12 approved by the state board of parole. The department
13 shall issue a certificate to eligible persons who complete
14 their sentence after January 1, 2016 without the need for
15 the person to submit an application;

16
17 (ii) For persons convicted outside of Wyoming or
18 under federal law of a nonviolent felony or nonviolent
19 felonies arising out of the same occurrence or related
20 course of events, the department shall issue a certificate
21 to an eligible person upon receipt of the person's
22 application for restoration. The application shall
23 specifically state that the requirements of this subsection

1 and subsection (b) have been met and shall be on a form
2 approved by the state board of parole.

3
4 (d) The department's denial of a certificate of
5 restoration of voting rights is a final action of the
6 agency subject to judicial review. The clerk of the
7 district court and the division of criminal investigation
8 shall cooperate with the department of corrections in
9 providing information necessary for determining a person's
10 eligibility to receive a certificate of restoration of
11 voting rights. The department of corrections shall notify
12 the secretary of state when any person's voting rights have
13 been restored. If the person was convicted in Wyoming, the
14 department shall submit the certificate of restoration of
15 voting rights to the clerk of the district court in which
16 the person was convicted and the clerk shall file the
17 certificate in the criminal case in which the conviction
18 was entered.

19
20 ~~(d)~~ (e) As used in this section:7

21

1 (i) "Same occurrence or related course of
2 events" means the same transaction or occurrence or a
3 series of events closely related in time or location;
4

5 (ii) "Violent felony" means as defined by W.S.
6 6-1-104(a)(xii), including offenses committed in another
7 jurisdiction which if committed in this state would
8 constitute a violent felony under W.S. 6-1-104(a)(xii). ~~As~~
9 ~~used in this section,~~ "Nonviolent felony" includes all
10 felony offenses not otherwise defined as violent felonies.
11

12 **7-13-401. Definitions; creation of board; officers;**
13 **compensation; hearing panels; meetings.**
14

15 (f) Three (3) or more members of the board may
16 constitute a hearing panel empowered to review applications
17 for parole, grant paroles or revoke paroles. Fewer than
18 three (3) members of the board, as may be provided by rule
19 of the board, may withdraw or revoke good time, restore or
20 reinstate good time, ~~make initial determinations of~~
21 ~~eligibility and restore voting rights pursuant to W.S.~~
22 ~~7-13-105(b) and (c),~~ make recommendations to the governor
23 to grant commutations of sentences and review inmate

1 matters, other than the grant or denial of parole, brought
2 before the board. A decision by a majority of the members
3 of a panel under this subsection is the decision of the
4 board.

5

6 **7-13-402. General powers and duties of board;**
7 **eligibility for parole; immunity.**

8

9 (f) The promulgation of substantive rules by the
10 board, the conduct of its hearings and its final decisions
11 are specifically exempt from all provisions of the Wyoming
12 Administrative Procedure Act including the provisions for
13 judicial review under W.S. 16-3-114 and 16-3-115. ~~This~~
14 ~~exception shall not apply to the provisions authorizing a~~
15 ~~contested case hearing under W.S. 7-13-105(c).~~ The board's
16 rules and regulations shall be filed in the office of the
17 secretary of state.

18

19 **7-19-103. Definitions.**

20

21 (a) As used in this act:

22

1 (ii) "Criminal history record information" means
2 information, records and data compiled by criminal justice
3 agencies on individuals for the purpose of identifying
4 criminal offenders consisting of identifiable descriptions
5 of the offenders and notations or a summary of arrests,
6 detentions, indictments, information, pre-trial
7 proceedings, nature and disposition of criminal charges,
8 sentencing, rehabilitation, incarceration, correctional
9 supervision and release. Criminal history record
10 information is limited to information recorded as the
11 result of the initiation of criminal proceedings. It does
12 not include intelligence data, analytical prosecutorial
13 files, investigative reports and files or statistical
14 records and reports in which individual identities are not
15 ascertainable, any document relating to restoration of
16 voting rights, or any document signed by the governor
17 granting a pardon, commutation of sentence, reprieve,
18 remission of fine or forfeiture, or a restoration of civil
19 rights; ~~by the governor or restoration of voting rights by~~
20 ~~the state board of parole;~~

21

22 **18-16-102. Definitions.**

23

1 (a) As used in this act:

2

3 (ix) "Qualified elector" means a natural person who:

4

5 (E) Has not been convicted of a felony or
6 if convicted has had his civil rights or voting rights
7 restored; and

8

9 **22-3-102. Qualifications; temporary registration.**

10

11 (e) The secretary of state is authorized to provide
12 for the verification of certain voter registration data in
13 accordance with the following:

14

15 (iv) The secretary of state, ~~and~~ the state board
16 of parole and the department of corrections shall enter
17 into an agreement to match information in the voter
18 registration system with records regarding restoration of
19 voting rights maintained by the state board of parole or
20 the department of corrections in order to verify voter
21 qualifications;

22

1 **25-1-104. Creation of department of corrections;**
2 **duties; inspections of state institutions; regulation of**
3 **prisoner produced goods.**

4
5 (k) The department of corrections shall issue
6 certificates of restoration of voting rights pursuant to
7 W.S. 7-13-105(b) and (c).

8
9 **Section 2.** W.S. 7-13-105(b)(iii) and 7-13-402(h) are
10 repealed.

11
12 **Section 3.** This act shall not affect the validity of
13 voting rights restored prior to the effective date of this
14 act.

15
16 **Section 4.** There is appropriated from the general
17 fund to the secretary of state twenty-five thousand eight
18 hundred dollars (\$25,800.00) for the period beginning March
19 15, 2015 and ending June 30, 2016.

20

1 **Section 5.**

2

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

7

8 (b) Except as provided by subsection (a) of this
9 section, this act is effective January 1, 2016.

10

11

(END)