

HOUSE BILL NO. HB0060

Firearm and ammunition regulation.

Sponsored by: Representative(s) Kroeker and Jaggi and
Senator(s) Jennings

A BILL

for

1 AN ACT relating to firearms; providing that the state of
2 Wyoming preempts the field of firearm and ammunition
3 regulation; providing civil liability for violations as
4 specified; providing a civil fine for a violation of this
5 act as specified; providing for the removal from office of
6 public officials for violations; providing for attorney's
7 fees and damages; providing for precedence over other
8 statutes; and providing for an effective date.

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

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12 **Section 1.** W.S. 6-8-401(c) and by creating new
13 subsections (d) through (k), 15-1-107(a)(iii), (iv) and by
14 creating a new paragraph (v), 15-2-102 by creating a new
15 subsection (c) and 18-3-902(f) by creating a new paragraph
16 (iii) are amended to read:

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2 **6-8-401. Firearm, weapon and ammunition regulation**
3 **and prohibition by state.**

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5 (c) The sale, transfer, purchase, delivery, taxation,
6 manufacture, ownership, transportation, storage, use and
7 possession of firearms, weapons and ammunition shall be
8 authorized, regulated and prohibited by the state, and
9 regulation thereof is preempted by the state. ~~Except as~~
10 ~~authorized by W.S. 15-1-103(a)(xviii),~~ No city, town,
11 county, political subdivision or any other entity shall
12 authorize, regulate or prohibit the sale, transfer,
13 purchase, delivery, taxation, manufacture, ownership,
14 transportation, storage, use, carrying or possession of
15 firearms, weapons, accessories, components or ammunition
16 except as specifically provided by this chapter. This
17 section shall preempt all ordinances, resolutions,
18 administrative rules and regulations enacted by a county,
19 city, town, political subdivision or any other entity. Any
20 such existing ordinances, resolutions, rules and
21 regulations are hereby declared without force or effect.
22 This section shall not affect zoning or other ordinances
23 which encompass firearms businesses along with other
24 businesses. Zoning and other ordinances which are designed

1 for the purpose of restricting or prohibiting the sale,
2 purchase, transfer or manufacture of firearms or ammunition
3 as a method of regulating firearms or ammunition are in
4 conflict with this section and are prohibited.

5
6 (d) Any person, city, town, county, political
7 subdivision or any other entity that violates the state's
8 occupation of the entire field of regulation of firearms
9 and ammunition, as declared in subsection (c) of this
10 section, by enacting or causing to be enforced any local
11 ordinance, resolution, administrative rule or regulation
12 impinging upon the state's exclusive occupation of the
13 field of firearm and ammunition regulation shall be liable
14 as set forth in this section.

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16 (e) If any city, town, county, political subdivision
17 or any other entity violates this section, a reviewing
18 court shall declare the improper ordinance, resolution,
19 regulation or rule invalid and issue a permanent injunction
20 against the entity prohibiting enforcement of the
21 ordinance, resolution, regulation or rule. It is no defense
22 that in enacting the ordinance, resolution, regulation or
23 rule the entity was acting in good faith or upon advice of
24 counsel.

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2 (f) The attorney general may maintain an action in a
3 court of competent jurisdiction against an elected or
4 appointed local government official who has knowingly and
5 willfully violated this section. If the elected or
6 appointed local government official is found to have
7 knowingly and willfully violated this section, he shall be
8 subject to a civil fine not to exceed twenty thousand
9 dollars (\$20,000.00).

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11 (g) Notwithstanding any other provision of law,
12 including the state self insurance program, W.S. 1-41-101
13 through 1-41-111 and the local government insurance
14 program, W.S. 1-42-201 through 1-42-206:

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16 (i) Public funds shall not be expended to
17 provide for damages awarded for a knowing and willful
18 violation of this section; and

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20 (ii) A person found to have knowingly and
21 willfully violated this section shall reimburse all public
22 funds expended in his defense.

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1 (h) Notwithstanding any other provision of law, the
2 court shall enter judgment to remove from office or
3 employment any member of a city, town, county, political
4 subdivision or any other entity's governing body or any
5 member, officer, employee or agent of any city, town,
6 county, political subdivision or any other entity who is
7 found to have knowingly and willfully violated this section
8 by clear and convincing evidence. It is the duty of the
9 court rendering the judgment to cause immediate notice of
10 removal from office or employment to be given to the proper
11 officer so the vacancy thus caused may be filled.

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13 (j) A person who is, or organization whose membership
14 is, adversely affected by any ordinance, resolution,
15 regulation or rule promulgated or caused to be enforced in
16 violation of this section may maintain an action against
17 the city, town, county, political subdivision or any other
18 entity in any court of competent jurisdiction for
19 declaratory and injunctive relief and for actual damages,
20 caused by the violation. A court shall award the prevailing
21 party in any such action:

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23 (i) Reasonable attorney's fees and costs as
24 provided by law; and

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(ii) Actual damages not to exceed two hundred thousand dollars (\$200,000.00).

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(k) Should any grant of immunity, exception or imposition of liability within the Wyoming Governmental Claims Act conflict with any provision of this section, this section shall prevail.

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15-1-107. Vacancies in offices; grounds; how filled.

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(a) A vacancy exists in the office of mayor or councilman if during the term for which elected any mayor or councilman:

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(iii) Fails to attend four (4) or more consecutive regularly scheduled meetings of the council without an excused absence as determined by a majority of the council according to procedures adopted pursuant to subsection (b) of this section;~~or~~

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(iv) Meets any other condition specified in W.S. 22-18-101;~~;~~ or

24

1 (v) Is found to have violated W.S. 6-8-104(c).

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3 15-2-102. Officers; election, appointment and
4 removal; conditions for appointive office or position.

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6 (c) As used in this section, "incompetency or neglect
7 of duty" includes, but is not limited to, findings of
8 violations of W.S. 6-8-104(c).

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10 18-3-902. Governor to direct district attorney or
11 attorney general to commence action; petition served with
12 summons; pleading; trial; judgment; change of judge.

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14 (f) As used in this section, "misconduct or
15 malfeasance" includes, but is not limited to, instances
16 when:

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18 (iii) The officer is found to have violated W.S.
19 6-8-104(c).

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21 **Section 2.** This act is effective July 1, 2012.

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(END)