

HOUSE BILL NO. HB0176

Restoration of civil rights-amendments.

Sponsored by: Representative(s) Haroldson, Allemand, Bear,
Hornok, Jennings, Ottman, Pendergraft, Penn,
Trujillo and Ward and Senator(s) Ide,
Salazar and Steinmetz

A BILL

for

1 AN ACT relating to crimes and criminal procedure; amending
2 requirements for the restoration of rights as specified;
3 repealing a misdemeanor offense of possession of a firearm
4 by a nonviolent felon; removing the loss of firearms rights
5 by convicted felons under state law; and providing for an
6 effective date.

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

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10 **Section 1.** W.S. 6-8-104(b)(v)(B), 6-10-106(a)(intro)
11 and (iii) and 7-13-105(d), (f) and (g)(i) are amended to
12 read:

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1 **6-8-104. Wearing or carrying concealed weapons;**
2 **penalties; exceptions; permits.**

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4 (b) The attorney general is authorized to issue
5 permits to carry a concealed firearm to persons qualified
6 as provided by this subsection. The attorney general shall
7 promulgate rules necessary to carry out this section no
8 later than October 1, 1994. Applications for a permit to
9 carry a concealed firearm shall be made available and
10 distributed by the division of criminal investigation and
11 local law enforcement agencies. The permit shall be valid
12 throughout the state for a period of five (5) years from
13 the date of issuance. The permittee shall carry the permit,
14 together with valid identification at all times when the
15 permittee is carrying a concealed firearm and shall display
16 both the permit and proper identification upon request of
17 any peace officer. The attorney general through the
18 division shall issue a permit to any person who:

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20 (v) Has not been:

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22 (B) Convicted of a felony violation of the
23 Wyoming Controlled Substances Act of 1971, W.S. 35-7-1001

1 through 35-7-1057 or similar laws of any other state or the
2 United States relating to controlled substances and has not
3 been pardoned or has not had the rights lost under W.S.
4 6-10-106 restored pursuant to W.S. 7-13-105; or

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6 **6-10-106. Rights lost by conviction of felony;**
7 **restoration.**

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9 (a) A person convicted of a felony is incompetent to
10 be an elector or juror or to hold any office of honor,
11 trust or profit within this state ~~or to use or knowingly~~
12 ~~possess any firearm,~~ unless:

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14 (iii) His rights are restored pursuant to W.S.
15 7-13-105(a), (b) or (f); or

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17 **7-13-105. Certificate of restoration of rights;**
18 **procedure for restoration in general; procedure for**
19 **restoration of voting rights for nonviolent felonies;**
20 **filing requirements.**

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22 (d) The department of correction's determination that
23 a person is ineligible for a certificate of restoration of

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

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18 (f) All other rights a person has lost pursuant to
19 W.S. 6-10-106 shall be restored five (5) years after the
20 person has completed their sentence, including applicable
21 periods of probation or parole. A person shall only be
22 eligible for restoration of their rights under this
23 subsection if the person has not been convicted of any

1 other felony other than convictions arising out of the same
2 occurrence or related course of events for which
3 restoration of rights is to be certified. The date on which
4 all rights are restored under this subsection shall be
5 noted on a certificate issued by the department which shall
6 be the same certificate issued under subsections (b) and
7 (c) of this section if the certificate is issued on or
8 after July 1, 2023, or a separate certificate issued upon
9 receipt of a written request on a form prescribed by the
10 department for a person eligible for restoration of rights
11 under this subsection prior to July 1, 2023. The department
12 of correction's determination that a person is ineligible
13 for a certificate of restoration of rights is a final
14 agency action subject to judicial review. A conviction for
15 a new felony upon the issuance of any certificate under
16 this section shall render the certificate void.

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18 (g) When a certificate of restoration of rights is
19 issued pursuant to subsections (a) or (f) of this section,
20 the department of corrections shall:

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22 (i) Notify the ~~federal bureau of alcohol,~~
23 ~~tobacco and firearms~~ Wyoming division of criminal

1 investigation when any person's right to use or possess any
2 firearm have been restored pursuant to subsections (a) or
3 (f) of this section;

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5 **Section 2.** W.S. 6-8-102(c) is repealed.

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7 **Section 3.** This act is effective July 1, 2024.

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9

(END)