

SENATE FILE NO. SF0101

Second amendment protection act amendments-3.

Sponsored by: Senator(s) Biteman

A BILL

for

1 AN ACT relating to the protection of constitutional rights;
 2 amending the Second Amendment Protection Act as specified;
 3 creating exceptions to the Second Amendment Protection Act;
 4 creating civil penalties; creating criminal penalties;
 5 creating an exception to the Wyoming Governmental Claims
 6 Act; providing definitions; making conforming amendments;
 7 and providing for an effective date.

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

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11 **Section 1.** W.S. 1-39-125 is created to read:

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13 **1-39-125. Liability; enforcement of federal**
 14 **regulation of firearms, firearm accessories, magazines and**
 15 **ammunition.**

16

1 A governmental entity is liable for damages resulting from
2 a violation of W.S. 9-14-203.

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4 **Section 2.** W.S. 1-39-103(a)(ix), 1-39-104(a) and
5 9-14-203 are amended to read:

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7 **1-39-103. Definitions.**

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9 (a) As used in this act:

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11 (ix) "This act" means W.S. 1-39-101 through
12 ~~1-39-123~~ 1-39-125.

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14 **1-39-104. Granting immunity from tort liability;
15 liability on contracts; exceptions.**

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17 (a) A governmental entity and its public employees
18 while acting within the scope of duties are granted
19 immunity from liability for any tort except as provided by
20 W.S. 1-39-105 through 1-39-112 and 1-39-122 through
21 ~~1-39-124~~ 1-39-125. Any immunity in actions based on a
22 contract entered into by a governmental entity is waived
23 except to the extent provided by the contract if the

1 contract was within the powers granted to the entity and
2 was properly executed and except as provided in W.S.
3 1-39-120(b). The claims procedures of W.S. 1-39-113 apply
4 to contractual claims against governmental entities.

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6 **9-14-203. Prohibiting the enforcement of federal**
7 **regulation of firearms, firearm accessories, magazines and**
8 **ammunition; penalties; defense of Wyoming citizens.**

9

10 (a) Except as otherwise provided in this section,
11 this state and all political subdivisions of this state are
12 prohibited from using any personnel or funds appropriated
13 by the legislature of the state of Wyoming, ~~or~~ any other
14 source of funds that originated within the state of
15 Wyoming, any federal funds and any other source of funds
16 solely to enforce, ~~administer or cooperate with~~ attempt to
17 enforce, provide material aid, support or participate in
18 any manner in the enforcement or implementation of any
19 ~~unconstitutional~~ act, law, treaty, executive order, rule or
20 regulation of the United States government ~~that infringes~~
21 ~~on or impedes the free exercise of individual rights~~
22 ~~guaranteed under the Second Amendment of the Constitution~~

1 ~~of the United States~~ solely regarding firearms, accessories
2 or ammunition against any law abiding citizen.

3
4 (b) Nothing in this ~~act~~ section shall limit or
5 restrict a public officer, as defined in W.S.
6 6-5-101(a)(v), or a peace officer, as defined by W.S.
7 7-2-101(a)(iv), from providing assistance to federal
8 authorities for purposes not specifically identified in
9 subsection (a) of this section. Nothing in this ~~act~~
10 section shall be construed to prohibit Wyoming governmental
11 entities from accepting federal assistance or funds for ~~law~~
12 the enforcement ~~purposes of laws in this state.~~

13
14 (c) Any agency of the state, political subdivision or
15 law enforcement agency that employs any public officer, as
16 defined in W.S. 6-5-101(a)(v), or peace officer, as defined
17 in W.S. 7-2-101(a)(iv), who knowingly violates ~~subsection~~
18 ~~(a) of this section is guilty of a misdemeanor punishable~~
19 ~~by imprisonment for not more than one (1) year, a fine of~~
20 ~~not more than two thousand dollars (\$2,000.00), or both~~ any
21 provision of this section against any law abiding citizen
22 while acting under the direction of an official, agent,
23 employee or deputy of the United States government, or

1 otherwise acting under the color of federal or state law,
2 shall be liable to the injured party for damages resulting
3 from the public officer's or peace officer's conduct in a
4 civil action before a court of competent jurisdiction. The
5 court, upon finding a violation as described in this
6 section, shall impose a civil penalty against the agency,
7 political subdivision or law enforcement agency in an
8 amount of fifty thousand dollars (\$50,000.00) per violation
9 and may order any injunctive or other equitable relief as
10 permitted by law. The court shall hold a hearing on a
11 motion for injunctive or equitable relief within thirty
12 (30) days of service of the petition. Sovereign immunity
13 shall not be an affirmative defense in any action brought
14 pursuant to this subsection.

15
16 (d) Any agency of the state, political subdivision or
17 law enforcement agency that employs any public officer, as
18 defined in W.S. 6-5-101(a)(v), or peace officer, as defined
19 in W.S. 7-2-101(a)(iv), who previously acted as an
20 official, agent, employee or deputy of the United States
21 government, and who knowingly commits any of the following
22 acts on or after July 1, 2026 shall be subject to a civil
23 penalty of fifty thousand dollars (\$50,000.00):

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(i) For each such employee employed by the agency of the state, political subdivision or law enforcement agency who:

(A) Enforces, attempts to enforce or participates in any manner in the enforcement or implementation of any federal act, executive order, administrative order, rule, regulation, statute or ordinance solely regarding firearms, accessories or ammunition;

(B) Gives material aid or support to the efforts of another in the enforcement or implementation of any federal act, executive order, administrative order, rule, regulation, statute or ordinance solely regarding firearms, accessories or ammunition.

(ii) Which may be assessed in an action commenced by the state or an interested party seeking to enforce this section. For purposes of this paragraph, an interested party that successfully brings an action under

1 this paragraph shall be entitled to reasonable attorney
2 fees.

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4 (e) An interested party may bring a civil action to
5 enforce the provisions of this section. A court of
6 competent jurisdiction may order injunctive or other
7 equitable relief, recovery of damages or other legal
8 remedies permitted by law and payment of reasonable
9 attorney fees. Sovereign immunity shall not be an
10 affirmative defense in any action brought under this
11 section.

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13 (f) A person does not violate the provisions of this
14 section when:

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16 (i) The person provides material aid to federal
17 officers in pursuit of a suspect when there is a
18 demonstrable criminal nexus with another state or country
19 and such suspect is either not a citizen of this state or
20 is not present in this state;

21
22 (ii) The person provides material aid to federal
23 prosecutors for felony violations involving controlled

1 substances or violations against another person when such
2 prosecution includes weapons violations substantially
3 similar to the laws of this state if such weapons
4 violations are ancillary to such prosecution;

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6 (iii) Accepting federal assistance for the
7 enforcement of the laws of this state.

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9 (g) Any public officer, as defined in W.S.
10 6-5-101(a)(v), or peace officer, as defined by W.S.
11 7-2-101(a)(iv), who knowingly violates subsection (a) of
12 this section is guilty of a misdemeanor punishable by
13 imprisonment for not more than one (1) year, a fine of not
14 more than two thousand dollars (\$2,000.00), or both.

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16 (h) Nothing in this section shall be construed to:

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18 (i) Preclude any investigation and lawful
19 seizure of firearms, accessories or ammunition related to
20 violations of Wyoming law;

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1 (ii) Impose liability for civil penalties under
2 this section on individual public officers or peace
3 officers;

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5 (iii) Prohibit the hiring or impose any
6 penalties under subsection (d) of this section for the
7 hiring of any person whose federal service was as a member
8 of the armed services of the United States.

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10 (j) As used in this section:

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12 (i) "Law abiding citizen" means a person who is
13 not otherwise precluded under state law from possessing a
14 firearm and shall not be construed to include any person
15 who is not legally present in the United States or the
16 state of Wyoming;

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18 (ii) "Material aid" includes but is not limited
19 to voluntarily giving or allowing others to make use of
20 lodging, communications equipment or services including
21 social media accounts, facilities, weapons, personnel,
22 transportation, clothing or other physical assets.

23 "Material aid" shall not include the giving or allowing the

1 use of medicine or other materials necessary to treat
2 physical injuries or assistance provided to help persons
3 escape a serious and present risk of life threatening
4 injuries.

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6 **Section 3.** This act is effective July 1, 2026.

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(END)