

**DRAFT ONLY
NOT APPROVED FOR
INTRODUCTION**

HOUSE BILL NO. [Bill Number]

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; and providing for an effective date.

4

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

6

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

12

1 7-13-105. Certificate of restoration of rights;
2 procedure for restoration in general; procedure for
3 restoration of voting rights for nonviolent felonies;
4 filing requirements.

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

22

1 (i) The ~~applicant~~ person has ~~never~~ not been
2 convicted of any other felony other than convictions
3 arising out of the same occurrence or related course of
4 events for which restoration of rights is sought; and

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

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

1 of corrections shall issue a certificate of restoration of
2 voting rights to eligible persons as 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 department shall
10 issue a certificate to eligible persons who complete their
11 sentence after January 1, 2016 without the need for the
12 person to submit an application.

13
14 (ii) For persons convicted outside of Wyoming or
15 under federal law of a nonviolent felony or nonviolent
16 felonies arising out of the same occurrence or related
17 course of events, the department shall issue a certificate
18 to an eligible person upon receipt of the person's
19 application for restoration.

20
21 (d) The department's denial of a certificate of
22 restoration of voting rights is a final action of the
23 agency subject to judicial review. The clerk of the

1 district court and the division of criminal investigation
 2 shall cooperate with the department of corrections in
 3 providing information necessary for determining a person's
 4 eligibility to receive a certificate of restoration of
 5 voting rights. The department of corrections shall notify
 6 the secretary of state when any person's voting rights have
 7 been restored. If the person was convicted in Wyoming, the
 8 department shall submit the certificate of restoration of
 9 voting rights to the clerk of the district court in which
 10 the person was convicted and the clerk shall file the
 11 certificate in the criminal case in which the conviction
 12 was entered.

13

14 *****

15 **STAFF COMMENT**

16 **This draft eliminates the right to a contested case**
 17 **hearing, but allows judicial review. Is this the intent of**
 18 **the committee?**

19 *****

20

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

22

23 (i) "Same occurrence or related course of
 24 events" means the same transaction or occurrence or a
 25 series of events closely related in time or location;

1

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

8

9 **7-13-401. Definitions; creation of board; officers;**
10 **compensation; hearing panels; meetings.**

11

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

1 of a panel under this subsection is the decision of the
2 board.

3

4 **7-13-402. General powers and duties of board;**
5 **eligibility for parole; immunity.**

6

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

16

17 **7-19-103. Definitions.**

18

19 (a) As used in this act:

20

21 (ii) "Criminal history record information" means
22 information, records and data compiled by criminal justice
23 agencies on individuals for the purpose of identifying

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

18

19 **18-16-102. Definitions.**

20

21 (a) As used in this act:

22

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

1

2 (E) Has not been convicted of a felony or if
3 convicted has had his civil rights or voting rights
4 restored; and

5

6 **22-3-102. Qualifications; temporary registration.**

7

8 (e) The secretary of state is authorized to provide
9 for the verification of certain voter registration data in
10 accordance with the following:

11

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

19

20 **25-1-104. Creation of department of corrections;**
21 **duties; inspections of state institutions; regulation of**
22 **prisoner produced goods.**

23

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

4

5 **Section 2.** W.S. 7-13-105(b)(iii) and 7-13-402(h) are
6 repealed.

7

8 **Section 3.** This act shall not affect the validity of
9 voting rights restored prior to the effective date of this
10 act.

11

12 **Section 4.** This act is effective January 1, 2016.

13

14

(END)