

SENATE FILE NO. SF0042

Restoration of firearm rights.

Sponsored by: Senator(s) Case

A BILL

for

1 AN ACT relating to crimes and criminal procedure; providing
2 for the loss and restoration of firearms rights in certain
3 misdemeanor cases; defining certain offenses; providing for
4 filing of certificates restoring firearm rights; and
5 providing for an effective date.

6

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

8

9 **Section 1.** W.S. 6-1-104(a) by creating a new
10 paragraph (xiv), 6-8-102, 6-10-106(a)(iii) and by creating
11 a new subsection (b), 7-13-105(a)(intro) and by creating
12 new subsections (b) through (d), 7-13-401(f), 7-13-402 by
13 creating a new subsection (h), 7-19-103(a)(ii) and
14 9-1-302(a) by creating a new paragraph (v) are amended to
15 read:

16

17 **6-1-104. Definitions.**

1

2 (a) As used in W.S. 6-1-101 through 6-10-203 unless
3 otherwise defined:

4

5 (xiv) "Misdemeanor crime of domestic violence"

6 means:

7

8 (A) A crime punishable as a misdemeanor
9 which has, as an element, the use or attempted use of
10 physical force, or the threatened use of a deadly weapon,
11 committed by a current or former spouse, parent, or
12 guardian of the victim, by a person with whom the victim
13 shares a child in common, by a person who is cohabiting
14 with or has cohabited with the victim as a spouse, parent,
15 or guardian, or by a person similarly situated to a spouse,
16 parent or guardian of the victim; or

17

18 (B) A misdemeanor offense which is
19 otherwise defined as a crime of domestic violence under
20 federal law.

21

22 **6-8-102. Use or possession of firearm by person**
23 **convicted of certain felony offenses; penalties.**

24

1 (a) Any person who has previously pleaded guilty to
2 or been convicted of committing or attempting to commit a
3 violent felony or a felony under W.S. 6-5-204(b), and has
4 not been pardoned and who uses or knowingly possesses any
5 firearm is guilty of a felony punishable by imprisonment
6 for not more than three (3) years, a fine of not more than
7 five thousand dollars (\$5,000.00), or both.

8
9 (b) Any person who has previously pleaded guilty or
10 nolo contendere to or been convicted of a misdemeanor crime
11 of domestic violence as defined by W.S. 6-1-104(a)(xiv),
12 and who has not been pardoned or has not had his firearm
13 rights restored pursuant to W.S. 7-13-105(b), and who uses
14 or knowingly possesses any firearm is guilty of a
15 misdemeanor punishable by imprisonment for not more than
16 one (1) year, a fine of not more than one thousand dollars
17 (\$1,000.00), or both.

18
19 **6-10-106. Rights lost by conviction of felony; rights**
20 **lost by conviction of certain misdemeanors; restoration.**

21
22 (a) A person convicted of a felony is incompetent to
23 be an elector or juror or to hold any office of honor,
24 trust or profit within this state, unless:

1

2 (iii) His rights are restored pursuant to W.S.

3 ~~7-13-105~~ 7-13-105(a).

4

5 (b) A person convicted in this state of a misdemeanor6 crime of domestic violence as defined by W.S.7 6-1-104(a)(xiv) shall be denied the right to possess or use8 any firearm unless:

9

10 (i) His conviction is reversed or annulled;

11

12 (ii) He receives a pardon; or

13

14 (iii) His right to possess or use a firearm is15 restored pursuant to W.S. ~~7-13-105~~(b).

16

17 **7-13-105. Certificate of restoration of rights.**

18

19 (a) Upon receipt of a written application, the

20 governor may issue to a person convicted of a felony under

21 the laws of a state or the United States a certificate

22 which restores the rights lost pursuant to W.S. ~~6-10-106~~23 6-10-106(a) when:

24

1 (b) Upon receipt of a written application supported
2 by appropriate documentation, the state board of parole
3 shall issue to a person convicted in this state of a
4 misdemeanor crime of domestic violence as defined by W.S.
5 6-1-104(a)(xiv) a certificate which restores the rights
6 lost to such person pursuant to W.S. 6-10-106(b) if:

7
8 (i) His term of sentence has expired or he has
9 satisfactorily completed a probation period; and

10
11 (ii) After reviewing the application and the
12 applicant's criminal record, the state board of parole
13 determines that the applicant does not present a
14 substantial danger to himself, the victim of his crime or
15 society.

16
17 (c) A determination of the state board of parole
18 under subsection (b) of this section shall be in writing
19 and shall be final for the purposes of that application.
20 In the case of a denial, the applicant shall have the right
21 to reapply no sooner than one (1) year following the date
22 of the denial.

23

1 (d) When a certificate of restoration of rights is
2 issued pursuant to this section, the issuer of the
3 certificate shall file a copy of the certificate with the
4 secretary of state.

5
6 **7-13-401. Definitions; creation of board; officers;**
7 **compensation; hearing panels; meetings.**

8
9 (f) Three (3) or more members of the board may
10 constitute a hearing panel empowered to review applications
11 for parole, grant paroles, revoke paroles, withdraw or
12 revoke good time, restore or reinstate good time, restore
13 firearm rights lost pursuant to W.S. 6-10-106(b) and make
14 recommendations to the governor to grant commutations of
15 sentences. A decision by a majority of the members of a
16 panel under this subsection is the decision of the board.

17
18 **7-13-402. General powers and duties of board;**
19 **eligibility for parole; immunity.**

20
21 (h) The board shall receive applications for and make
22 determinations regarding the restoration of firearm rights
23 pursuant to the board's powers under W.S. 7-13-105(b).

24

1 **7-19-103. Definitions.**

2

3 (a) As used in this act:

4

5 (ii) "Criminal history record information" means
6 information, records and data compiled by criminal justice
7 agencies on individuals for the purpose of identifying
8 criminal offenders consisting of identifiable descriptions
9 of the offenders and notations or a summary of arrests,
10 detentions, indictments, information, pre-trial
11 proceedings, nature and disposition of criminal charges,
12 sentencing, rehabilitation, incarceration, correctional
13 supervision and release. Criminal history record
14 information is limited to information recorded as the
15 result of the initiation of criminal proceedings. It does
16 not include intelligence data, analytical prosecutorial
17 files, investigative reports and files or statistical
18 records and reports in which individual identities are not
19 ascertainable, or any document signed by the governor
20 granting a pardon, commutation of sentence, reprieve,
21 remission of fine or forfeiture, a restoration of firearm
22 rights by the state board of parole pursuant to W.S.
23 7-13-105(b) or a restoration of civil rights by the
24 governor pursuant to W.S. 7-13-105(a);

1

2 **9-1-302. Powers and duties; custodian of public**
3 **records; preservation of proclamations of governor; removal**
4 **of public documents prohibited; exceptions.**

5

6 (a) The secretary of state is the custodian of, and
7 shall preserve:

8

9 (v) Copies of all restorations of firearm rights
10 granted pursuant to W.S. 7-13-105(b).

11

12 **Section 2.** This act is effective July 1, 2003.

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14

(END)