

## HOUSE BILL NO. HB0028

Wyoming Firearms Freedom Act.

Sponsored by: Representative(s) Miller, Cannady, Davison,  
Edmonds and Illoway and Senator(s) Anderson,  
J., Bebout, Case, Cooper and Jennings

A BILL

for

1 AN ACT relating to Wyoming Firearms Freedom Act,  
2 establishing a Wyoming Firearms Freedom Act; providing  
3 definitions; providing that specified firearms that are  
4 manufactured, sold, purchased, possessed and used  
5 exclusively within Wyoming shall be exempt from federal  
6 regulation, including registration requirements; providing  
7 exceptions; providing legislative findings and declaration  
8 of authority; and providing for an effective date.

9

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

11

12 **Section 1.** W.S. 6-8-402 through 6-8-405 are created  
13 to read:

14

15

ARTICLE 4

16

WYOMING FIREARMS FREEDOM ACT

1

2           **6-8-402. Short title; applicability.**

3

4           (a) This article shall be known and may be cited as  
5 the "Wyoming Firearms Freedom Act".

6

7           (b) Effective July 1, 2010, W.S. 6-8-403 and 6-8-404  
8 shall apply to firearms, firearms accessories and  
9 ammunition that are manufactured, as defined in W.S.  
10 6-8-403(a)(v), and retained in Wyoming.

11

12           **6-8-403. Definitions.**

13

14           (a) As used in this act:

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16           (i) "Borders of Wyoming" means the boundaries of  
17 Wyoming described in section 2 of the Act of Admission of  
18 the state of Wyoming, 26 United States Statutes at Large,  
19 222, chapter 664;

20

21           (ii) "Firearm" means any weapon which will or is  
22 designed to expel any projectile by the action of an  
23 explosive;

24

1           (iii) "Firearms accessories" means items that  
2 are used in conjunction with or mounted upon a firearm but  
3 are not essential to the basic function of a firearm,  
4 including but not limited to telescopic or laser sights,  
5 magazines, flash or sound suppressors, folding or  
6 aftermarket stocks and grips, speedloaders, ammunition  
7 carriers and lights for target illumination;

8

9           (iv) "Generic and insignificant parts" includes  
10 but is not limited to springs, screws, nuts and pins;

11

12           (v) "Manufactured" means that a firearm, a  
13 firearm accessory or ammunition has been created from basic  
14 materials for functional usefulness, including but not  
15 limited to forging, casting, machining or other processes  
16 for working materials.

17

18           **6-8-404. Regulation by state of firearms, firearms**  
19 **accessories and ammunition manufactured in Wyoming;**  
20 **exceptions.**

21

22           (a) A personal firearm, a firearm accessory or  
23 ammunition that is manufactured commercially or privately  
24 in Wyoming and that remains within the borders of Wyoming

1 is not subject to federal law or federal regulation,  
2 including regulation, under the authority of the United  
3 States congress to regulate interstate commerce. It is  
4 declared by the Wyoming legislature that those items have  
5 not traveled in interstate commerce. This section applies  
6 to a firearm, a firearm accessory or ammunition that is  
7 manufactured in Wyoming from basic materials and that can  
8 be manufactured without the inclusion of any significant  
9 parts imported from another state or foreign country.  
10 Generic and insignificant parts that have other  
11 manufacturing or consumer product applications are not  
12 firearms, firearms accessories or ammunition, and their  
13 importation into Wyoming and incorporation into a firearm,  
14 firearm accessory or ammunition manufactured in Wyoming  
15 does not subject the firearm, firearm accessory or  
16 ammunition to federal regulation. It is declared by the  
17 Wyoming legislature that basic materials, such as  
18 unmachined steel and unshaped wood, are not firearms,  
19 firearms accessories or ammunition and are not subject to  
20 congressional authority to regulate firearms, firearms  
21 accessories and ammunition under interstate commerce as if  
22 they were actually firearms, firearms accessories or  
23 ammunition. The authority of the United States congress to  
24 regulate interstate commerce in basic materials does not

1 include authority to regulate firearms, firearms  
2 accessories and ammunition made in Wyoming from those basic  
3 materials. Firearms accessories that are imported into  
4 Wyoming from another state and that are subject to federal  
5 regulation as being in interstate commerce do not subject a  
6 firearm to federal regulation under interstate commerce  
7 because the firearm accessory is attached to or used in  
8 conjunction with a firearm in Wyoming.

9

10 (b) Subsection (a) of this section does not apply to:

11

12 (i) A firearm that can not be carried and used  
13 by one (1) person;

14

15 (ii) A firearm that has a bore diameter greater  
16 than one and one-half (1 1/2) inches and that uses  
17 smokeless powder, not black powder, as a propellant;

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19 (iii) Ammunition with a projectile that explodes  
20 using an explosion of chemical energy after the projectile  
21 leaves the firearm; or

22

1           (iv) A firearm that discharges two (2) or more  
2 projectiles sequentially with one (1) activation of the  
3 trigger or other firing device.

4  
5           (c) A firearm manufactured or sold in Wyoming under  
6 this act shall have the words "Made in Wyoming" clearly  
7 stamped on a central metallic part, such as the receiver or  
8 frame.

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10           **6-8-405. Legislative declarations of authority.**

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12           (a) The legislature declares that the authority for  
13 W.S. 6-8-402 through 6-8-405 is the following:

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15           (i) The tenth amendment to the United States  
16 constitution guarantees to the states and their people all  
17 powers not granted to the federal government elsewhere in  
18 the constitution and reserves to the state and the people  
19 of Wyoming certain powers as they were understood at the  
20 time that Wyoming was admitted to statehood in 1890. The  
21 guaranty of those powers is a matter of contract between  
22 the state and people of Wyoming and the United States as of  
23 the time the Act of Admission was agreed upon and adopted  
24 by Wyoming and the United States in 1889;

1

2           (ii) The ninth amendment to the United States  
3 constitution guarantees to the people rights not granted in  
4 the constitution and reserves to the people of Wyoming  
5 certain rights, as they were understood at the time Wyoming  
6 was admitted to statehood in 1890. The guaranty of those  
7 rights is a matter of contract between the state and people  
8 of Wyoming and the United States as of the time the Act of  
9 Admission was agreed upon and adopted by Wyoming and the  
10 United States in 1889;

11

12           (iii) The regulation of intrastate commerce is  
13 vested in the states under the ninth and tenth amendments  
14 to the United States constitution, particularly if not  
15 expressly preempted by federal law. Congress has not  
16 expressly preempted state regulation of intrastate commerce  
17 pertaining to the manufacture on an intrastate basis of  
18 firearms, firearms accessories and ammunition;

19

20           (iv) The second amendment to the United States  
21 constitution reserves to the people the right to keep and  
22 bear arms as that right was understood at the time Wyoming  
23 was admitted to statehood in 1890, and the guaranty of the  
24 right is a matter of contract between the state and people

1 of Wyoming and the United States as of the time the Act of  
2 Admission was agreed upon and adopted by Wyoming and the  
3 United States in 1889;

4

5 (v) Article 1, section 24, of the Wyoming  
6 constitution clearly secures to Wyoming citizens the right  
7 to keep and bear arms. This constitutional protection is  
8 unchanged from the 1890 Wyoming constitution, which was  
9 approved by congress and the people of Wyoming, and the  
10 right exists, as it was agreed upon and adopted by Wyoming  
11 and the United States in the Act of Admission.

12

13 **Section 2.** W.S. 6-8-401(b) is repealed.

14

15 **Section 3.** This act is effective July 1, 2010.

16

17

(END)