

SENATE FILE NO. SF0111

Firearm background checks-mental health records.

Sponsored by: Senator(s) Emerich and Representative(s)
Gingery

A BILL

for

1 AN ACT relating to public safety; requiring the division of
2 criminal investigation to collect and disclose specified
3 mental health information relevant to firearm background
4 checks; imposing a duty upon state agencies to report
5 specified mental health information; providing for limited
6 liability as specified; and providing for an effective
7 date.

8

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

10

11 **Section 1.** W.S. 9-1-611(b) by creating new paragraph
12 (iv), 9-1-624(a) by creating a new paragraph (v) and by
13 creating new subsections (c) through (g), 25-5-132(a) and
14 25-10-121 are amended to read:

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1 9-1-611. Division of criminal investigation; created;
2 definitions; director; appointment; qualifications.

3
4 (b) As used in this act:

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6 (iv) "Mental health prohibitor information"
7 means information which establishes the existence of mental
8 health circumstances which prohibit a person from
9 participating in the sale or transfer of a firearm under
10 the Gun Control Act of 1968, title 18, U.S.C., chapter 44
11 and Brady Handgun Violence Prevention Act of 1993, P.L.
12 103-159, together with their implementing regulations.
13 These circumstances include being involuntarily committed
14 to a mental institution, being found incompetent to stand
15 trial or not guilty by reason of insanity, being
16 adjudicated as having a serious mental condition that
17 presents a danger to others or to the diagnosed person or
18 being found incapable of managing personal affairs.

19
20 9-1-624. Division of criminal investigation; uniform
21 procedures and forms for collecting and disseminating
22 identification data; collection and dissemination of mental
23 health prohibitor information; agencies to cooperate.

24

1 (a) The division shall:

2

3 (v) Provide a system for collecting and
4 reporting mental health prohibitor information to the
5 federal bureau of investigation for use with the national
6 instant criminal background check system to the extent
7 necessary to allow the federal bureau of investigation to
8 collect and maintain a list of persons who are prohibited
9 by federal law from engaging in a sale or transfer of
10 firearms.

11

12 (c) All departments, agencies and subdivisions of the
13 state government, including all courts in the state of
14 Wyoming, and all counties, municipalities and political
15 subdivisions thereof, shall cooperate with the division in
16 submitting mental health prohibitor information to the
17 division in a format required by the division and
18 consistent with deadlines established by the division. The
19 information submitted shall include any order or other
20 evidence establishing that a person is no longer subject to
21 a mental health prohibitor or that a person has otherwise
22 been granted relief from any mental health prohibitor. No
23 information submitted to the division shall include any
24 underlying diagnoses or treatment detail not used by the

1 federal bureau of investigation for the national instant
2 criminal background check system.

3

4 (d) Upon written request by a person whose
5 information has been disclosed, the division shall identify
6 to the requestor all mental health prohibitor information
7 submitted to the federal bureau of investigation about the
8 requestor.

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10 (e) All information collected by the division under
11 paragraph (a)(v) of this section shall be confidential
12 information and, except as otherwise provided by this
13 section or other state law, shall not constitute a public
14 record and shall not be disseminated.

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16 (f) The division shall establish by rule a procedure
17 to correct mental health prohibitor information collected
18 by the division and transmit the corrected information to
19 the federal bureau of investigation when any person submits
20 to the division a judicial order or other proof which
21 establishes that a record previously submitted to the
22 federal bureau of investigation is not correct, that a
23 person is no longer subject to a mental health prohibitor

1 or that a person has otherwise been granted relief from a
2 mental health prohibitor.

3

4 (g) A person authorized by this section to
5 disseminate mental health prohibitor information, including
6 information which indicates that a person is not subject to
7 a mental health prohibitor, is not civilly or criminally
8 liable for contributing or for disseminating the
9 information to authorized persons.

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11 **25-5-132. No determination of incompetency;**
12 **notification of rights; deniable rights and conditions**
13 **therefor; undeniable rights.**

14

15 (a) Other than for the purpose of collecting and
16 disseminating information as required by W.S. 9-1-624, if
17 relevant to the operation of the Gun Control Act of 1968,
18 title 18, U.S.C., chapter 44 and Brady Handgun Violence
19 Prevention Act of 1993, P.L. 103-159, and their
20 implementing regulations, the determination that a person
21 is eligible for admission to the center is not a
22 determination or adjudication that the person is
23 incompetent.

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1 25-10-121. Admission not to create presumption as to
2 competency nor ground for guardianship.

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4 Admission to a hospital under this act shall not create any
5 presumption with respect to the patient's mental or legal
6 competency to exercise civil, contractual or other rights
7 for which a legal standard of competency exists. Admission
8 to a hospital under this act is not sufficient cause for
9 guardianship of the person or estate of any patient.
10 Nothing in this section shall prevent the submission and
11 disclosure of mental health prohibitor information as
12 required by W.S. 9-1-624.

13

14 **Section 2.** This act is effective July 1, 2014.

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(END)