

HOUSE BILL NO. HB0114

Gun free zones modifications.

Sponsored by: Representative(s) Jaggi, Baker, Jennings,  
Kroeker, Lindholm, Loucks, Miller,  
Piiparinen and Reeder

A BILL

for

1 AN ACT relating to concealed weapons; providing for  
2 modifications of gun free zones; authorizing exceptions for  
3 the carrying of concealed weapons by permit holders as  
4 specified; specifying legislative findings and intent;  
5 conferring immunity as specified; and providing for an  
6 effective date.

7

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

9

10 **Section 1.** Legislative findings.

11

12 (a) "The right of citizens to bear arms in defense of  
13 themselves and of the state shall not be denied." Wyoming  
14 Constitution, Article 1, Section 24. The Wyoming

1 legislature has found that the right to keep and bear arms  
2 is a fundamental right. The right is not absolute as  
3 recognized by both legislative enactments in territorial  
4 times and laws contemporaneous with the adoption of the  
5 Wyoming Constitution. *Mecikalski v. Office of the Attorney*  
6 *General*, 2000 WY 1002, 2 P.3d 1039 (2000), 1890 Wyo.  
7 Territorial Sess. Laws, Ch. 73 § 96 and 1876 Compiled Laws  
8 of Wyo., Ch. 52. As with other constitutional guarantees,  
9 a balance must be struck between the individual's right to  
10 exercise this constitutional guarantee and society's right  
11 to enact laws which will ensure some semblance of order.  
12 *State v. McAdams*, 1986 WY 58, 714 P.2d 1236 (1986). The  
13 police power invoked must have relation to the public weal,  
14 must be within the scope and in furtherance of that power,  
15 and the means adopted must be reasonable and appropriate  
16 for the accomplishment of and have a substantial connection  
17 with the end in view.

18

19 (b) It is incumbent upon the state to provide for the  
20 public health, safety and welfare of its citizens. That  
21 duty is never higher than when students are educated at  
22 schools provided by the state. To that end, statutes  
23 regulating the carrying of concealed deadly weapons have

1 been recognized as rightfully intending to protect the  
2 public by preventing an individual from having on hand a  
3 deadly weapon of which the public is unaware, and which may  
4 be used in a sudden heat of passion.

5

6 (c) At the same time, those statutes must give  
7 acknowledgement to the citizen's right to carry a firearm  
8 in his own defense. But they cannot be designed to  
9 abdicate to private citizens the duty of public officials  
10 to protect citizens under their charge. Wyoming's history  
11 reflects the dangers of relying on armed private police  
12 forces, and our Constitution prohibits importing any armed  
13 police force, or detective agency, or armed body, for the  
14 suppression of domestic violence, except upon application  
15 of the legislature. Wyoming Constitution, Article 19,  
16 Section 6.

17

18 (d) Wyoming statutes have attempted to strike the  
19 appropriate balance by allowing carrying of concealed  
20 weapons with and without permits. Current law also  
21 blanketly prohibits carry of concealed weapons in certain  
22 locations or at specified functions. While these  
23 restrictions have been upheld by the Wyoming Supreme Court,

1 this act is intended to further refine the balance between  
2 the constitutional right to carry a weapon to defend  
3 oneself and the state's duty to protect citizens at large  
4 by allowing a more focused application of authorization to  
5 carry concealed weapons, at a localized level.

6

7 **Section 2.** W.S. 6-8-105 is created to read:

8

9 **6-8-105. Exceptions for state issued concealed carry**  
10 **permits.**

11

12 (a) Persons holding a valid concealed carry permit  
13 issued by the state of Wyoming under W.S. 6-8-104(a)(ii) may  
14 be authorized to carry a concealed weapon in the following  
15 places:

16

17 (i) Any meeting of a governmental entity, if  
18 authorized by the governing body;

19

20 (ii) Any meeting of the legislature or a  
21 committee thereof, if in accordance with policies of the  
22 management council of the legislature;

23

1           (iii) Any public school or college athletic or  
2 professional athletic event whether or not related to  
3 firearms, if authorized by the board of trustees of the  
4 school district or college for events under their  
5 jurisdiction and if authorized by the organizer and owner  
6 of the land upon which the professional athletic event is  
7 conducted;

8  
9           (iv) Any public elementary or secondary school  
10 facility, if authorized by the board of trustees of the  
11 district; and

12  
13           (v) Any public college or university facility if  
14 authorized by the board of trustees of the college or  
15 university.

16  
17           (b) No authorization to carry a concealed weapon  
18 under this section shall extend to any person under twenty-  
19 one (21) years of age.

20  
21           (c) The governing body of the university or any  
22 community college district which contains any facility in  
23 which child care services are provided as a component of an

1 accredited education program shall prohibit the carrying of  
2 a concealed weapon within the facility or upon the grounds  
3 on which the facility is located as it determines necessary  
4 to comply with the accreditation requirements for the  
5 education program.

6

7 (d) The governing body of any entity authorized to  
8 allow the carrying of a concealed weapon under this section  
9 shall provide that the authorization is limited to the  
10 property of or within any facility of the governing body or  
11 meeting or event subject to the jurisdiction of the  
12 governing body and in accordance with subsection (j) of  
13 this section. The limitations or restrictions may be  
14 applied on an individualized or case by case basis, a  
15 facility by facility basis, category of facility basis or  
16 upon all property of the governing body or meeting or event  
17 within the jurisdiction of the governing body and in the  
18 governing body's sole discretion. No decision by a  
19 governing body under this section shall be subject to  
20 appeal. The governing body may consider any local  
21 condition it determines appropriate to fulfill its duties  
22 and obligations, including but not limited to:

23

1           (i) Security for persons using the property,  
2 including likely response time by law enforcement or other  
3 security personnel;

4

5           (ii) Activities conducted within the facility or  
6 upon the grounds, including the number of persons attending  
7 the activity;

8

9           (iii) Decreased or increased cost;

10

11           (iv) Enhanced firearms training undertaken, if  
12 applied on a nondiscriminatory, group basis;

13

14           (v) Requiring notification and presentation of  
15 the permit and proper identification to the governing body  
16 or its designees before entry to the grounds, facilities or  
17 meetings or events by a person carrying a concealed weapon.

18

19           (e) Authorization pursuant to this subsection shall  
20 be established as follows:

21

1           (i) By rule or regulation for the state  
2 building commission, school districts, special districts,  
3 the university and community colleges;

4

5           (ii) By ordinance for cities and towns;

6

7           (iii) By resolution for counties;

8

9           (iv) By written policy of the legislative  
10 management council.

11

12           (f) If a governing body has exercised the authority to  
13 allow concealed carry under this section, the body shall  
14 provide notice in writing or verbally prior to any meeting  
15 subject to the restrictions of W.S. 6-8-104 as to whether  
16 the carrying of concealed weapons is permitted. The  
17 governing body shall also provide signage at any facility  
18 or event at which concealed carry has been permitted under  
19 the provisions of this section.

20

21           (g) Notwithstanding the provisions of W.S. 1-39-105  
22 through 1-39-112:

23



1           (i) Members of boards, commissions or other  
2 governmental entities shall be immune from personal  
3 liability for authorizing or refusing to authorize the  
4 carrying of a concealed weapon under this section;

5  
6           (ii) Boards, commissions or other governmental  
7 entities shall be immune from liability for authorizing or  
8 refusing to authorize the carrying of a concealed weapon  
9 under this section;

10  
11           (iii) No person shall be considered in any  
12 manner to be acting on behalf of the state or any other  
13 governmental entity in carrying a concealed weapon under  
14 the authority of this section.

15  
16           (h) Nothing in this section shall be construed to:

17  
18           (i) Alter concealed weapon prohibitions relating  
19 to courtrooms as specified in W.S. 6-8-104(t)(iii);

20  
21           (ii) Prohibit a property owner from restricting  
22 firearms on his private property.

23

1           (j) As used this section:

2

3                   (i) "Governing body" means, unless the area or  
4 meeting is specified to be under the control of another  
5 entity under this paragraph or subsection (k) of this  
6 section:

7

8                   (A) The board of county commissioners for  
9 meetings of any county entity, events conducted under the  
10 authority of the county, and as to the area within a county  
11 but outside the corporate limits of any city or town;

12

13                   (B) The city council or other governing  
14 body of a city or town for meetings of any city entity,  
15 events conducted under the authority of the city, and as  
16 to the area within the corporate limits of such city or  
17 town;

18

19                   (C) The state building commission for state  
20 facilities and grounds and for meetings under control of  
21 state executive branch departments, or its boards,  
22 commissions, agencies or other authorities;

23

1                   (D) The management council for all state  
2 legislative functions and legislative facilities and  
3 grounds and the meetings of the legislature and its  
4 committees;

5

6                   (E) The supreme court for all sessions of  
7 the court and administrative functions of the court and its  
8 facilities and grounds;

9

10                   (F) The board of trustees of the University  
11 of Wyoming for grounds and facilities under the  
12 jurisdiction of the University of Wyoming, all meetings  
13 conducted by the university and events conducted under the  
14 authority of the university;

15

16                   (G) The board of trustees of a community  
17 college district for all meetings conducted by the  
18 district, events conducted under the authority of the  
19 district and upon the grounds and facilities under the  
20 jurisdiction of the district;

21

22                   (H) The board of trustees of a school  
23 district for the grounds and facilities under the

1 jurisdiction of the district, and all meetings conducted by  
2 the district and events conducted under the authority of  
3 the school district;

4

5 (J) The board of a special district for all  
6 meetings conducted by the district and upon the grounds and  
7 facilities of the district. As used in this subparagraph,  
8 "special district" means any special district specified  
9 under W.S. 22-29-103(a) and any other corporate district  
10 authorized to be formed as a political subdivision of this  
11 state and to elect a board to govern the district.

12

13 (k) A governing body may delegate its authority under  
14 subsection (j) of this section to authorize the carrying  
15 of a concealed weapon in a meeting, to the entity  
16 conducting the meeting. No entity may authorize the  
17 carrying of a concealed weapon in a meeting conducted  
18 within a facility or on the grounds of which the carrying  
19 of a concealed weapon has not been authorized by the  
20 governing body with authority over the facility or  
21 grounds.

22

1           **Section 3.** W.S. 6-8-104(t) (intro) and 6-8-401(c) are  
2 amended to read:

3

4           **6-8-104. Wearing or carrying concealed weapons;**  
5 **penalties; exceptions; permits.**

6

7           (t) Unless authorized pursuant to W.S. 6-8-105 and in  
8 accordance with that authorization, no person authorized to  
9 carry a concealed weapon pursuant to paragraphs (a)(ii)  
10 through (iv) of this section shall carry a concealed  
11 firearm into:

12

13           **6-8-401. Firearm, weapon and ammunition regulation**  
14 **and prohibition by state.**

15

16           (c) The sale, transfer, purchase, delivery, taxation,  
17 manufacture, ownership, transportation, storage, use and  
18 possession of firearms, weapons and ammunition shall be  
19 authorized, regulated and prohibited by the state, and  
20 regulation thereof is preempted by the state. Except as  
21 authorized by W.S. 15-1-103(a)(xviii) and 6-8-105, no city,  
22 town, county, political subdivision or any other entity  
23 shall authorize, regulate or prohibit the sale, transfer,

1 purchase, delivery, taxation, manufacture, ownership,  
2 transportation, storage, use, carrying or possession of  
3 firearms, weapons, accessories, components or ammunition  
4 except as specifically provided by this chapter. This  
5 section shall not affect zoning or other ordinances which  
6 encompass firearms businesses along with other businesses.  
7 Zoning and other ordinances which are designed for the  
8 purpose of restricting or prohibiting the sale, purchase,  
9 transfer or manufacture of firearms or ammunition as a  
10 method of regulating firearms or ammunition are in conflict  
11 with this section and are prohibited.

12

13 **Section 4.** This act is effective July 1, 2015.

14

15

(END)