

Substitute 1

HOUSE BILL NO. HB0118

Second Amendment Preservation Act.

Sponsored by: Representative(s) Jennings, Blackburn, Edwards, Gray, Hallinan, Miller, Piiparinen, Salazar, Styvar and Tass and Senator(s) Biteman, Hutchings and Steinmetz

A BILL

for

1 AN ACT relating to firearms regulation; establishing the
2 Second Amendment Preservation Act; describing certain actions
3 as infringing on the right to keep and bear arms; objecting
4 to certain actions by the federal government; providing for
5 the protection of specified rights; providing legislative
6 declaration of authority; 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. 6-8-501 through 6-8-505 are created to
12 read:

13

14

ARTICLE 5

1 SECOND AMENDMENT PRESERVATION ACT

2

3 **6-8-501. Short title.**

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5 This article shall be known and may be cited as the "Second
6 Amendment Preservation Act".

7

8 **6-8-502. Definitions.**

9

10 (a) As used in this article:

11

12 (i) "Ammunition" means as provided in W.S.
13 6-8-403(a)(i);

14

15 (ii) "Borders of Wyoming" means as provided in
16 W.S. 6-8-403(a)(ii);

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18 (iii) "Firearm" means as provided in W.S.
19 6-8-403(a)(iii);

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21 (iv) "Firearms accessories" means as provided in
22 W.S. 6-8-403(a)(iv);

23

1 (v) "Law abiding citizen" means a person who is
2 not otherwise precluded under law existing on July 1, 2020
3 from possessing a firearm and who is not engaged in criminal
4 activity. "Law abiding citizen" shall not be construed to
5 include any person who is not lawfully present in the United
6 States or any person in the process committing or attempting
7 to commit a crime under state law.

8
9 **6-8-503. Infringements on the people's right to keep
10 and bear arms; duties of the Wyoming attorney general, courts
11 and law enforcement agencies.**

12
13 (a) The following federal acts, laws, executive
14 orders, administrative orders, court orders, rules and
15 regulations shall be considered infringements on the people's
16 right to keep and bear arms, as guaranteed by the second
17 amendment to the United States constitution and article 1,
18 section 24 of the Wyoming constitution, within this state:

19
20 (i) Any tax, levy, fee or stamp imposed on
21 firearms, firearms accessories or ammunition, not common to
22 all other goods and services, which is adopted after July 1,
23 2020 and which might reasonably be expected to limit or

1 discourage the purchase or ownership of those items by law
2 abiding citizens;

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4 (ii) Any registering or tracking of firearms,
5 firearms accessories or ammunition which might reasonably be
6 expected to limit or discourage the purchase or ownership of
7 those items by law abiding citizens which are not already in
8 effect on July 1, 2020;

9

10 (iii) Any registering or tracking of the owners of
11 firearms, firearms accessories or ammunition which might
12 reasonably be expected to limit or discourage the purchase or
13 ownership of those items by law abiding citizens which are
14 not already in effect on July 1, 2020;

15

16 (iv) Any act forbidding the possession, ownership
17 or use or transfer of a firearm, firearm accessory or
18 ammunition by law abiding citizens which is not already in
19 effect on July 1, 2020; and

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21 (v) Any act ordering the mass confiscation of
22 firearms, firearms accessories or ammunition from law abiding
23 citizens.

1

2 (b) All federal acts, laws, executive orders,
3 administrative orders, court orders, rules and regulations,
4 enacted after July 1, 2020, which infringe on the people's
5 right to keep and bear arms as guaranteed by the second
6 amendment to the United States constitution and article 1,
7 section 24 of the Wyoming constitution shall be objected to
8 and litigated against by the Wyoming attorney general on
9 behalf of the citizens of Wyoming.

10

11 (c) It shall be the duty of the Wyoming attorney
12 general, courts and law enforcement agencies of this state to
13 protect the rights of law abiding citizens to keep and bear
14 arms within the borders of Wyoming and to protect these rights
15 from the infringements described under subsection (a) of this
16 section.

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18 **6-8-504. Prohibitions.**

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20 No public servant as defined in W.S. 6-5-101(a)(vi) shall
21 have the authority to enforce or attempt to enforce any
22 federal act, law, executive order, administrative order,
23 court order, rule, regulation, statute or ordinance enacted

1 after July 1, 2020 that infringes on the right to keep and
2 bear arms ensured by the second amendment to the United States
3 constitution and article 1, section 24 of the Wyoming
4 constitution and which is being litigated by the Wyoming
5 attorney general on behalf of the citizens of Wyoming.

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7 **6-8-505. Declaration of authority.**

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9 (a) The limitation of the federal government's power is
10 affirmed under the tenth amendment to the United States
11 constitution.

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13 (b) The state of Wyoming respects the proper role of
14 the federal government, but rejects the proposition that such
15 respect requires unlimited submission.

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17 (c) The Wyoming legislature promotes responsible gun
18 ownership and the proper enforcement of gun laws in existence
19 on July 1, 2020, but seeks to protect law abiding gun owners
20 in Wyoming from future infringements of their second
21 amendment rights by the federal government.

22

1 **Section 2.** This act is effective July 1, 2020.

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3

(END)