

1 Delete the House standing committee amendment (SF0102HS001/AE)  
2 entirely and further amend the engrossed copy as follows:

3  
4 Pages 1 through 4 Delete entirely and insert:

5  
6 "AN ACT relating to protection of constitutional rights; making  
7 legislative findings; prohibiting the enforcement of  
8 unconstitutional federal actions that infringe upon law abiding  
9 citizens' right to bear arms; denying immunity as specified;  
10 providing for a civil action and civil damages; providing  
11 definitions; specifying applicability; and providing for an  
12 effective date.

13  
14 *Be It Enacted by the Legislature of the State of Wyoming:*

15  
16 **Section 1.**

17  
18 (a) The legislature finds that:

19  
20 (i) The legislature is firmly resolved to support and  
21 defend the constitution of the United States against every  
22 aggression, whether foreign or domestic, and is duty bound to  
23 oppose every infraction of those principles that constitute the  
24 basis of the United States because only a faithful observance of  
25 those principles can secure the union's existence and the public  
26 happiness;

27  
28 (ii) Acting through the constitution of the United  
29 States, the people of the several states created the federal  
30 government to be their agent in the exercise of a few defined  
31 powers, while reserving for the state governments the power to  
32 legislate on matters concerning the lives, liberties and  
33 properties of citizens in the ordinary course of affairs;

34  
35 (iii) The limitation of the federal government's power  
36 is affirmed under the tenth amendment of the constitution of the  
37 United States, which defines the total scope of federal power as  
38 being that which has been delegated by the people of the several  
39 states to the federal government, and all power not delegated to  
40 the federal government in the constitution of the United States is  
41 reserved to the states respectively or to the people themselves;

42  
43 (iv) If the federal government assumes powers that the  
44 people did not grant it in the constitution of the United States,

1 its acts are unauthoritative, void and of no force;  
2

3 (v) The several states of the United States respect the  
4 proper role of the federal government but reject the proposition  
5 that such respect requires unlimited submission. If the  
6 government, created by a compact among the states, was the  
7 exclusive or final judge of the extent of the powers granted to it  
8 by the states through the constitution of the United States, the  
9 federal government's discretion, and not the constitution of the  
10 United States, would necessarily become the measure of those  
11 powers. To the contrary, as in all other cases of compacts among  
12 powers having no common judge, each party has an equal right to  
13 judge for itself as to whether infractions of the compact have  
14 occurred, as well as to determine the mode and measure of redress.  
15 Although the several states have granted supremacy to laws and  
16 treaties made under the powers granted in the constitution of the  
17 United States, such supremacy does not extend to various federal  
18 statutes, executive orders, administrative orders, court orders,  
19 rules, regulations or other actions that collect data or restrict  
20 or prohibit the manufacture, ownership and use of firearms, firearm  
21 accessories or ammunition exclusively within the borders of  
22 Wyoming. Rather, such statutes, executive orders, administrative  
23 orders, court orders, rules, regulations and other actions exceed  
24 the powers granted to the federal government except to the extent  
25 they are necessary and proper for governing and regulating the  
26 armed forces of the United States or for organizing, arming and  
27 disciplining militia forces actively employed in the service of  
28 the armed forces of the United States;  
29

30 (vi) The people of the several states have given  
31 congress the power "to regulate commerce with foreign nations, and  
32 among the several states", but "regulating commerce" does not  
33 include the power to limit citizens' right to keep and bear arms  
34 in defense of their families, neighbors, persons or property or to  
35 dictate what sort of arms and accessories law abiding Wyomingites  
36 may buy, sell, exchange or otherwise possess within the borders of  
37 this state;  
38

39 (vii) The people of the several states have also  
40 granted congress the power "to lay and collect taxes, duties,  
41 imports, and excises, to pay the debts, and provide for the common  
42 defense and general welfare of the United States" and "to make all  
43 laws which shall be necessary and proper for carrying into  
44 execution the powers vested by the constitution of the United  
45 States in the government of the United States, or in any department  
46 or office thereof." These constitutional provisions merely  
47 identify the means by which the federal government may execute its

1 limited powers and shall not be construed to grant unlimited power  
2 because to do so would be to destroy the carefully constructed  
3 equilibrium between the federal and state governments.  
4 Consequently, the legislature rejects any claim that the taxing  
5 and spending powers of congress may be used to diminish in any way  
6 the right of the people to keep and bear arms;

7  
8 (viii) The people of Wyoming have vested the  
9 legislature with the authority to regulate the manufacture,  
10 possession, exchange and use of firearms within the borders of  
11 this state, subject only to the limits imposed by the second  
12 amendment of the constitution of the United States and the  
13 constitution of Wyoming; and

14  
15 (ix) The legislature of the state of Wyoming strongly  
16 promotes responsible gun ownership, including parental supervision  
17 of minors in the proper use, storage, and ownership of all  
18 firearms; the prompt reporting of stolen firearms; and the proper  
19 enforcement of all state gun laws. The legislature of the state of  
20 Wyoming hereby condemns any unlawful transfer of firearms and the  
21 use of any firearm in any criminal or unlawful activity.

22  
23 (b) Nothing in this section shall be construed to prohibit  
24 Wyoming officials from accepting aid from federal officials in an  
25 effort to enforce Wyoming laws.

26  
27 **Section 2.** W.S. 9-14-103 through 9-14-105 are created to  
28 read:

29  
30 **9-14-103. Definitions.**

31  
32 (a) As used in W.S. 9-14-103 through 9-14-105:

33  
34 (i) "Law abiding citizen" shall not be construed to  
35 include anyone who is not legally present in the United States or  
36 the state of Wyoming. "Law abiding citizen" means" a person who  
37 is not otherwise precluded under state law from possessing a  
38 firearm and who has not or is not:

39  
40 (A) Been convicted in any court of, a crime  
41 punishable by imprisonment for a term exceeding one (1) year;

42  
43 (B) A fugitive from justice;

44  
45 (C) An unlawful user of or addicted to any  
46 controlled substance (as defined in section 102 of the Controlled  
47 Substances Act (21 U.S.C. 802));

1  
2 (D) Been adjudicated as a mental defective or who  
3 has been committed to a mental institution;  
4

5 (E) An alien who is illegally or unlawfully in the  
6 United States; or has been admitted to the United States under a  
7 nonimmigrant visa (as that term is defined in section federal code  
8 section 101(a)(26) of the Immigration and Nationality Act (8 U.S.C.  
9 1101(a)(26)));  
10

11 (F) Been discharged from the Armed Forces under  
12 dishonorable conditions;  
13

14 (G) Having been a citizen of the United States,  
15 renounced his citizenship;  
16

17 (H) Subject to a court order that:  
18

19 (I) Was issued after a hearing of which the  
20 person received actual notice, and at which the person had an  
21 opportunity to participate;  
22

23 (II) Restrains the person from harassing,  
24 stalking or threatening an intimate partner of the person or child  
25 of the intimate partner or person, or engaging in other conduct  
26 that would place an intimate partner in reasonable fear of bodily  
27 injury to the partner or child; and  
28

29 (III) Either:  
30

31 (1) Includes a finding that the  
32 person represents a credible threat to the physical safety of the  
33 intimate partner or child; or  
34

35 (2) By its terms explicitly  
36 prohibits the use, attempted use, or threatened use of physical  
37 force against the intimate partner or child that would reasonably  
38 be expected to cause bodily injury.  
39

40 (J) Been convicted in any court of a misdemeanor  
41 crime of domestic violence, to ship or transport in interstate or  
42 foreign commerce, or possess in or affecting commerce, any firearm  
43 or ammunition; or to receive any firearm or ammunition which has  
44 been shipped or transported in interstate or foreign commerce.  
45

46 (ii) "Material aid and support" shall include  
47 voluntarily giving or allowing others to make use of lodging,

1 communications equipment or services, including social media  
2 accounts, facilities, weapons, personnel, transportation, clothing  
3 or other physical assets. "Material aid and support" shall not  
4 include giving or allowing the use of medicine or other materials  
5 necessary to treat physical injuries, nor shall the term include  
6 any assistance provided to help a person escape a serious, present  
7 risk of life-threatening injury.

8  
9 **9-14-104. Unconstitutional federal laws; protection of law**  
10 **abiding citizens.**

11  
12 (a) The following federal acts, laws, executive orders,  
13 administrative orders, court orders, rules, regulations, statutes  
14 or ordinances shall be considered infringements on the people's  
15 right to keep and bear arms, as guaranteed by the second amendment  
16 of the constitution of the United States and article 1, section 24  
17 of the Wyoming constitution, within the borders of this state  
18 including, but not limited to:

19  
20 (i) Any new tax, levy, fee or stamp imposed on firearms,  
21 firearm accessories or ammunition not common to all other goods  
22 and services and reasonably expected to create a chilling effect  
23 on the purchase or ownership of those items by law abiding  
24 citizens;

25  
26 (ii) Any registration or tracking of firearms, firearm  
27 accessories or ammunition;

28  
29 (iii) Any registration or tracking of the ownership of  
30 firearms, firearm accessories or ammunition;

31  
32 (iv) Any act forbidding the possession, ownership, use  
33 or transfer of a firearm, firearm accessory or ammunition by law  
34 abiding citizens; or

35  
36 (v) Any act ordering the confiscation of firearms,  
37 firearm accessories or ammunition from law abiding citizens.

38  
39 (b) All federal acts, laws, executive orders, administrative  
40 orders, court orders, rules, regulations, statutes or ordinances  
41 identified in subsection (a) of this section, regardless of whether  
42 enacted before or after this section, that infringe on the law  
43 abiding citizen's right to keep and bear arms as guaranteed by the  
44 second amendment of the constitution of the United States and  
45 article 1, section 24 of the Wyoming constitution shall be invalid  
46 in this state, shall be specifically rejected by this state and  
47 shall be considered null, void and of no effect in this state.

1  
2 (c) It shall be the duty of the courts and law enforcement  
3 agencies of this state to protect the rights of law abiding  
4 citizens to keep and bear arms within the borders of this state  
5 and to protect these rights from the infringements defined under  
6 subsection (a) of this section.

7  
8 (d) Nothing in this section shall be construed to prohibit  
9 Wyoming officials from accepting aid from federal officials in an  
10 effort to enforce Wyoming laws.

11  
12 **9-14-105. Prohibition on enforcement of unconstitutional**  
13 **federal laws; liability; civil damages.**

14  
15 (a) No entity or person, including any public officer or  
16 employee of this state or any political subdivision of this state,  
17 shall have the authority to enforce or attempt to enforce or to  
18 give material aid and support to another who enforces or attempts  
19 to enforce any federal acts, laws, executive orders,  
20 administrative orders, court orders, rules, regulations, statutes  
21 or ordinances infringing on the right of law abiding citizens to  
22 keep and bear arms as identified in W.S. 9-14-104(a).

23  
24 (b) Any political subdivision of the state or law  
25 enforcement agency that acts knowingly to violate the provisions  
26 of subsection (a) of this section or otherwise knowingly deprives  
27 a resident of Wyoming of the rights or privileges ensured by the  
28 second amendment of the constitution of the United States or  
29 article 1, section 24 of the Wyoming constitution, while acting  
30 under the color of any state or federal law, shall be liable to  
31 the injured party in an action at law, suit in equity, declaratory  
32 judgment or other proper proceeding for redress and shall be  
33 subject to a civil penalty of not less than fifty thousand dollars  
34 (\$50,000.00) per violation. In such actions:

35  
36 (i) Any person who is aggrieved by a violation of this  
37 section shall have standing to pursue an action in the district  
38 court of the county in which the action allegedly occurred;

39  
40 (ii) Any person injured under this section shall have  
41 standing to pursue an action for injunctive relief in the district  
42 court of the county in which the action allegedly occurred with  
43 respect to the actions of the individual. The court shall hold a  
44 hearing on the motion for temporary restraining order and  
45 preliminary injunction within thirty (30) days of service of the  
46 petition. In such actions, the court may award the prevailing

1 party, other than the state of Wyoming or any political subdivision  
2 of the state reasonable attorney's fees and costs;

3  
4 (iii) If a court imposes a civil penalty, attorney's  
5 fees and costs, or both civil damages and fees and costs, then the  
6 state, political subdivision or law enforcement agency that  
7 employs the person who violated subsection (a) of this section  
8 shall be required to pay any civil penalty, fees and costs that  
9 the court orders;

10  
11 (iv) The state, political subdivision or law  
12 enforcement agency that employs the person who acted knowingly to  
13 violate the provisions of subsection (a) of this section shall not  
14 be granted immunity under W.S. 1-39-104(a).

15  
16 (c) Nothing in this section shall limit the authority or  
17 discretion of a public officer or an employee of this state or any  
18 political subdivision of this state to investigate, charge or  
19 prosecute any person for felonies that do not constitute the  
20 infringements described under W.S. 9-14-104(a) and subsection (a)  
21 of this section.

22  
23 (d) It shall not be considered a violation of this section  
24 to provide material aid to federal officials who are in pursuit of  
25 a suspect when there is a demonstrable criminal nexus with another  
26 state or country and the suspect is either not a citizen of this  
27 state or is not present in this state. It shall not be considered  
28 a violation of this section to provide material aid to federal  
29 prosecution for:

30  
31 (i) Felony crimes against a person when the federal  
32 prosecution includes weapons violations substantially similar to  
33 those found in title 6, chapter 8 or chapter 2 or title 35, chapter  
34 7, article 10 so long as the weapons violations are merely  
35 ancillary to the prosecution; or

36  
37 (ii) Felony violations substantially similar to those  
38 found in title 6, chapter 2 or title 35, chapter 7, article 10  
39 when the prosecution includes weapons violations substantially  
40 similar to those found in Wyoming law so long as the weapons  
41 violations are merely ancillary to the prosecution.

42  
43 (e) Nothing in this section shall be construed to prohibit  
44 Wyoming officials from accepting aid from federal officials in an  
45 effort to enforce Wyoming laws.

46  
47 **Section 3.** W.S. 1-39-104(a) is amended to read:

1  
2 **1-39-104. Granting immunity from tort liability; liability**  
3 **on contracts; exceptions.**  
4

5 (a) A governmental entity and its public employees while  
6 acting within the scope of duties are granted immunity from  
7 liability for any tort except as provided by W.S. 1-39-105 through  
8 1-39-112 and 9-14-105(b)(iv). Any immunity in actions based on a  
9 contract entered into by a governmental entity is waived except to  
10 the extent provided by the contract if the contract was within the  
11 powers granted to the entity and was properly executed and except  
12 as provided in W.S. 1-39-120(b). The claims procedures of W.S.  
13 1-39-113 apply to contractual claims against governmental  
14 entities.  
15

16 **Section 4.** This act is effective immediately upon completion  
17 of all acts necessary for a bill to become law as provided by  
18 Article 4, Section 8 of the Wyoming Constitution.  
19

20 (END)". LAURSEN