

SENATE FILE NO. SF0009

Restoration of rights amendments.

Sponsored by: Joint Judiciary Interim Committee

A BILL

for

1 AN ACT relating to criminal procedure; specifying  
2 eligibility for the restoration of rights; expanding the  
3 scope of judicial review of restoration of rights  
4 eligibility determinations; amending notification  
5 requirements regarding the issuance of restoration of  
6 rights certificates; clarifying the effect of a new felony  
7 conviction upon a prior restoration of rights; amending the  
8 definition of violent felony; making conforming amendments;  
9 and providing for an effective date.

10

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

12

13 **Section 1.** W.S. 1-11-102, 7-13-105(a)(intro),  
14 (b)(intro), (ii), (c)(i), (ii), (d), (e)(ii), (f), (g)(i),  
15 (ii), by creating a new paragraph (iii) and by creating new

1 subsections (h) and (j) and 25-1-104(k) are amended to  
2 read:

3

4 **1-11-102. Convicted felon disqualified.**

5

6 A person who has been convicted of any felony is  
7 disqualified to act as a juror unless his conviction is  
8 reversed or annulled, he receives a pardon or his rights  
9 are restored pursuant to W.S. 7-13-105(a) or (f).

10

11 **7-13-105. Certificate of restoration of rights;**  
12 **procedure for restoration in general; procedure for**  
13 **restoration of voting rights for nonviolent felonies;**  
14 **filing requirements.**

15

16 (a) Subject to subsections (h) and (j) of this  
17 section, upon receipt of a written application, the  
18 governor may issue to a person convicted of a felony under  
19 the laws of a state or the United States a certificate  
20 which restores the rights lost pursuant to W.S. 6-10-106  
21 when:

22

1           (b) Subject to subsections (h) and (j) of this  
2 section, the department of corrections shall issue a  
3 certificate of restoration of voting rights as provided in  
4 this subsection and subsection (c) of this section. Upon  
5 issuance of a certificate, voting rights lost pursuant to  
6 W.S. 6-10-106 shall be deemed restored. The department of  
7 corrections shall automatically issue a person convicted of  
8 a nonviolent felony or nonviolent felonies arising out of  
9 the same occurrence or related course of events a  
10 certificate of restoration of voting rights if:

11

12           (ii) The person has completed all of his  
13 sentence, including probation or parole, and before  
14 conviction the person had the right to vote or would have  
15 had the right to vote upon attaining the age of eighteen  
16 (18) years.

17

18           (c) The department of corrections shall issue a  
19 certificate of restoration of voting rights to eligible  
20 persons as follows:

21

22           (i) For persons convicted ~~within Wyoming~~ of a  
23 nonviolent felony or nonviolent felonies under the laws of

1 the state of Wyoming arising out of the same occurrence or  
2 related course of events who completed their sentence  
3 before January 1, 2010, the department shall require  
4 receipt of a written request on a form prescribed by the  
5 department and issue each eligible person a certificate of  
6 restoration of voting rights following a determination that  
7 the person has completed his sentence, including probation  
8 and parole. The department shall not require an application  
9 for restoration before issuing a certificate to eligible  
10 persons who complete their sentence on and after January 1,  
11 2010;

12

13 (ii) For persons convicted ~~outside of Wyoming or~~  
14 ~~under federal law~~ of a nonviolent felony or nonviolent  
15 felonies under the laws of another state arising out of the  
16 same occurrence or related course of events, the department  
17 shall issue each eligible person a certificate of  
18 restoration of voting rights upon receipt of a written  
19 request on a form prescribed by the department and  
20 following a determination that the person has completed his  
21 sentence, including probation and parole.

22

1           (d) The department of correction's determination that  
2 a person is ineligible for a certificate of restoration of  
3 ~~voting~~ rights under subsections (b), (c) or (f) of this  
4 section is a final action of the agency subject to judicial  
5 review. The clerk of the district court and the division of  
6 criminal investigation shall cooperate with the department  
7 of corrections in providing information necessary for  
8 determining a person's eligibility to receive a certificate  
9 of restoration of ~~voting~~ rights. The department of  
10 corrections shall notify the secretary of state when any  
11 person's voting rights have been restored. ~~If the person~~  
12 ~~was convicted in Wyoming,~~ The department of corrections  
13 shall submit the certificate of restoration of voting  
14 rights to the clerk of the district court in which the  
15 person was convicted and the clerk shall file the  
16 certificate in the criminal case in which the conviction  
17 was entered.

18

19           (e) As used in this section:

20

21           (ii) "Violent felony" means as defined by W.S.  
22 6-1-104(a)(xii), including offenses committed in another  
23 ~~jurisdiction~~ state which if committed in this state would

1 constitute a violent felony under W.S. 6-1-104(a)(xii).  
2 "Nonviolent felony" includes all felony offenses not  
3 otherwise defined as violent felonies.

4  
5 (f) Subject to subsections (h) and (j) of this  
6 section, all other rights a person has lost pursuant to  
7 W.S. 6-10-106 shall be restored five (5) years after the  
8 person has completed their sentence, including applicable  
9 periods of probation or parole. A person shall only be  
10 eligible for restoration of their rights under this  
11 subsection if the person has not been convicted of any  
12 other felony other than convictions arising out of the same  
13 occurrence or related course of events for which  
14 restoration of rights is to be certified. The date on which  
15 all rights are restored under this subsection shall be  
16 noted on a certificate issued by the department which shall  
17 be the same certificate issued under subsections (b) and  
18 (c) of this section if the certificate is issued on or  
19 after July 1, 2023, or a separate certificate issued upon  
20 receipt of a written request on a form prescribed by the  
21 department for a person eligible for restoration of rights  
22 under this subsection prior to July 1, 2023. A conviction  
23 for a new felony upon the issuance of any certificate under

1 this section shall render the certificate void in  
2 accordance with subsection (h) of this section.

3

4 (g) When a certificate of restoration of rights is  
5 issued pursuant to subsections (a) or (f) of this section,  
6 the department of corrections shall:

7

8 (i) Notify the federal bureau of alcohol,  
9 tobacco, ~~and firearms when any person's right to use or~~  
10 ~~possess any firearm have been restored pursuant to~~  
11 ~~subsections (a) or (f) of this section~~ and explosives;

12

13 (ii) File a copy of the certificate with the  
14 secretary of state~~;~~

15

16 (iii) Notify the division of criminal  
17 investigation.

18

19 (h) Upon conviction of a new felony under the laws of  
20 the state of Wyoming, the laws of another state or federal  
21 law on or after the date a certificate of restoration of  
22 rights is issued under this section, the certificate shall  
23 automatically be void and all rights that were deemed

1 restored by the certificate shall no longer be deemed  
2 restored.

3  
4 (j) A person shall only be eligible for a certificate  
5 of restoration of rights under this section as follows:

6  
7 (i) Under subsection (a) of this section if the  
8 person was convicted of a felony under the laws of the  
9 state of Wyoming or another state;

10

11 (ii) For purposes of the restoration of rights  
12 to possess a firearm, under subsection (f) of this section  
13 if the person was convicted of a nonviolent felony or  
14 nonviolent felonies arising out of the same occurrence or  
15 related course of events under the laws of the state of  
16 Wyoming;

17

18 (iii) Under subsections (b) and (c) of this  
19 section if the person was convicted of a nonviolent felony  
20 or nonviolent felonies arising out of the same occurrence  
21 or related course of events under the laws of the state of  
22 Wyoming or another state.

23



1           25-1-104. Creation of department of corrections;  
2 duties; inspections of state institutions; regulation of  
3 prisoner produced goods.

4

5           (k) The department of corrections shall issue  
6 certificates of restoration of ~~voting~~ rights pursuant to  
7 W.S. 7-13-105(b), ~~and~~(c), (f) and (j).

8

9           **Section 2.** This act is effective immediately upon  
10 completion of all acts necessary for a bill to become law  
11 as provided by Article 4, Section 8 of the Wyoming  
12 Constitution.

13

14

(END)