

ORIGINAL SENATE
FILE NO. SF0009

ENROLLED ACT NO. 52, SENATE

SIXTY-EIGHTH LEGISLATURE OF THE STATE OF WYOMING
2025 GENERAL SESSION

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

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

Section 1. W.S. 1-11-102, 7-13-105(a)(intro), (b)(intro), (ii), (c)(i), (ii), (d), (e)(ii), (f), (g)(i), (ii), by creating a new paragraph (iii) and by creating new subsections (h) and (j) and 25-1-104(k) are amended to read:

1-11-102. Convicted felon disqualified.

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

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

(a) Subject to subsections (h) and (j) of this section, upon receipt of a written application, the governor may issue to a person convicted of a felony under the laws of a state or the United States a certificate

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which restores the rights lost pursuant to W.S. 6-10-106 when:

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

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

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

(i) For persons convicted ~~within Wyoming~~ of a nonviolent felony or nonviolent felonies under the laws of the state of Wyoming arising out of the same occurrence or related course of events who completed their sentence before January 1, 2010, the department shall require receipt of a written request on a form prescribed by the department and issue each eligible person a certificate of restoration of voting rights following a determination that the person has completed his sentence, including probation and parole. The department shall not require an application for restoration before issuing a certificate to eligible

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persons who complete their sentence on and after January 1, 2010;

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

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

(e) As used in this section:

(ii) "Violent felony" means as defined by W.S. 6-1-104(a)(xii), including offenses committed in another

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~~jurisdiction~~-state which if committed in this state would constitute a violent felony under W.S. 6-1-104(a)(xii). "Nonviolent felony" includes all felony offenses not otherwise defined as violent felonies.

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

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

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

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

(iii) Notify the division of criminal investigation.

(h) Upon conviction of a new felony under the laws of the state of Wyoming, the laws of another state or federal law on or after the date a certificate of restoration of rights is issued under this section, the certificate shall automatically be void and all rights that were deemed restored by the certificate shall no longer be deemed restored.

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

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

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

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

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

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

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

(END)

Speaker of the House

President of the Senate

Governor

TIME APPROVED: _____

DATE APPROVED: _____

I hereby certify that this act originated in the Senate.

Chief Clerk