

ENROLLED ACT NO. 82, SENATE

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

AN ACT relating to the protection of constitutional rights; amending the Second Amendment Protection Act as specified; creating exceptions to the Second Amendment Protection Act; creating a civil penalty; creating a criminal penalty; creating an exception to the Wyoming Governmental Claims Act; providing definitions; making conforming amendments; and providing for an effective date.

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

Section 1. W.S. 1-39-124 is created to read:

1-39-124. Liability; enforcement of federal regulation of firearms, firearm accessories, magazines and ammunition.

A governmental entity is liable for damages resulting from a violation of W.S. 9-14-203.

Section 2. W.S. 1-39-103(a)(ix), 1-39-104(a), 9-14-203(a) through (c) and by creating new subsections (d) through (h) are amended to read:

1-39-103. Definitions.

(a) As used in this act:

(ix) "This act" means W.S. 1-39-101 through ~~1-39-120~~ 1-39-124.

1-39-104. Granting immunity from tort liability; liability on contracts; exceptions.

(a) A governmental entity and its public employees while acting within the scope of duties are granted

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immunity from liability for any tort except as provided by W.S. 1-39-105 through 1-39-112, and 1-39-122 ~~and 1-39-123 through 1-39-124~~. Any immunity in actions based on a contract entered into by a governmental entity is waived except to the extent provided by the contract if the contract was within the powers granted to the entity and was properly executed and except as provided in W.S. 1-39-120(b). The claims procedures of W.S. 1-39-113 apply to contractual claims against governmental entities.

9-14-203. Prohibiting the enforcement of federal regulation of firearms, firearm accessories, magazines and ammunition; penalties; defense of Wyoming citizens.

(a) Except as otherwise provided in this section, this state and all political subdivisions of this state are prohibited from using any personnel or funds appropriated by the legislature of the state of Wyoming, ~~or~~ any other source of funds that originated within the state of Wyoming or any federal funds or other source of funds solely to enforce, administer or cooperate with attempt to enforce, provide material aid, support or participate in any manner in the enforcement or implementation of any unconstitutional act, law, treaty, executive order, rule or regulation of the United States government that infringes on or impedes the free exercise of individual rights guaranteed under the Second Amendment of the Constitution of the United States solely regarding firearms, accessories or ammunition against any law abiding citizen.

(b) Nothing in this act shall limit or restrict a public officer, as defined in W.S. 6-5-101(a)(v), or a peace officer, as defined by W.S. 7-2-101(a)(iv), from providing assistance to federal authorities for purposes not specifically identified in subsection (a) of this

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section. Nothing in this act shall be construed to prohibit Wyoming governmental entities from accepting federal assistance or funds for law—the enforcement ~~purposes of laws in this state.~~

(c) Any agency of the state, political subdivision or law enforcement agency that employs any public officer, as defined in W.S. 6-5-101(a)(v), or peace officer, as defined in W.S. 7-2-101(a)(iv), who knowingly violates ~~subsection (a) of this section is guilty of a misdemeanor punishable by imprisonment for not more than one (1) year, a fine of not more than two thousand dollars (\$2,000.00), or both any provision of this act against any law abiding citizen while acting under the direction of an official, agent, employee or deputy of the United States government, or otherwise acting under the color of federal or state law, shall be liable to the injured party for damages resulting from the public officer's or peace officer's conduct in a civil action before a court of competent jurisdiction. The court, upon finding a violation of this act, shall impose a civil penalty against the agency, political subdivision or law enforcement agency in an amount of fifty thousand dollars (\$50,000.00) per violation and may order any injunctive or other equitable relief as permitted by law. The court shall hold a hearing on a motion for injunctive or equitable relief within thirty (30) days of service of the petition. In addition:~~

(i) An interested party may bring a civil action to enforce the provisions of this act. A court of competent jurisdiction may order injunctive or other equitable relief, recovery of damages or other legal remedies permitted by law and payment of reasonable attorney fees;

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(ii) Sovereign immunity shall not be an affirmative defense in any action pursuant to this subsection.

(d) Any agency of the state, political subdivision or law enforcement agency that employs any public officer, as defined in W.S. 6-5-101(a)(v), or peace officer, as defined in W.S. 7-2-101(a)(iv), who previously acted as an official, agent, employee or deputy of the United States government, and who knowingly commits any of the following acts on or after July 1, 2025 shall be subject to a civil penalty of fifty thousand dollars (\$50,000.00) for each such employee employed by the agency of the state, political subdivision or law enforcement agency who:

(i) Enforces, attempts to enforce or participates in any manner in the enforcement or implementation of any federal act, executive order, administrative order, rule, regulation, statute or ordinance solely regarding firearms, accessories or ammunition;

(ii) Gives material aid or support to the efforts of another in the enforcement or implementation of any federal act, executive order, administrative order, rule, regulation, statute or ordinance solely regarding firearms, accessories or ammunition.

(e) A person does not violate the provisions of this act when:

(i) The person provides material aid to federal officers in pursuit of a suspect when there is a demonstrable criminal nexus with another state or country

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and such suspect is either not a citizen of this state or is not present in this state;

(ii) The person provides material aid to federal prosecutors for felony violations involving controlled substances or violations against another person when such prosecution includes weapons violations substantially similar to the laws of this state if such weapons violations are ancillary to such prosecution;

(iii) Accepting federal assistance for the enforcement of the laws of this state.

(f) Any public officer, as defined in W.S. 6-5-101(a)(v), or a peace officer, as defined by W.S. 7-2-101(a)(iv), who knowingly violates subsection (a) of this section is guilty of a misdemeanor punishable by imprisonment for not more than one (1) year, a fine of not more than two thousand dollars (\$2,000.00), or both.

(g) Nothing in this section shall be construed to:

(i) Preclude any investigation and lawful seizure of firearms, accessories or ammunition related to violations of Wyoming law;

(ii) Impose liability for civil penalties under this section on individual public officers or peace officers.

(h) As used in this section:

(i) "Law abiding citizen" means a person who is not otherwise precluded under state law from possessing a firearm and shall not be construed to include anyone who is

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not legally present in the United States or the state of Wyoming;

(ii) "Material aid" includes but is not limited to voluntarily giving or allowing others to make use of lodging, communications equipment or services including social media accounts, facilities, weapons, personnel, transportation, clothing or other physical assets. "Material aid" shall not include the giving or allowing the use of medicine or other materials necessary to treat physical injuries or assistance provided to help persons escape a serious and present risk of life threatening injuries.

ORIGINAL SENATE
FILE NO. SF0196

ENGROSSED

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Section 3. This act is effective July 1, 2025.

(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