

**DRAFT ONLY
NOT APPROVED FOR
INTRODUCTION**

HOUSE BILL NO.

Restoration of rights amendments.

Sponsored by: Joint Judiciary Interim Committee

A BILL

for

1 AN ACT relating to criminal procedure; specifying
2 eligibility for restoration of rights; expanding the scope
3 of judicial review of restoration of rights eligibility
4 determinations; amending notification requirements
5 regarding the issuance of restoration of rights
6 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 repealing an obsolete provision; and providing for an
10 effective date.

11

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

13

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2 *****

3 STAFF COMMENT

4
5 This document includes two separate versions of W.S. 7-13-
6 105.

7
8 In the first version, the Governor and the Department of
9 Corrections are only authorized to restore the rights of a
10 person convicted of a felony only under the laws of the
11 state of Wyoming.

12
13 In the second version, the Governor and the Department of
14 Corrections are authorized to restore the rights of a
15 person convicted of a felony under the laws of the state of
16 Wyoming or another state.

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

26
27 1-11-102. Convicted felon disqualified.

28
29 A person who has been convicted of any felony is
30 disqualified to act as a juror unless his conviction is
31 reversed or annulled, he receives a pardon or his rights
32 are restored pursuant to W.S. 7-13-105(a) or (f).

1

2 7-13-105. Certificate of restoration of rights;
3 procedure for restoration in general; procedure for
4 restoration of voting rights for nonviolent felonies;
5 filing requirements.

6

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

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14 *****
15 *****

16 STAFF COMMENT

17
18 For reference, W.S. 6-10-106 (which is referenced
19 throughout W.S. 7-3-105) provides:

20
21 6-10-106. Rights lost by conviction of felony;
22 restoration.

23
24 (a) A person convicted of a felony is incompetent to
25 be an elector or juror or to hold any office of honor,
26 trust or profit within this state or to use or knowingly
27 possess any firearm, unless:

28
29 (i) His conviction is reversed or annulled;

30
31 (ii) He receives a pardon;

32

1 (iii) His rights are restored pursuant to W.S.
2 7-13-105(a) or (f); or

3

4 (iv) His rights as an elector are restored
5 pursuant to W.S. 7-13-105(b) and (c), in which case the
6 person shall remain incompetent to be a juror or to hold
7 any office of honor, trust or profit within this state.

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11 *****

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

22

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

28

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

4
5 (i) For persons convicted ~~within Wyoming~~ of a
6 nonviolent felony or nonviolent felonies arising out of the
7 same occurrence or related course of events who completed
8 their sentence before January 1, 2010, the department shall
9 require receipt of a written request on a form prescribed
10 by the department and issue each eligible person a
11 certificate of restoration of voting rights following a
12 determination that the person has completed his sentence,
13 including probation and parole. The department shall not
14 require an application for restoration before issuing a
15 certificate to eligible persons who complete their sentence
16 on and after January 1, 2010;

17
18 (d) The department of correction's determination that
19 a person is ineligible for a certificate of restoration of
20 ~~voting~~ rights under subsections (b), (c) or (f) of this
21 section is a final action of the agency subject to judicial
22 review. The clerk of the district court and the division of
23 criminal investigation shall cooperate with the department

1 of corrections in providing information necessary for
2 determining a person's eligibility to receive a certificate
3 of restoration of ~~voting~~ rights. The department of
4 corrections shall notify the secretary of state when any
5 person's voting rights have been restored. ~~If the person~~
6 ~~was convicted in Wyoming,~~ The department of corrections
7 shall submit the certificate of restoration of voting
8 rights to the clerk of the district court in which the
9 person was convicted and the clerk shall file the
10 certificate in the criminal case in which the conviction
11 was entered.

12

13 (e) As used in this section:

14

15 (ii) "Violent felony" means as defined by W.S.
16 6-1-104(a)(xii), ~~including offenses committed in another~~
17 ~~jurisdiction which if committed in this state would~~
18 ~~constitute a violent felony under W.S. 6-1-104(a)(xii).~~

19 "Nonviolent felony" includes all felony offenses not
20 otherwise defined as violent felonies.

21

22 (f) Subject to subsections (h) and (j) of this
23 section, all other rights a person has lost pursuant to

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

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

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(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;

(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:

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

4
5 (ii) Under subsections (b), (c) and (f) of this
6 section if the person was convicted of a nonviolent felony
7 or nonviolent felonies arising out of the same occurrence
8 or related course of events under the laws of the state of
9 Wyoming.

10
11 **25-1-104. Creation of department of corrections;**
12 **duties; inspections of state institutions; regulation of**
13 **prisoner produced goods.**

14
15 (k) The department of corrections shall issue
16 certificates of restoration of ~~voting~~ rights pursuant to
17 W.S. 7-13-105(b), ~~and~~(c), (f) and (j).

18
19 **Section 2.** W.S. 7-13-105(c)(ii) is repealed.

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21 *****
22 *****
23 STAFF COMMENT
24

1 For reference, the repealed provision, W.S. 7-13-105(c)(ii)
2 provides:

3
4 (c) The department of corrections shall issue a
5 certificate of restoration of voting rights to
6 eligible persons as follows:

7
8 (ii) For persons convicted outside of Wyoming or
9 under federal law of a nonviolent felony or
10 nonviolent felonies arising out of the same
11 occurrence or related course of events, the
12 department shall issue each eligible person a
13 certificate of restoration of voting rights upon
14 receipt of a written request on a form prescribed
15 by the department and following a determination
16 that the person has completed his sentence,
17 including probation and parole.

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19 *****
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22 Section 3. This act is effective July 1, 2025.

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26 STAFF COMMENT

27
28 The Committee may wish to consider whether this bill draft
29 should have an immediate effective date.

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31 Below is the alternate version of this bill draft that
32 would limit the restoration of firearm rights to Wyoming-
33 based convictions but would allow for the restoration of
34 other rights (juror; voting; office of trust) for
35 convictions based in Wyoming or another state.

36
37 7-13-105. Certificate of restoration of rights;
38 procedure for restoration in general; procedure for
39 restoration of voting rights for nonviolent felonies;
40 filing requirements.

41

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

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

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

24
25 (c) The department of corrections shall issue a
26 certificate of restoration of voting rights to eligible
27 persons as follows:

28
29 (i) For persons convicted ~~within Wyoming~~ of a
30 nonviolent felony or nonviolent felonies under the laws of
31 the state of Wyoming arising out of the same occurrence or
32 related course of events who completed their sentence
33 before January 1, 2010, the department shall require
34 receipt of a written request on a form prescribed by the
35 department and issue each eligible person a certificate of
36 restoration of voting rights following a determination that
37 the person has completed his sentence, including probation
38 and parole. The department shall not require an application
39 for restoration before issuing a certificate to eligible
40 persons who complete their sentence on and after January 1,
41 2010;

42
43 (ii) For persons convicted ~~outside of Wyoming or~~
44 ~~under federal law~~ of a nonviolent felony or nonviolent
45 felonies under the laws of another state arising out of the

1 same occurrence or related course of events, the department
2 shall issue each eligible person a certificate of
3 restoration of voting rights upon receipt of a written
4 request on a form prescribed by the department and
5 following a determination that the person has completed his
6 sentence, including probation and parole.

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

25
26 (e) As used in this section:

27
28 (ii) "Violent felony" means as defined by W.S.
29 6-1-104(a)(xii), including offenses committed in another
30 ~~jurisdiction~~ state which if committed in this state would
31 constitute a violent felony under W.S. 6-1-104(a)(xii).
32 "Nonviolent felony" includes all felony offenses not
33 otherwise defined as violent felonies.

34
35 (f) Subject to subsections (h) and (j) of this
36 section, all other rights a person has lost pursuant to
37 W.S. 6-10-106 shall be restored five (5) years after the
38 person has completed their sentence, including applicable
39 periods of probation or parole. A person shall only be
40 eligible for restoration of their rights under this
41 subsection if the person has not been convicted of any
42 other felony other than convictions arising out of the same
43 occurrence or related course of events for which
44 restoration of rights is to be certified. The date on which
45 all rights are restored under this subsection shall be

1 noted on a certificate issued by the department which shall
2 be the same certificate issued under subsections (b) and
3 (c) of this section if the certificate is issued on or
4 after July 1, 2023, or a separate certificate issued upon
5 receipt of a written request on a form prescribed by the
6 department for a person eligible for restoration of rights
7 under this subsection prior to July 1, 2023. A conviction
8 for a new felony upon the issuance of any certificate under
9 this section shall render the certificate void in
10 accordance with subsection (h) of this section.
11

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

15 (i) Notify the federal bureau of alcohol,
16 tobacco, ~~and firearms when any person's right to use or~~
17 ~~possess any firearm have been restored pursuant to~~
18 ~~subsections (a) or (f) of this section~~ and explosives;
19
20

21 (ii) File a copy of the certificate with the
22 secretary of state;
23

24 (iii) Notify the division of criminal
25 investigation.
26

27 (h) Upon conviction of a new felony under the laws of
28 the state of Wyoming, the laws of another state or federal
29 law on or after the date a certificate of restoration of
30 rights is issued under this section, the certificate shall
31 automatically be void and all rights that were deemed
32 restored by the certificate shall no longer be deemed
33 restored.
34

35 (j) A person shall only be eligible for a certificate
36 of restoration of rights as follows:
37

38 (i) Under subsection (a) of this section if the
39 person was convicted of a felony under the laws of the
40 state of Wyoming or another state;
41

42 (ii) For purposes of the restoration of rights to
43 possess a firearm, under subsection (f) of this section if
44 the person was convicted of a nonviolent felony or
45 nonviolent felonies arising out of the same occurrence or

1 related course of events under the laws of the state of
2 Wyoming;

3
4 (iii) Under subsections (b) and (c) of this
5 section if the person was convicted of a nonviolent felony
6 or nonviolent felonies arising out of the same occurrence
7 or related course of events under the laws of the state of
8 Wyoming or another state.

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11 *****
12

13 (END)