

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 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

14 **Section 1.** W.S. 1-11-102, 7-13-105(a)(intro),
 15 (b)(intro), (ii), (c)(i), (d), (e)(ii), (f), (g)(i), (ii),
 16 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 arising out of the

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

11

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

1 shall submit the certificate of restoration of voting
2 rights to the clerk of the district court in which the
3 person was convicted and the clerk shall file the
4 certificate in the criminal case in which the conviction
5 was entered.

6

7 (e) As used in this section:

8

9 (ii) "Violent felony" means as defined by W.S.
10 6-1-104(a)(xii), ~~including offenses committed in another~~
11 ~~jurisdiction which if committed in this state would~~
12 ~~constitute a violent felony under W.S. 6-1-104(a)(xii).~~
13 "Nonviolent felony" includes all felony offenses not
14 otherwise defined as violent felonies.

15

16 (f) Subject to subsections (h) and (j) of this
17 section, all other rights a person has lost pursuant to
18 W.S. 6-10-106 shall be restored five (5) years after the
19 person has completed their sentence, including applicable
20 periods of probation or parole. A person shall only be
21 eligible for restoration of their rights under this
22 subsection if the person has not been convicted of any
23 other felony other than convictions arising out of the same

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

14

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

18

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

23

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

3
4 (iii) Notify the division of criminal
5 investigation.

6
7 (h) Upon conviction of a new felony under the laws of
8 the state of Wyoming, the laws of another state or federal
9 law on or after the date a certificate of restoration of
10 rights is issued under this section, the certificate shall
11 automatically be void and all rights that were deemed
12 restored by the certificate shall no longer be deemed
13 restored.

14
15 (j) A person shall only be eligible for a certificate
16 of restoration of rights under this section as follows:

17
18 (i) Under subsection (a) of this section if the
19 person was convicted of a felony under the laws of the
20 state of Wyoming;

21
22 (ii) Under subsections (b), (c) and (f) of this
23 section if the person was convicted of a nonviolent felony

1 or nonviolent felonies arising out of the same occurrence
2 or related course of events under the laws of the state of
3 Wyoming.

4

5 **25-1-104. Creation of department of corrections;**
6 **duties; inspections of state institutions; regulation of**
7 **prisoner produced goods.**

8

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

12

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

14

15 **Section 3.** This act is effective immediately upon
16 completion of all acts necessary for a bill to become law
17 as provided by Article 4, Section 8 of the Wyoming
18 Constitution.

19

20

(END)