

SENATE FILE NO. SF0081

Second Amendment Preservation Act.

Sponsored by: Senator(s) Bouchard, Biteman, French,
Hutchings, James, McKeown and Salazar and
Representative(s) Baker, Bear, Burt,
Fortner, Gray, Haroldson, Heiner, Jennings,
Laursen, Neiman, Ottman, Rodriguez-Williams,
Wharff and Winter

A BILL

for

1 AN ACT relating to firearms; prohibiting the enforcement of
2 unconstitutional federal actions that infringe upon the
3 right to bear arms; prohibiting the expenditure of public
4 funds to enforce unconstitutional federal actions;
5 authorizing executive orders and other actions to implement
6 the act; providing for representation by the Wyoming
7 attorney general of Wyoming citizens charged by the United
8 States government under federal laws that
9 unconstitutionally infringe upon the right to bear arms;
10 providing rulemaking authority; providing an appropriation;
11 and providing for an effective date.

12

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

1

2 **Section 1.** W.S. 9-14-103 is created to read:

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4 **9-14-103. Prohibition on enforcement of certain**
5 **federal laws; procedures.**

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7 (a) Upon the issuance of an executive order
8 authorized under this section, no public officer or
9 employee of this state or any political subdivision of this
10 state, shall enforce, attempt to enforce or assist a
11 federal agency or agent in the enforcement of any federal
12 action which is the subject of the executive order.

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14 (b) Twenty-five (25) or more adult Wyoming residents,
15 or an organization representing twenty-five (25) or more
16 adult Wyoming residents, may file a petition requesting a
17 review by the Wyoming attorney general of any federal
18 action as defined in this section which was issued or
19 enacted on or after July 1, 2021. The petition may include
20 relevant views and arguments regarding the infringement of
21 the federal action upon the constitutional right to keep
22 and bear arms. The attorney general shall review the
23 federal action and publicly issue a determination of

1 whether the action unconstitutionally infringes upon the
2 right to keep and bear arms under the second amendment to
3 the constitution of the United States. The attorney general
4 shall issue the determination not later than thirty (30)
5 days after the petition was received. The attorney general
6 shall prescribe by rule the form of the petition and the
7 procedure for its submission, consideration and
8 disposition.

9

10 (c) At any time after the submission of the petition,
11 if the attorney general determines the federal action is
12 unconstitutional, and if the governor independently
13 determines the federal action appears to unconstitutionally
14 infringe on the second amendment right to keep and bear
15 arms, and further determines that prohibiting enforcement
16 of the federal action under this section is in the best
17 interests of the state, the governor may issue an executive
18 order directing public officers and employees of this state
19 or a political subdivision of the state that they are not
20 to enforce, attempt to enforce or assist a federal agency
21 or agent in the enforcement of the specified federal
22 action.

23

1 (d) No public officer or employee of this state or of
2 a political subdivision of the state shall expend public
3 funds or allocate public resources for the enforcement of a
4 federal action which is the subject of an executive order
5 issued under this section.

6
7 (e) Nothing in this section shall be construed to
8 prohibit or otherwise limit a public officer and employee
9 of this state or of a political subdivision of the state
10 from cooperating in an action with a federal agency if the
11 primary purpose of the action is not enforcement of a
12 federal action subject to an executive order issued under
13 this section.

14
15 (f) As used in this section, "federal action"
16 includes laws, executive orders, administrative orders,
17 rules, regulations, statutes and ordinances issued or
18 enacted by the federal executive or legislative branches.

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20 **Section 2.** W.S. 9-14-101 is amended to read:

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22 **9-14-101. Second amendment defense.**

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1 (a) The attorney general may seek to intervene or
2 file an amicus curiae brief in any lawsuit filed in any
3 state or federal court in Wyoming, or filed against any
4 Wyoming citizen or firm in any other jurisdiction for
5 damages for injuries as a result of the use of fire arms
6 that are not defective, if in his judgment, the action
7 endangers the constitutional right of citizens of Wyoming
8 to keep and bear arms. The attorney general is directed to
9 advance arguments that protect the constitutional right to
10 bear arms. Before intervening in any lawsuit pursuant to
11 this section, the attorney general shall obtain the
12 approval of the governor.

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14 (b) The attorney general shall defend any citizen of
15 Wyoming who is prosecuted by the United States government
16 for violation of any federal action which is the subject of
17 an executive order issued pursuant to W.S. 9-14-103(c).

18

19 **Section 3.** The attorney general of the state of
20 Wyoming may coordinate with the attorneys general of other
21 states which have enacted laws similar to this act to
22 develop appropriate responses to federal actions which

