

SENATE FILE NO. SF0120

Restoration of civil rights.

Sponsored by: Senator(s) Barlow, Case, Cooper, Driskill,
Landen and Rothfuss and Representative(s)
Crago, Olsen and Provenza

A BILL

for

1 AN ACT relating to crimes and criminal procedure; providing
2 for the loss and restoration of rights as specified;
3 creating a new misdemeanor offense; providing for the
4 filing of certificates for restoration of rights as
5 specified; amending a definition; and providing for an
6 effective date.

7

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

9

10 **Section 1.** W.S. 6-1-104(a)(xii), 6-8-102(a) and by
11 creating a new subsection (c), 6-10-106(a)(intro), (iii)
12 and by creating a new subsection (b), 7-13-105(a)(intro),
13 (b)(intro) and by creating new subsections (f) through (j)
14 and 9-1-302(a) by creating a new paragraph (v) are amended
15 to read:

1

2 **6-1-104. Definitions.**

3

4 (a) As used in this act, unless otherwise defined:

5

6 (xii) "Violent felony" means murder,
7 manslaughter, kidnapping, sexual assault in the first or
8 second degree, robbery, aggravated assault, strangulation
9 of a household member, aircraft hijacking, arson in the
10 first or second degree, aggravated burglary, a violation of
11 W.S. 6-2-314(a)(i) or 6-2-315(a)(ii), ~~or~~ a third, or
12 subsequent, domestic battery under W.S. 6-2-511(a) and
13 (b)(iii) or a violation of W.S. 6-5-204(b);

14

15 **6-8-102. Use or possession of firearm by person**
16 **convicted of certain felony and misdemeanor offenses;**
17 **penalties; exception.**

18

19 (a) Any person who has previously pleaded guilty to
20 or been convicted of committing or attempting to commit a
21 violent felony or a felony under W.S. 6-5-204(b), and has
22 not been pardoned or has not had the person's rights
23 restored pursuant to W.S. 7-13-105(a) and (f) and who uses

1 or knowingly possesses any firearm is guilty of a felony
2 punishable by imprisonment for not more than three (3)
3 years, a fine of not more than five thousand dollars
4 (\$5,000.00), or both.

5
6 (c) Any person convicted of a misdemeanor crime of
7 domestic assault under W.S. 6-2-510 or domestic battery
8 under W.S. 6-2-511(a) and (b)(i) or (ii), and who has not
9 been pardoned or has not had the person's rights restored
10 pursuant to W.S. 7-13-105(a) and (g), and who uses or
11 knowingly possesses any firearm is guilty of a misdemeanor
12 punishable by imprisonment for not more than one (1) year,
13 a fine of not more than one thousand dollars (\$1,000.00),
14 or both.

15
16 **6-10-106. Rights lost by conviction of felony;**
17 **restoration.**

18
19 (a) A person convicted of a felony is incompetent to
20 be an elector or juror or to hold any office of honor,
21 trust or profit within this state or to use or knowingly
22 possess any firearm, unless:

23

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

3
4 (b) A person convicted in this state of a misdemeanor
5 crime of domestic assault under W.S. 6-2-510 or domestic
6 battery under W.S. 6-2-511(a) and (b)(i) or (ii) shall be
7 denied the right to possess or use any firearm unless:

8
9 (i) The person's conviction is reversed or
10 annulled;

11
12 (ii) The person receives a pardon; or

13
14 (iii) The person's right to possess or use a
15 firearm is restored pursuant to W.S. 7-13-105(g).

16
17 **7-13-105. Certificate of restoration of rights;**
18 **procedure for restoration in general; procedure for**
19 **restoration of voting rights for nonviolent felonies;**
20 **filing requirements.**

21
22 (a) Upon receipt of a written application, the
23 governor may issue to a person convicted of a felony under

1 the laws of a state or the United States a certificate
2 which restores the rights lost pursuant to W.S. ~~6-10-106~~
3 6-10-106(a) when:

4

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

15

16 (f) All other rights a person has lost pursuant to
17 W.S. 6-10-106(a) shall be restored following the
18 restoration of their voting rights under subsections (b)
19 and (c) of this section once a person has completed the
20 person's sentence or completed a period of parole plus time
21 equal to their sentence or five (5) years, whichever is
22 less. A person shall only be eligible for restoration of
23 their rights under this subsection if the person has not

1 been convicted of any other felony other than convictions
2 arising out of the same occurrence or related course of
3 events for which restoration of rights is to be certified.
4 The date on which all rights are restored under this
5 subsection shall be noted on a certificate issued by the
6 department which shall be the same certificate issued under
7 subsections (b) and (c) of this section if the certificate
8 is issued on or after July 1, 2023, or a separate
9 certificate issued upon receipt of a written request on a
10 form prescribed by the department for a person eligible for
11 restoration of rights under this subsection prior to July
12 1, 2023.

13

14 (g) Unless otherwise prohibited by federal law, a
15 person may submit a written application supported by
16 appropriate documentation to the department of corrections
17 and the department shall issue to a person convicted in
18 this state of a misdemeanor crime of domestic assault under
19 W.S. 6-2-510(a) and (b)(i) or (ii) or domestic battery
20 under W.S. 6-2-511(a) and (b)(i) or (ii) a certificate to
21 restore the rights a person lost pursuant to W.S.
22 6-10-106(b) if:

23

1 (i) The person's term of sentence has expired or
2 the person has satisfactorily completed a probation period;
3 and

4
5 (ii) After reviewing the application and the
6 applicant's criminal record, the department determines that
7 the applicant does not present a substantial danger to
8 himself, the victim of the person's crime or society.

9
10 (h) A determination by the department of corrections
11 under subsection (g) of this section shall be in writing
12 and shall be final for the purpose of that application. In
13 the case of a denial, the applicant shall have the right to
14 reapply not less than one (1) year following the date of
15 the denial.

16
17 (j) When a certificate of restoration of rights is
18 issued pursuant to subsections (a) and (f) of this section,
19 the department of corrections shall:

20
21 (i) Notify the federal bureau of alcohol,
22 tobacco and firearms when any person's right to use or

1 possess any firearm have been restored pursuant to
2 subsections (a), (f) and (g) of this section;

3
4 (ii) File a copy of the certificate with the
5 secretary of state.

6
7 **9-1-302. Powers and duties; custodian of public**
8 **records; preservation of proclamations of governor; removal**
9 **of public documents prohibited; exceptions.**

10
11 (a) The secretary of state is the custodian of, and
12 shall preserve:

13
14 (v) Copies of all restorations of rights filed
15 pursuant to W.S. 7-13-150(a), (f) and (g).

16
17 **Section 2.** This act is effective July 1, 2023.

18
19 (END)