

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 providing for the filing of certificates for restoration of
4 rights as specified; amending a definition; and providing
5 for an effective date.

6

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

8

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

14

15 **6-1-104. Definitions.**

1

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

3

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

12

13 **6-8-102. Use or possession of firearm by person**
14 **convicted of certain felony and misdemeanor offenses;**
15 **penalties; exception.**

16

17 (a) Any person who has previously pleaded guilty to
18 or been convicted of committing or attempting to commit a
19 violent felony or a felony under W.S. 6-5-204(b), and has
20 not been pardoned or has not had the person's rights
21 restored pursuant to W.S. 7-13-105(a) and (f) and who uses
22 or knowingly possesses any firearm is guilty of a felony
23 punishable by imprisonment for not more than three (3)

1 years, a fine of not more than five thousand dollars
2 (\$5,000.00), or both.

3

4 **6-10-106. Rights lost by conviction of felony;**
5 **restoration.**

6

7 (a) A person convicted of a felony is incompetent to
8 be an elector or juror or to hold any office of honor,
9 trust or profit within this state or to use or knowingly
10 possess any firearm, unless:

11

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

14

15 **7-13-105. Certificate of restoration of rights;**
16 **procedure for restoration in general; procedure for**
17 **restoration of voting rights for nonviolent felonies;**
18 **filing requirements.**

19

20 (a) Upon receipt of a written application, the
21 governor may issue to a person convicted of a felony under
22 the laws of a state or the United States a certificate

1 which restores the rights lost pursuant to W.S. ~~6-10-106~~
2 6-10-106(a) when:

3

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

14

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

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

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

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

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

1

2 **9-1-302. Powers and duties; custodian of public**
3 **records; preservation of proclamations of governor; removal**
4 **of public documents prohibited; exceptions.**

5

6 (a) The secretary of state is the custodian of, and
7 shall preserve:

8

9 (v) Copies of all restorations of rights filed
10 pursuant to W.S. 7-13-105(a) and (f).

11

12 **Section 2.**

13

14 (a) The department of corrections is authorized one
15 (1) at-will employment contract position for the period
16 beginning with the effective date of this act and ending
17 June 30, 2024 for purposes of implementing this act.

18

19 (b) There is appropriated sixty thousand dollars
20 (\$60,000.00) from the general fund to the department of
21 corrections for purposes of funding the position authorized
22 in subsection (a) of this section and for implementing this
23 act. This appropriation shall be for the period beginning

1 with the effective date of this act and ending June 30,
2 2024. This appropriation shall not be expended for any
3 other purpose and any unexpended, unobligated funds
4 remaining on June 30, 2024 shall revert as provided by law.

5

6 **Section 3.** This act is effective July 1, 2023.

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8

(END)