

## HOUSE BILL NO. HB0250

Stop Red Flags Act.

Sponsored by: Representative(s) Jennings, Allemand, Allred, Andrew, Angelos, Banks, Bear, Burkhart, Davis, Haroldson, Heiner, Hornok, Locke, Olsen, Ottman, Pendergraft, Penn, Singh, Slagle, Smith, Styvar, Ward, Washut and Winter and Senator(s) Biteman, Brennan, Hicks, Ide and Salazar

A BILL

for

1 AN ACT relating to the protection of constitutional rights;  
 2 making legislative findings; declaring legislative  
 3 authority; prohibiting the implementation or enforcement of  
 4 an extreme risk protection order; preempting local law;  
 5 providing definitions; providing a penalty; and providing  
 6 for an effective date.

7

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

9

10 **Section 1.** W.S. 9-14-301 through 9-14-303 are created  
 11 to read:

12

13

ARTICLE 3

## 1 STOP RED FLAGS ACT

2

3 **9-14-301. Short title.**

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5 This article shall be known and may be cited as the "Stop  
6 Red Flags Act."

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8 **9-14-302. Declaration of authority.**

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10 (a) The Stop Red Flags Act is enacted under the  
11 authority of the second, fourth, fifth, tenth and  
12 fourteenth amendments to the United States Constitution,  
13 article 1, section 24 of the Wyoming Constitution,  
14 Wyoming's agreement with the United States that the state  
15 adopted when it joined the Union under the United States  
16 Constitution's system of dual sovereignty, and *Printz v.*  
17 *United States*, 521 U.S. 898 (1997).

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19 (b) The legislature further declares that the  
20 authority for W.S. 9-14-301 through 9-14-303 is derived  
21 from the provisions specified in the findings in W.S.  
22 6-8-406.

23

1 (c) The legislature finds:

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3 (i) The second amendment to the Constitution of  
4 the United States guarantees the right to keep and bear  
5 arms;

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7 (ii) The fifth and fourteenth amendments to the  
8 Constitution of the United States requires due process of  
9 law prior to the deprivation of life, liberty or property;

10

11 (iii) The tenth amendment to the Constitution of  
12 the United States expresses that the powers not delegated  
13 to the United States by the Constitution, nor prohibited by  
14 it to the states, are reserved to the states respectively;

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16 (iv) Extreme risk protection orders, as defined  
17 by W.S. 9-14-303(a)(i), are unconstitutional.

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19 **9-14-303. Prohibiting the implementation or**  
20 **enforcement of an extreme risk protection act, preempting**  
21 **local law, penalties.**

22

23 (a) For purposes of this act:

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2 (i) "Extreme risk protection order" means an  
3 executive order, written order or warrant issued by a court  
4 or signed by a magistrate or other officer of the court,  
5 for which the primary purpose is to reduce the risk of  
6 firearm-related injury or death by doing one or more of the  
7 following:

8

9 (A) Prohibiting a specific person from  
10 owning, possessing or receiving a firearm or ammunition;

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12 (B) Removing a firearm or ammunition from a  
13 specific person or requiring a specific person to surrender  
14 any firearms or ammunition the person owns or possesses.

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16 (ii) "This act" means W.S. 9-14-301 through  
17 9-14-303.

18

19 (b) The state of Wyoming and all political  
20 subdivisions of this state are prohibited from using any  
21 personnel or funds appropriated by the legislature of the  
22 state of Wyoming or any other source of funds that  
23 originated within or outside the state of Wyoming to

1 implement any statute, rule, executive order, judicial  
2 order or judicial finding that would have the effect of  
3 enforcing an extreme risk protection order against or upon  
4 a resident of the state.

5

6 (c) This act shall preempt any local law, ordinance  
7 or regulation regarding an extreme risk protection order or  
8 any other law, ordinance or regulation that may conflict  
9 with any provision of this act.

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11 (d) Any public officer, as defined in W.S.  
12 6-5-101(a)(v), who knowingly violates subsection (b) of  
13 this section is guilty of a misdemeanor punishable by  
14 imprisonment for not more than one (1) year, a fine of not  
15 more than two thousand dollars (\$2,000.00), or both.

16

17 (e) Nothing in this act shall be construed to  
18 preclude or limit the powers and authority of a peace  
19 officer, as defined in W.S. 7-2-101(a)(iv), under existing  
20 Wyoming law before the effective date of this act except  
21 for the powers and authorities that conflict with the  
22 provisions of this act.

23

1           **Section 2.** This act is effective immediately upon the  
2 completion of all acts necessary for a bill to become law  
3 as provided by Article 4, Section 8 of the Wyoming  
4 Constitution.

5

6

(END)