

ORIGINAL SENATE
FILE NO. SF0105

ENROLLED ACT NO. 38, SENATE

SIXTY-SEVENTH LEGISLATURE OF THE STATE OF WYOMING
2024 BUDGET SESSION

AN ACT relating to the administration of government; prohibiting disclosure or use of protected information relating to firearms and ammunition sales as specified; providing exceptions; providing requirements for disclosure; authorizing civil actions; providing definitions; and providing for an effective date.

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

Section 1. W.S. 1-39-122 and 9-14-301 through 9-14-304 are created to read:

1-39-122. Liability; financial privacy.

A governmental entity is liable for damages resulting from a violation of W.S. 9-14-303 caused by the negligent, reckless or intentional acts of public employees while acting within the scope of their duties.

ARTICLE 3
SECOND AMENDMENT FINANCIAL PRIVACY ACT

9-14-301. Short title.

This article shall be known and may be cited as the "Second Amendment Financial Privacy Act."

9-14-302. Definitions.

(a) As used in this act:

(i) "Assign" or "assignment" means a policy, process or practice that labels, links or otherwise associates a firearms or ammunition code with a merchant or payment card transaction in a manner that allows any entity

ORIGINAL SENATE
FILE NO. SF0105

ENROLLED ACT NO. 38, SENATE

SIXTY-SEVENTH LEGISLATURE OF THE STATE OF WYOMING
2024 BUDGET SESSION

facilitating or processing the payment card transaction to identify whether a merchant is a firearms retailer or whether a transaction involves the sale or purchase of firearms or ammunition;

(ii) "Customer" means any person engaged in a payment card transaction;

(iii) "Disclosure" means the transfer, publication or distribution of protected financial information to another person or entity for any purpose other than to process or facilitate a payment card transaction;

(iv) "Financial record" means a financial record held by a merchant servicer related to a payment card transaction that the merchant servicer has processed or facilitated;

(v) "Firearms code" means any code or other indicator that a merchant servicer assigns to a merchant or to a payment card transaction that identifies whether a merchant is a firearms retailer or whether the payment card transaction involves the purchase of a firearm, firearm accessories or ammunition. The term "firearms code" includes, but is not limited to, a merchant category code assigned to a retailer by a payment card network or other merchant servicer;

(vi) "Firearms retailer" means any person engaged in the lawful business of selling or trading firearms or ammunition to be used in firearms;

ORIGINAL SENATE
FILE NO. SF0105

ENROLLED ACT NO. 38, SENATE

SIXTY-SEVENTH LEGISLATURE OF THE STATE OF WYOMING
2024 BUDGET SESSION

(vii) "Government entity" means any county or municipality, or state board, commission, agency, bureau, department or any other political subdivision of the state;

(viii) "Protected financial information" means any record of a sale, purchase, return or refund involving a payment card that is retrieved, characterized, generated, labeled, sorted or grouped based on the assignment of a firearms code;

(ix) "Merchant category code" means classification codes assigned by a merchant processor to merchants or payees that accept its payment cards to classify the goods or services provided or furnished by a merchant or payee;

(x) "Merchant servicer" means a payment settlement entity, merchant acquiring entity or third party settlement organization as defined by 26 U.S.C. 6050W or any other entity that specifically assigns a merchant category code for use in a payment card transaction;

(xi) "This act" means W.S. 9-14-301 through 9-14-304.

9-14-303. Prohibitions on data collection and use.

(a) No state governmental agency or local government, special district or other political subdivision or official, agent or employee of the state or other governmental entity or any other person, public or private, shall knowingly or willfully keep or cause to be kept any list, record or registry of privately owned firearms or any list, record or registry of the owners of those firearms created or maintained through the use of a firearms code.

ORIGINAL SENATE
FILE NO. SF0105

ENROLLED ACT NO. 38, SENATE

SIXTY-SEVENTH LEGISLATURE OF THE STATE OF WYOMING
2024 BUDGET SESSION

This subsection shall not apply to any financial institution that is not a merchant servicer or to any record maintained in the ordinary course of business of any financial institution or federal firearm licensee as required by 18 U.S.C. 922.

(b) No merchant servicer shall require the usage of or assign a firearms code or other merchant category code to any merchant located in Wyoming that is a seller of firearms, firearm accessories or ammunition.

(c) Nothing in this act shall be construed to prohibit or prevent accurate firearm record keeping for any firearm involved in a law enforcement investigation, or any firearm lawfully seized or collected pursuant to a law enforcement investigation.

9-14-304. Civil actions.

(a) The attorney general may investigate alleged violations of this act and, upon finding a violation, shall provide written notice to any person or entity, public or private, believed to be in violation of this act. Upon receipt of written notice from the attorney general, the person or entity shall have thirty (30) days to cease the usage of a firearms, firearm accessories or ammunition merchant code for any Wyoming merchant.

(b) If the person or entity fails to cease the usage of a firearms, firearm accessories or ammunition merchant code for any merchant located in Wyoming after the expiration of thirty (30) days from the receipt of the written notice by the attorney general's office, the attorney general may pursue an injunction against any person or entity, public or private, alleged to be in

ORIGINAL SENATE
FILE NO. SF0105

ENROLLED ACT NO. 38, SENATE

SIXTY-SEVENTH LEGISLATURE OF THE STATE OF WYOMING
2024 BUDGET SESSION

violation of this act. A court may order an injunction, in addition to any other relief, as the court may consider appropriate.

(c) It shall not be a defense to a civil action filed under this act that information was disclosed to a federal government entity unless the disclosure or action is required by federal law or regulation.

Section 2. W.S. 1-39-104(a) is amended to read:

1-39-104. Granting immunity from tort liability; liability on contracts; exceptions.

(a) A governmental entity and its public employees while acting within the scope of duties are granted immunity from liability for any tort except as provided by W.S. 1-39-105 through 1-39-112 and 1-39-122. Any immunity in actions based on a contract entered into by a governmental entity is waived except to the extent provided by the contract if the contract was within the powers granted to the entity and was properly executed and except as provided in W.S. 1-39-120(b). The claims procedures of W.S. 1-39-113 apply to contractual claims against governmental entities.

ORIGINAL SENATE
FILE NO. SF0105

ENROLLED ACT NO. 38, SENATE

SIXTY-SEVENTH LEGISLATURE OF THE STATE OF WYOMING
2024 BUDGET SESSION

Section 3. This act is effective July 1, 2024.

(END)

Speaker of the House

President of the Senate

Governor

TIME APPROVED: _____

DATE APPROVED: _____

I hereby certify that this act originated in the Senate.

Chief Clerk