

HOUSE BILL NO. HB0303

Second Amendment Protection Act-amendments.

Sponsored by: Representative(s) Pendergraft, Allemand,
McCann and Styvar and Senator(s) Hicks

A BILL

for

1 AN ACT relating to the protection of constitutional rights;
2 providing an exception to the Wyoming Governmental Claims
3 Act; providing a civil cause of action; amending
4 definitions; including peace officers within the Second
5 Amendment Protection Act; and providing for an effective
6 date.

7

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

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10 **Section 1.** W.S. 1-39-124 and 9-14-204 are created to
11 read:

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13 **1-39-124. Liability; enforcement of federal**
14 **regulation of firearms, firearm accessories, magazines and**
15 **ammunition.**

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2 A governmental entity is liable for damages resulting from
3 a violation of W.S. 9-14-203(a) pursuant to W.S. 9-14-204.

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5 **9-14-204. Civil actions permitted; remedies.**

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7 (a) Any governmental entity as defined in W.S.
8 1-39-103(a)(i), agency of the state, local government as
9 defined in W.S. 1-39-103(a)(ii) or law enforcement agency
10 that employs any public officer as defined in W.S.
11 6-5-101(a)(v) or peace officer as defined in W.S.
12 7-2-101(a)(iv) which officer knowingly violates W.S.
13 9-14-203(a) while acting within the scope of the officer's
14 employment shall be liable to an injured party for damages
15 resulting from the public officer's or peace officer's
16 conduct in a civil action before a court of competent
17 jurisdiction. The court, upon a finding of a violation and
18 in addition to any damages ordered under the Wyoming
19 Governmental Claims Act, may impose a civil penalty against
20 the governmental entity, agency or local government in an
21 amount not to exceed fifty thousand dollars (\$50,000.00)
22 per violation and may order any injunctive or other relief

1 permitted by law and payment of reasonable attorney fees
2 and costs to the injured party.

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4 (b) Sovereign immunity shall not be an affirmative
5 defense in any action under this section.

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7 **Section 2.** W.S. 1-39-103(a)(ix), 1-39-104(a) and
8 9-14-203(b) and (c) are amended to read:

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10 **1-39-103. Definitions.**

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12 (a) As used in this act:

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14 (ix) "This act" means W.S. 1-39-101 through
15 ~~1-39-120~~ 1-39-124.

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17 **1-39-104. Granting immunity from tort liability;**
18 **liability on contracts; exceptions.**

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20 (a) A governmental entity and its public employees
21 while acting within the scope of duties are granted
22 immunity from liability for any tort except as provided by
23 W.S. 1-39-105 through 1-39-112, and 1-39-122 ~~and 1-39-123~~

1 through 1-39-124. Any immunity in actions based on a
2 contract entered into by a governmental entity is waived
3 except to the extent provided by the contract if the
4 contract was within the powers granted to the entity and
5 was properly executed and except as provided in W.S.
6 1-39-120(b). The claims procedures of W.S. 1-39-113 apply
7 to contractual claims against governmental entities.

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9 **9-14-203. Prohibiting the enforcement of federal**
10 **regulation of firearms, firearm accessories, magazines and**
11 **ammunition; penalties; defense of Wyoming citizens.**

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13 (b) Nothing in this act shall limit or restrict a
14 public officer, as defined in W.S. 6-5-101(a)(v), or a
15 peace officer, as defined in W.S. 7-2-101(a)(iv), from
16 providing assistance to federal authorities for purposes
17 not specifically identified in subsection (a) of this
18 section. Nothing in this act shall be construed to
19 prohibit Wyoming governmental entities from accepting
20 federal funds for law enforcement purposes.

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22 (c) Any public officer, as defined in W.S.
23 6-5-101(a)(v), or peace officer, as defined in W.S.

1 7-2-101(a)(iv), who knowingly violates subsection (a) of
2 this section is guilty of a misdemeanor punishable by
3 imprisonment for not more than one (1) year, a fine of not
4 more than two thousand dollars (\$2,000.00), or both.

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6 **Section 3.** This act is effective July 1, 2025.

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(END)