

ENROLLED ACT NO. 94, SENATE

SIXTY-SEVENTH LEGISLATURE OF THE STATE OF WYOMING  
2023 GENERAL SESSION

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

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

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

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

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

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

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

(a) Any person who has previously pleaded guilty to or been convicted of committing or attempting to commit a violent felony, or a felony under W.S. 6-5-204(b), and has

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not been pardoned or has not had the person's rights restored pursuant to W.S. 7-13-105(a) or (f) and who uses or knowingly possesses any firearm is guilty of a felony punishable by imprisonment for not more than three (3) years, a fine of not more than five thousand dollars (\$5,000.00), or both.

(c) Any person who has previously pleaded guilty to or been convicted of committing or attempting to commit a felony that is not a violent felony and has not been pardoned or has not had the person's rights restored pursuant to W.S. 7-13-105(a) or (f) and who uses or knowingly possesses any firearm is guilty of a misdemeanor punishable by imprisonment for not more than six (6) months, a fine of not more than seven hundred fifty dollars (\$750.00), or both.

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

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

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

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

(f) All other rights a person has lost pursuant to W.S. 6-10-106 shall be restored five (5) years after the

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person has completed their sentence, including applicable periods of probation or parole. A person shall only be eligible for restoration of their rights under this subsection if the person has not been convicted of any other felony other than convictions arising out of the same occurrence or related course of events for which restoration of rights is to be certified. The date on which all rights are restored under this subsection shall be noted on a certificate issued by the department which shall be the same certificate issued under subsections (b) and (c) of this section if the certificate is issued on or after July 1, 2023, or a separate certificate issued upon receipt of a written request on a form prescribed by the department for a person eligible for restoration of rights under this subsection prior to July 1, 2023. A conviction for a new felony upon the issuance of any certificate under this section shall render the certificate void.

(g) When a certificate of restoration of rights is issued pursuant to subsections (a) or (f) of this section, the department of corrections shall:

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

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

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

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

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

**Section 2.**

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

(b) There is appropriated sixty thousand dollars (\$60,000.00) from the general fund to the department of corrections for purposes of funding the position authorized in subsection (a) of this section and for implementing this act. This appropriation shall be for the period beginning with the effective date of this act and ending June 30, 2024. This appropriation shall not be expended for any other purpose and any unexpended, unobligated funds remaining on June 30, 2024 shall revert as provided by law.

ORIGINAL SENATE  
FILE NO. SF0120

ENGROSSED

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

(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