

HOUSE BILL NO. HB0283

Second Amendment Protection Act amendments-2.

Sponsored by: Representative(s) Wharff and Senator(s)
Biteman, French, Ide, Laursen, D, McKeown,
Salazar and Smith, D

A BILL

for

1 AN ACT relating to the protection of constitutional rights;
2 amending the Second Amendment Protection Act as specified;
3 creating exceptions to the Second Amendment Protection Act;
4 creating a civil penalty; creating an exception to the
5 Wyoming Governmental Claims Act; providing definitions;
6 making conforming amendments; and providing for an
7 effective date.

8

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

10

11 **Section 1.** W.S. 1-39-124 is created to read:

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

1

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

4

5 **Section 2.** W.S. 1-39-103(a)(ix), 1-39-104(a) and
6 9-14-203(a) through (c) and by creating new subsections (d)
7 through (f) are amended to read:

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9 **1-39-103. Definitions.**

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11 (a) As used in this act:

12

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

15

16 **1-39-104. Granting immunity from tort liability;**
17 **liability on contracts; exceptions.**

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19 (a) A governmental entity and its public employees
20 while acting within the scope of duties are granted
21 immunity from liability for any tort except as provided by
22 W.S. 1-39-105 through 1-39-112, and 1-39-122 ~~and 1-39-123~~
23 through 1-39-124. Any immunity in actions based on a

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

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8 **9-14-203. Prohibiting the enforcement of federal**
9 **regulation of firearms, firearm accessories, magazines and**
10 **ammunition; penalties; defense of Wyoming citizens.**

11

12 (a) Except as otherwise provided in this section,
13 this state and all political subdivisions of this state are
14 prohibited from using any personnel or funds appropriated
15 by the legislature of the state of Wyoming, ~~or~~ any other
16 source of funds that originated within the state of Wyoming
17 or any federal funds or other source of funds to enforce,
18 ~~administer or cooperate with~~ attempt to enforce, provide
19 material aid, support or participate in any manner in the
20 enforcement or implementation of any ~~unconstitutional~~ act,
21 law, treaty, executive order, rule or regulation of the
22 United States government ~~that infringes on or impedes the~~
23 ~~free exercise of individual rights guaranteed under the~~

1 ~~Second Amendment of the Constitution of the United States~~
2 solely regarding firearms, accessories or ammunition
3 against any law abiding citizen.

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5 (b) Nothing in this act shall limit or restrict a
6 public officer, as defined in W.S. 6-5-101(a)(v), from
7 providing assistance to federal authorities for purposes
8 not specifically identified in subsection (a) of this
9 section. Nothing in this act shall be construed to
10 prohibit Wyoming governmental entities from accepting
11 federal assistance or funds for ~~law—the~~ enforcement
12 purposes of laws in this state.

13
14 (c) Any agency of the state, political subdivision or
15 law enforcement agency that employs any public officer, as
16 defined in W.S. 6-5-101(a)(v), or peace officer, as defined
17 in W.S. 7-2-101(a)(iv), who knowingly violates ~~subsection~~
18 ~~(a) of this section is guilty of a misdemeanor punishable~~
19 ~~by imprisonment for not more than one (1) year, a fine of~~
20 ~~not more than two thousand dollars (\$2,000.00), or both~~ any
21 provision of this act against any law abiding citizen while
22 acting under the direction of an official, agent, employee
23 or deputy of the United States government, or otherwise

1 acting under the color of federal or state law, shall be
2 liable to the injured party for damages resulting from the
3 public officer's or peace officer's conduct in a civil
4 action before a court of competent jurisdiction. The court,
5 upon finding a violation of this act, shall impose a civil
6 penalty against the agency, political subdivision or law
7 enforcement agency in an amount of fifty thousand dollars
8 (\$50,000.00) per violation and may order any injunctive or
9 other equitable relief as permitted by law. The court shall
10 hold a hearing on a motion for injunctive or equitable
11 relief within thirty (30) days of service of the petition.

12 In addition:

13
14 (i) An interested party may bring a civil action
15 to enforce the provisions of this act. A court of competent
16 jurisdiction may order injunctive or other equitable
17 relief, recovery of damages or other legal remedies
18 permitted by law and payment of reasonable attorney fees;

19
20 (ii) Sovereign immunity shall not be an
21 affirmative defense in any action pursuant to this
22 subsection.

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1 (d) Any agency of the state, political subdivision or
2 law enforcement agency that employs any public officer, as
3 defined in W.S. 6-5-101(a)(v), or peace officer, as defined
4 in W.S. 7-2-101(a)(iv), who previously acted as an
5 official, agent, employee or deputy of the United States
6 government, and who knowingly commits any of the following
7 acts on or after July 1, 2025 shall be subject to a civil
8 penalty of fifty thousand dollars (\$50,000.00) for each
9 such employee employed by the agency of the state,
10 political subdivision or law enforcement agency who:

11

12 (i) Enforces, attempts to enforce or
13 participates in any manner in the enforcement or
14 implementation of any federal act, executive order,
15 administrative order, rule, regulation, statute or
16 ordinance solely regarding firearms, accessories or
17 ammunition;

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19 (ii) Gives material aid or support to the
20 efforts of another in the enforcement or implementation of
21 any federal act, executive order, administrative order,
22 rule, regulation, statute or ordinance solely regarding
23 firearms, accessories or ammunition.

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2 (e) A person does not violate the provisions of this
3 act when:

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5 (i) The person provides material aid to federal
6 officers in pursuit of a suspect when there is a
7 demonstrable criminal nexus with another state or country
8 and such suspect is either not a citizen of this state or
9 is not present in this state;

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11 (ii) The person provides material aid to federal
12 prosecutors for felony violations involving controlled
13 substances or violations against another person when such
14 prosecution includes weapons violations substantially
15 similar to the laws of this state if such weapons
16 violations are ancillary to such prosecution;

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18 (iii) Accepting federal assistance for the
19 enforcement of the laws of this state.

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21 (f) As used in this section:

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