

1 Delete the House standing committee amendment (SF0102HS001/AE)
2 entirely and further amend the engrossed copy as follows:

3
4 Pages 1 through 4 Delete entirely and insert:

5
6 "AN ACT relating to protection of constitutional rights; making
7 legislative findings; prohibiting the enforcement of
8 unconstitutional federal actions that infringe upon law abiding
9 citizens' right to bear arms; denying immunity as specified;
10 providing for a civil action and civil damages; providing
11 definitions; specifying applicability; and providing for an
12 effective date.

13
14 *Be It Enacted by the Legislature of the State of Wyoming:*

15
16 **Section 1.**

17
18 (a) The legislature finds that:

19
20 (i) The legislature is firmly resolved to support and
21 defend the constitution of the United States against every
22 aggression, whether foreign or domestic, and is duty bound to
23 oppose every infraction of those principles that constitute the
24 basis of the United States because only a faithful observance of
25 those principles can secure the union's existence and the public
26 happiness;

27
28 (ii) Acting through the constitution of the United
29 States, the people of the several states created the federal
30 government to be their agent in the exercise of a few defined
31 powers, while reserving for the state governments the power to
32 legislate on matters concerning the lives, liberties and
33 properties of citizens in the ordinary course of affairs;

34
35 (iii) The limitation of the federal government's power
36 is affirmed under the tenth amendment of the constitution of the
37 United States, which defines the total scope of federal power as
38 being that which has been delegated by the people of the several
39 states to the federal government, and all power not delegated to
40 the federal government in the constitution of the United States is
41 reserved to the states respectively or to the people themselves;

42
43 (iv) If the federal government assumes powers that the
44 people did not grant it in the constitution of the United States,

1 its acts are unauthoritative, void and of no force;

2
3 (v) The several states of the United States respect the
4 proper role of the federal government but reject the proposition
5 that such respect requires unlimited submission. If the
6 government, created by a compact among the states, was the
7 exclusive or final judge of the extent of the powers granted to it
8 by the states through the constitution of the United States, the
9 federal government's discretion, and not the constitution of the
10 United States, would necessarily become the measure of those
11 powers. To the contrary, as in all other cases of compacts among
12 powers having no common judge, each party has an equal right to
13 judge for itself as to whether infractions of the compact have
14 occurred, as well as to determine the mode and measure of redress.
15 Although the several states have granted supremacy to laws and
16 treaties made under the powers granted in the constitution of the
17 United States, such supremacy does not extend to various federal
18 statutes, executive orders, administrative orders, court orders,
19 rules, regulations or other actions that collect data or restrict
20 or prohibit the manufacture, ownership and use of firearms, firearm
21 accessories or ammunition exclusively within the borders of
22 Wyoming. Rather, such statutes, executive orders, administrative
23 orders, court orders, rules, regulations and other actions exceed
24 the powers granted to the federal government except to the extent
25 they are necessary and proper for governing and regulating the
26 armed forces of the United States or for organizing, arming and
27 disciplining militia forces actively employed in the service of
28 the armed forces of the United States;

29
30 (vi) The people of the several states have given
31 congress the power "to regulate commerce with foreign nations, and
32 among the several states", but "regulating commerce" does not
33 include the power to limit citizens' right to keep and bear arms
34 in defense of their families, neighbors, persons or property or to
35 dictate what sort of arms and accessories law abiding Wyomingites
36 may buy, sell, exchange or otherwise possess within the borders of
37 this state;

38
39 (vii) The people of the several states have also
40 granted congress the power "to lay and collect taxes, duties,
41 imports, and excises, to pay the debts, and provide for the common
42 defense and general welfare of the United States" and "to make all
43 laws which shall be necessary and proper for carrying into
44 execution the powers vested by the constitution of the United
45 States in the government of the United States, or in any department
46 or office thereof." These constitutional provisions merely
47 identify the means by which the federal government may execute its

1 limited powers and shall not be construed to grant unlimited power
2 because to do so would be to destroy the carefully constructed
3 equilibrium between the federal and state governments.
4 Consequently, the legislature rejects any claim that the taxing
5 and spending powers of congress may be used to diminish in any way
6 the right of the people to keep and bear arms;

7
8 (viii) The people of Wyoming have vested the
9 legislature with the authority to regulate the manufacture,
10 possession, exchange and use of firearms within the borders of
11 this state, subject only to the limits imposed by the second
12 amendment of the constitution of the United States and the
13 constitution of Wyoming; and

14
15 (ix) The legislature of the state of Wyoming strongly
16 promotes responsible gun ownership, including parental supervision
17 of minors in the proper use, storage, and ownership of all
18 firearms; the prompt reporting of stolen firearms; and the proper
19 enforcement of all state gun laws. The legislature of the state of
20 Wyoming hereby condemns any unlawful transfer of firearms and the
21 use of any firearm in any criminal or unlawful activity.

22
23 (b) Nothing in this section shall be construed to prohibit
24 Wyoming officials from accepting aid from federal officials in an
25 effort to enforce Wyoming laws.

26
27 **Section 2.** W.S. 9-14-103 through 9-14-105 are created to
28 read:

29
30 **9-14-103. Definitions.**

31
32 (a) As used in W.S. 9-14-103 through 9-14-105:

33
34 (i) "Law abiding citizen" shall not be construed to
35 include anyone who is not legally present in the United States or
36 the state of Wyoming. "Law abiding citizen" means" a person who
37 is not otherwise precluded under state law from possessing a
38 firearm and who has not or is not:

39
40 (A) Been convicted in any court of, a crime
41 punishable by imprisonment for a term exceeding one (1) year;

42
43 (B) A fugitive from justice;

44
45 (C) An unlawful user of or addicted to any
46 controlled substance (as defined in section 102 of the Controlled
47 Substances Act (21 U.S.C. 802));

1
2 (D) Been adjudicated as a mental defective or who
3 has been committed to a mental institution;
4

5 (E) An alien who is illegally or unlawfully in the
6 United States; or has been admitted to the United States under a
7 nonimmigrant visa (as that term is defined in section federal code
8 section 101(a)(26) of the Immigration and Nationality Act (8 U.S.C.
9 1101(a)(26)));
10

11 (F) Been discharged from the Armed Forces under
12 dishonorable conditions;
13

14 (G) Having been a citizen of the United States,
15 renounced his citizenship;
16

17 (H) Subject to a court order that:
18

19 (I) Was issued after a hearing of which the
20 person received actual notice, and at which the person had an
21 opportunity to participate;
22

23 (II) Restrains the person from harassing,
24 stalking or threatening an intimate partner of the person or child
25 of the intimate partner or person, or engaging in other conduct
26 that would place an intimate partner in reasonable fear of bodily
27 injury to the partner or child; and
28

29 (III) Either:
30

31 (1) Includes a finding that the
32 person represents a credible threat to the physical safety of the
33 intimate partner or child; or
34

35 (2) By its terms explicitly
36 prohibits the use, attempted use, or threatened use of physical
37 force against the intimate partner or child that would reasonably
38 be expected to cause bodily injury.
39

40 (J) Been convicted in any court of a misdemeanor
41 crime of domestic violence, to ship or transport in interstate or
42 foreign commerce, or possess in or affecting commerce, any firearm
43 or ammunition; or to receive any firearm or ammunition which has
44 been shipped or transported in interstate or foreign commerce.
45

46 (ii) "Material aid and support" shall include
47 voluntarily giving or allowing others to make use of lodging,

1 communications equipment or services, including social media
2 accounts, facilities, weapons, personnel, transportation, clothing
3 or other physical assets. "Material aid and support" shall not
4 include giving or allowing the use of medicine or other materials
5 necessary to treat physical injuries, nor shall the term include
6 any assistance provided to help a person escape a serious, present
7 risk of life-threatening injury.

8
9 **9-14-104. Unconstitutional federal laws; protection of law**
10 **abiding citizens.**

11
12 (a) The following federal acts, laws, executive orders,
13 administrative orders, court orders, rules, regulations, statutes
14 or ordinances shall be considered infringements on the people's
15 right to keep and bear arms, as guaranteed by the second amendment
16 of the constitution of the United States and article 1, section 24
17 of the Wyoming constitution, within the borders of this state
18 including, but not limited to:

19
20 (i) Any new tax, levy, fee or stamp imposed on firearms,
21 firearm accessories or ammunition not common to all other goods
22 and services and reasonably expected to create a chilling effect
23 on the purchase or ownership of those items by law abiding
24 citizens;

25
26 (ii) Any registration or tracking of firearms, firearm
27 accessories or ammunition;

28
29 (iii) Any registration or tracking of the ownership of
30 firearms, firearm accessories or ammunition;

31
32 (iv) Any act forbidding the possession, ownership, use
33 or transfer of a firearm, firearm accessory or ammunition by law
34 abiding citizens; or

35
36 (v) Any act ordering the confiscation of firearms,
37 firearm accessories or ammunition from law abiding citizens.

38
39 (b) All federal acts, laws, executive orders, administrative
40 orders, court orders, rules, regulations, statutes or ordinances
41 identified in subsection (a) of this section, regardless of whether
42 enacted before or after this section, that infringe on the law
43 abiding citizen's right to keep and bear arms as guaranteed by the
44 second amendment of the constitution of the United States and
45 article 1, section 24 of the Wyoming constitution shall be invalid
46 in this state, shall be specifically rejected by this state and
47 shall be considered null, void and of no effect in this state.

1
2 (c) It shall be the duty of the courts and law enforcement
3 agencies of this state to protect the rights of law abiding
4 citizens to keep and bear arms within the borders of this state
5 and to protect these rights from the infringements defined under
6 subsection (a) of this section.

7
8 (d) Nothing in this section shall be construed to prohibit
9 Wyoming officials from accepting aid from federal officials in an
10 effort to enforce Wyoming laws.

11
12 **9-14-105. Prohibition on enforcement of unconstitutional**
13 **federal laws; liability; civil damages.**

14
15 (a) No entity or person, including any public officer or
16 employee of this state or any political subdivision of this state,
17 shall have the authority to enforce or attempt to enforce or to
18 give material aid and support to another who enforces or attempts
19 to enforce any federal acts, laws, executive orders,
20 administrative orders, court orders, rules, regulations, statutes
21 or ordinances infringing on the right of law abiding citizens to
22 keep and bear arms as identified in W.S. 9-14-104(a).

23
24 (b) Any political subdivision of the state or law
25 enforcement agency that acts knowingly to violate the provisions
26 of subsection (a) of this section or otherwise knowingly deprives
27 a resident of Wyoming of the rights or privileges ensured by the
28 second amendment of the constitution of the United States or
29 article 1, section 24 of the Wyoming constitution, while acting
30 under the color of any state or federal law, shall be liable to
31 the injured party in an action at law, suit in equity, declaratory
32 judgment or other proper proceeding for redress and shall be
33 subject to a civil penalty of not less than fifty thousand dollars
34 (\$50,000.00) per violation. In such actions:

35
36 (i) Any person who is aggrieved by a violation of this
37 section shall have standing to pursue an action in the district
38 court of the county in which the action allegedly occurred;

39
40 (ii) Any person injured under this section shall have
41 standing to pursue an action for injunctive relief in the district
42 court of the county in which the action allegedly occurred with
43 respect to the actions of the individual. The court shall hold a
44 hearing on the motion for temporary restraining order and
45 preliminary injunction within thirty (30) days of service of the
46 petition. In such actions, the court may award the prevailing

1 party, other than the state of Wyoming or any political subdivision
2 of the state reasonable attorney's fees and costs;

3
4 (iii) If a court imposes a civil penalty, attorney's
5 fees and costs, or both civil damages and fees and costs, then the
6 state, political subdivision or law enforcement agency that
7 employs the person who violated subsection (a) of this section
8 shall be required to pay any civil penalty, fees and costs that
9 the court orders;

10
11 (iv) The state, political subdivision or law
12 enforcement agency that employs the person who acted knowingly to
13 violate the provisions of subsection (a) of this section shall not
14 be granted immunity under W.S. 1-39-104(a).

15
16 (c) Nothing in this section shall limit the authority or
17 discretion of a public officer or an employee of this state or any
18 political subdivision of this state to investigate, charge or
19 prosecute any person for felonies that do not constitute the
20 infringements described under W.S. 9-14-104(a) and subsection (a)
21 of this section.

22
23 (d) It shall not be considered a violation of this section
24 to provide material aid to federal officials who are in pursuit of
25 a suspect when there is a demonstrable criminal nexus with another
26 state or country and the suspect is either not a citizen of this
27 state or is not present in this state. It shall not be considered
28 a violation of this section to provide material aid to federal
29 prosecution for:

30
31 (i) Felony crimes against a person when the federal
32 prosecution includes weapons violations substantially similar to
33 those found in title 6, chapter 8 or chapter 2 or title 35, chapter
34 7, article 10 so long as the weapons violations are merely
35 ancillary to the prosecution; or

36
37 (ii) Felony violations substantially similar to those
38 found in title 6, chapter 2 or title 35, chapter 7, article 10
39 when the prosecution includes weapons violations substantially
40 similar to those found in Wyoming law so long as the weapons
41 violations are merely ancillary to the prosecution.

42
43 (e) Nothing in this section shall be construed to prohibit
44 Wyoming officials from accepting aid from federal officials in an
45 effort to enforce Wyoming laws.

46
47 **Section 3.** W.S. 1-39-104(a) is amended to read:

