

HOUSE BILL NO. HB0126

Restoration of rights after felony conviction.

Sponsored by: Representative(s) Zwonitzer, Dn., Barlow,
Connolly, Greene, Kroeker, Loucks and
Petroff and Senator(s) Case

A BILL

for

1 AN ACT relating to restoration of rights lost as a result
2 of a felony conviction; modifying eligibility requirements
3 for restoration of rights; providing that restoration of
4 rights is ministerial as specified; amending authority of
5 parole board; and providing for an effective date.

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

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9 **Section 1.** W.S. 1-11-102, 6-8-102, 6-8-104(b)(v)(B),
10 6-10-106(a)(iv), 7-13-105(b)(intro), (i), (ii), by creating
11 a new subsection (d) and by amending and renumbering (d) as
12 (e), 7-13-401(f) and 7-13-402(f) are amended to read:

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15 **1-11-102. Convicted felon disqualified.**

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1 A person who has been convicted of any felony is
2 disqualified to act as a juror unless his conviction is
3 reversed or annulled, he receives a pardon or his rights
4 are restored pursuant to W.S. ~~7-13-105(a)~~ 7-13-105.

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

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9 Any person who has previously pleaded guilty to or been
10 convicted of committing or attempting to commit a violent
11 felony or a felony under W.S. 6-5-204(b), and has not been
12 pardoned or had his rights restored under W.S. 7-13-105 and
13 who uses or knowingly possesses any firearm is guilty of a
14 felony punishable by imprisonment for not more than three
15 (3) years, a fine of not more than five thousand dollars
16 (\$5,000.00), or both.

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18 **6-8-104. Wearing or carrying concealed weapons;**
19 **penalties; exceptions; permits.**

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21 (b) The attorney general is authorized to issue
22 permits to carry a concealed firearm to persons qualified
23 as provided by this subsection. The attorney general shall
24 promulgate rules necessary to carry out this section no

1 later than October 1, 1994. Applications for a permit to
2 carry a concealed firearm shall be made available and
3 distributed by the division of criminal investigation and
4 local law enforcement agencies. The permit shall be valid
5 throughout the state for a period of five (5) years from
6 the date of issuance. The permittee shall carry the permit,
7 together with valid identification at all times when the
8 permittee is carrying a concealed firearm and shall display
9 both the permit and proper identification upon request of
10 any peace officer. The attorney general through the
11 division shall issue a permit to any person who:

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13 (v) Has not been:

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15 (B) Convicted of a felony violation of the
16 Wyoming Controlled Substances Act of 1971, W.S. 35-7-1001
17 through 35-7-1057 or similar laws of any other state or the
18 United States relating to controlled substances and has not
19 been pardoned or had his rights restored pursuant to W.S.
20 7-13-105; or

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22 **6-10-106. Rights lost by conviction of felony;**
23 **restoration.**

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

4
5 (iv) His rights as an elector are restored
6 pursuant to W.S. 7-13-105. ~~(b) and (c), in which case the~~
7 ~~person shall remain incompetent to be a juror or to hold~~
8 ~~any office of honor, trust or profit within this state.~~

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10 **7-13-105. Certificate of restoration of rights;**
11 **procedure for restoration in general; procedure for**
12 **restoration of voting rights for nonviolent felonies;**
13 **filing requirements.**

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15 (b) Except as provided in subsection (d) of this
16 section, a person convicted of a ~~nonviolent~~-felony or
17 ~~nonviolent~~-felonies arising out of the same occurrence or
18 related course of events ~~may apply in writing to the state~~
19 ~~board of parole for a certificate which restores the~~
20 ~~person's voting rights lost pursuant to W.S. 6-10-106. The~~
21 ~~application shall specifically state that the requirements~~
22 ~~of this subsection have been met and shall be on a form~~
23 ~~approved by the state board of parole.~~ shall have his

1 rights restored and the state board of parole shall issue a
2 certificate restoring a person's ~~voting~~ rights if:

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4 (i) The applicant has ~~never~~ not subsequently
5 been convicted of any other felony other than convictions
6 arising out of the same occurrence for which restoration of
7 rights is sought; and

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9 (ii) All of the applicant's terms of sentence
10 are expired, or in the case of probation, the applicant has
11 completed all probation periods. ~~and~~

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13 (d) Notwithstanding subsection (b) of this section, a
14 person convicted of a violent felony while using a firearm
15 or violent felonies arising out of the same occurrence or
16 related course of events while using a firearm shall be
17 issued by the state board of parole a certificate which
18 restores the person's rights lost pursuant to W.S. 6-10-106
19 if:

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21 (i) The applicant has not subsequently been
22 convicted of any other felony other than convictions
23 arising out of the same occurrence for which restoration of
24 rights is sought; and

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(ii) All of the applicant's terms of sentence are expired, or in the case of probation, the applicant has completed all probation periods.

~~(d)~~(e) As used in this section, "violent felony" means as defined by W.S. 6-1-104(a)(xii), including offenses committed in another jurisdiction which if committed in this state would constitute a violent felony under W.S. 6-1-104(a)(xii). ~~As used in this section, "nonviolent felony" includes all felony offenses not otherwise defined as violent felonies.~~

7-13-401. Definitions; creation of board; officers; compensation; hearing panels; meetings.

(f) Three (3) or more members of the board may constitute a hearing panel empowered to review applications for parole, grant paroles or revoke paroles. Fewer than three (3) members of the board, as may be provided by rule of the board, may withdraw or revoke good time, restore or reinstate good time, ~~make initial determinations of eligibility and restore voting rights pursuant to W.S. 7-13-105(b) and (c),~~ make recommendations to the governor

1 to grant commutations of sentences and review inmate
2 matters, other than the grant or denial of parole, brought
3 before the board. A decision by a majority of the members
4 of a panel under this subsection is the decision of the
5 board.

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7 **7-13-402. General powers and duties of board;**
8 **eligibility for parole; immunity.**

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10 (f) The promulgation of substantive rules by the
11 board, the conduct of its hearings and its final decisions
12 are specifically exempt from all provisions of the Wyoming
13 Administrative Procedure Act including the provisions for
14 judicial review under W.S. 16-3-114 and 16-3-115. ~~This~~
15 ~~exception shall not apply to the provisions authorizing a~~
16 ~~contested case hearing under W.S. 7-13-105(c).~~ The board's
17 rules and regulations shall be filed in the office of the
18 secretary of state.

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20 **Section 2.** W.S. 7-13-105(b)(iii) and (c) and
21 7-13-402(h) are repealed.

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1 **Section 3.** This act is effective July 1, 2014.

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(END)