

HOUSE BILL NO. HB0057

Emergency powers-right to bear arms.

Sponsored by: Representative(s) Jaggi, Davison, Iekel, Illoway, Martin, McOmie, Petersen, Shepperson and White and Senator(s) Cooper, Fecht, Hines and Jennings

A BILL

for

1 AN ACT relating to homeland security; explicitly
2 restricting the power to confiscate firearms in an
3 emergency; providing exceptions; adding definitions; and
4 providing for an effective date.

5

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

7

8 **Section 1.** W.S. 19-13-102(a) by creating new
9 paragraphs (vii) and (viii) and 19-13-104 by creating a new
10 subsection (e) is amended to read:

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12 **19-13-102. Definitions.**

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14 (a) As used in this act:

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1 (vii) "Ammunition" means a cartridge, shell or
2 other device containing explosive or incendiary material
3 designed and intended for use in a firearm;

4
5 (viii) "Firearm" means any weapon which will or
6 is designed to expel any projectile by the action of an
7 explosive.

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9 **19-13-104. Powers of governor generally; director,**
10 **office of homeland security.**

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12 (e) Nothing in this chapter shall be construed to
13 confer upon the governor, the director or the executive
14 heads or governing bodies of the political subdivisions of
15 the state the power to:

16
17 (i) Confiscate a firearm from a person, unless:

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19 (A) The person is in unlawful possession of
20 the firearm as provided in title 6 of the Wyoming statutes;

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22 (B) The person is unlawfully carrying the
23 firearm as provided in title 6 of the Wyoming statutes; or

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1 (C) The firearm is confiscated by a peace
2 officer who is acting in the lawful discharge of his duties
3 and under the reasonable belief that the confiscation is
4 necessary for the protection of the peace officer, the
5 person carrying the firearm or a third party. The peace
6 officer shall return the firearm to the person before
7 discharging the person unless the officer arrests that
8 person for engaging in criminal activity or seizes the
9 firearm as evidence pursuant to an investigation for the
10 commission of a crime.

11
12 (ii) Impose additional restrictions as to the
13 lawful possession, transfer, sale, carrying, storage,
14 display or use of:

15
16 (A) Firearms;

17
18 (B) Ammunition; or

19
20 (C) Components of firearms or ammunition.

21
22 **Section 2.** This act is effective July 1, 2008.

23
24 (END)