

HOUSE BILL NO. HB0095

Wyoming Firearms Freedom Act-2.

Sponsored by: Representative(s) Jaggi, Brechtel, Childers, Davison, Illoway, Madden, McKim, Pedersen, Quarberg, Shepperson and Teeters and Senator(s) Burns, Case, Cooper, Dockstader and Jennings

A BILL

for

1 AN ACT relating to the Wyoming Firearms Freedom Act;  
2 establishing a Wyoming Firearms Freedom Act; providing that  
3 specified firearms that are manufactured, sold, purchased,  
4 possessed and used exclusively within Wyoming shall be  
5 exempt from federal regulation, including registration  
6 requirements; providing exceptions; creating offenses;  
7 providing penalties; authorizing the attorney general to  
8 defend specified actions; providing legislative findings  
9 and declarations of authority; establishing conditions for  
10 the possession and purchase of specified firearms; and  
11 providing for an effective date.

12

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

14

1           **Section 1.** W.S. 6-8-402 through 6-8-406 are created  
2 to read:

3

4           **6-8-402. Short title; applicability.**

5

6           (a) This act shall be known and may be cited as the  
7 "Wyoming Firearms Freedom Act".

8

9           (b) This act shall apply to firearms, firearm  
10 accessories and ammunition that are manufactured in  
11 Wyoming.

12

13           **6-8-403. Definitions.**

14

15           (a) As used in this act:

16

17           (i) "Borders of Wyoming" means the boundaries of  
18 Wyoming as described in Section 2 of the Act of Admission  
19 of the state of Wyoming, 26 United States Statutes at  
20 Large, 222, chapter 664;

21

22           (ii) "Firearm" means any weapon which will or is  
23 designed to expel a projectile by the action of an  
24 explosive;

1

2 (iii) "Firearms accessories" means items that  
3 are used in conjunction with or mounted upon a firearm but  
4 are not essential to the basic function of a firearm,  
5 including, but not limited to, telescopic or laser sights,  
6 magazines, flash or sound suppressors, folding or  
7 aftermarket stocks and grips, speedloaders, ammunition  
8 carriers, optics for target identification and lights for  
9 target illumination;

10

11 (iv) "Generic and insignificant parts" includes,  
12 but is not limited to, springs, screws, nuts and pins;

13

14 (v) "Manufactured" means that a firearm, a  
15 firearm accessory or ammunition has been created from basic  
16 materials for functional usefulness, including, but not  
17 limited to forging, casting, machining, molding or other  
18 processes for working materials;

19

20 (vi) "This act" means W.S. 6-8-401 through  
21 6-8-406.

22

1           **6-8-404. Regulation by state of firearms, firearms**  
2 **accessories and ammunition manufactured in Wyoming;**  
3 **exceptions.**

4  
5           (a) A personal firearm, a firearm accessory or  
6 ammunition that is manufactured commercially or privately  
7 in Wyoming and that remains exclusively within the borders  
8 of Wyoming is not subject to federal law, federal taxation  
9 or federal regulation, including registration, under the  
10 authority of the United States congress to regulate  
11 interstate commerce. It is declared by the Wyoming  
12 legislature that those items have not traveled in  
13 interstate commerce. This section applies to a firearm, a  
14 firearm accessory or ammunition that is manufactured in  
15 Wyoming from basic materials and that can be manufactured  
16 without the inclusion of any significant parts imported  
17 from another state or foreign country. Generic and  
18 insignificant parts that have other manufacturing or  
19 consumer product applications are not firearms, firearms  
20 accessories or ammunition, and their importation into  
21 Wyoming and incorporation into a firearm, firearm accessory  
22 or ammunition manufactured in Wyoming does not subject the  
23 firearm, firearm accessory or ammunition to federal  
24 regulation. It is declared by the Wyoming legislature that

1 basic industrial materials, such as, but not limited to,  
2 polymers, unmachined metal, ferrous or nonferrous, bar  
3 stock, ingots or forgings and unshaped wood, are not  
4 firearms, firearms accessories or ammunition and are not  
5 subject to congressional authority to regulate firearms,  
6 firearms accessories and ammunition under interstate  
7 commerce as if they were actually firearms, firearms  
8 accessories or ammunition. The authority of the United  
9 States congress to regulate interstate commerce in basic  
10 materials does not include authority to regulate firearms,  
11 firearm accessories and ammunition made within Wyoming  
12 borders from those materials. Firearms accessories that  
13 are imported into Wyoming from another state and that are  
14 subject to federal regulation as being in interstate  
15 commerce do not subject a firearm to federal regulation  
16 under interstate commerce because the firearm accessory is  
17 attached to or used in conjunction with a firearm in  
18 Wyoming.

19

20 (b) A firearm manufactured or sold in Wyoming under  
21 this act shall have the words, "made in Wyoming" clearly  
22 stamped, inscribed or otherwise marked on a central part of  
23 the firearm, such as the receiver or frame.

24

1           (c) To possess a firearm covered by this section a  
2 person shall:

3

4           (i) Not have been convicted of any felony in any  
5 state, territory or other jurisdiction of the United  
6 States;

7

8           (ii) Not currently be adjudicated to be legally  
9 incompetent; and

10

11           (iii) Not have been committed to a mental  
12 institution.

13

14           (d) To purchase a firearm covered by this section a  
15 person shall:

16

17           (i) Be at least:

18

19           (A) Twenty-one (21) years of age if the  
20 firearm is a handgun;

21

22           (B) Eighteen (18) years of age if the  
23 firearm is a shotgun or rifle.

24

1           (ii) Not have been convicted of any felony in  
2 any state, territory or other jurisdiction of the United  
3 States;

4  
5           (iii) Not currently be adjudicated to be legally  
6 incompetent; and

7  
8           (iv) Not have been committed to a mental  
9 institution.

10

11           **6-8-405. Offenses and penalties; defense of Wyoming**  
12 **citizens.**

13

14           (a) Any public servant of the state of Wyoming, as  
15 defined in W.S. 6-5-101, who enforces or attempts to  
16 enforce any act, order, law, statute, rule or regulation of  
17 the United States government relating to a personal  
18 firearm, firearm accessory or ammunition that is  
19 manufactured commercially or privately in Wyoming and that  
20 remains exclusively within the borders of Wyoming shall be  
21 guilty of a misdemeanor and, upon conviction, shall be  
22 subject to imprisonment for not more than one (1) year, a  
23 fine of not more than two thousand dollars (\$2,000.00), or  
24 both.

1

2 (b) Any official, agent or employee of the United  
3 States government who enforces or attempts to enforce any  
4 act, order, law, statute, rule or regulation of the United  
5 States government upon a personal firearm, a firearm  
6 accessory or ammunition that is manufactured commercially  
7 or privately in Wyoming and that remains exclusively within  
8 the borders of Wyoming shall be guilty of a misdemeanor  
9 and, upon conviction, shall be subject to imprisonment for  
10 not more than one (1) year, a fine of not more than two  
11 thousand dollars (\$2,000.00), or both.

12

13 (c) The attorney general may defend a citizen of  
14 Wyoming who is prosecuted by the United States government  
15 for violation of a federal law relating to the manufacture,  
16 sale, transfer or possession of a firearm, a firearm  
17 accessory or ammunition manufactured and retained  
18 exclusively within the borders of Wyoming.

19

20 **6-8-406. Legislative findings and declaration of**  
21 **authority.**

22

23 (a) The legislature declares that the authority for  
24 W.S. 6-8-402 through 6-8-406 is the following:



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2           (i) The tenth amendment to the United States  
3 constitution guarantees to the states and their people all  
4 powers not granted to the federal government elsewhere in  
5 the constitution and reserves to the state and the people  
6 of Wyoming certain powers as they were understood at the  
7 time that Wyoming was admitted to statehood in 1890. The  
8 guaranty of those powers is a matter of contract between  
9 the state and people of Wyoming and the several states  
10 comprising the United States as of the time the Act of  
11 Admission was agreed upon and adopted by Wyoming and the  
12 several states comprising the United States in 1889;

13

14           (ii) The ninth amendment to the United States  
15 constitution guarantees to the people rights not granted in  
16 the constitution and reserves to the people of Wyoming  
17 certain rights, as they were understood at the time Wyoming  
18 was admitted to statehood in 1890. The guaranty of those  
19 rights is a matter of contract between the state and people  
20 of Wyoming and the several states comprising the United  
21 States as of the time the Act of Admission was agreed upon  
22 and adopted by Wyoming and the United States in 1889;

23

1           (iii) The regulation of intrastate commerce is  
2 vested in the states under the ninth and tenth amendments  
3 to the United States constitution, particularly if not  
4 expressly preempted by federal law pursuant to article 1,  
5 section 8 of the United States constitution. The United  
6 States congress has not expressly preempted state  
7 regulation of intrastate commerce pertaining to the  
8 manufacture on an intrastate basis of firearms, firearms  
9 accessories and ammunition;

10

11           (iv) The second amendment to the United States  
12 constitution reserves to the people the right to keep and  
13 bear arms as that right was understood at the time the  
14 original states ratified the bill of rights to the United  
15 States constitution, and the guaranty of the right is a  
16 matter of contract between the state and people of Wyoming  
17 and the United States as of the time the Act of Admission  
18 was agreed upon and adopted by Wyoming and the United  
19 States in 1889;

20

21           (v) Article 1, section 24, of the Wyoming  
22 constitution secures the right of citizens the right to  
23 keep and bear arms and this right shall not be denied.  
24 This right predates the United States constitution and the

1 Wyoming constitution and is unchanged from the 1890 Wyoming  
2 constitution, which was approved by congress and the people  
3 of Wyoming, and the right exists, as it was agreed upon and  
4 adopted by Wyoming and the United States in the Act of  
5 Admission;

6

7           (vi) Article 1, section 1, of the Wyoming  
8 constitution provides that all power is inherent in the  
9 people, and all free governments are founded on their  
10 authority, and instituted for their peace, safety and  
11 happiness; for all the advancement of these ends they have  
12 at all times an inalienable and indefeasible right to  
13 alter, reform or abolish the government in such manner as  
14 they may think proper;

15

16           (vii) Article 1, section 7, of the Wyoming  
17 constitution provides that absolute, arbitrary power over  
18 the lives, liberty and property of freemen exists nowhere  
19 in a republic, not even in the largest majority;

20

21           (viii) Article 1, sections 1 and 7, of the  
22 Wyoming constitution clearly provide that the people of the  
23 state have the sole and exclusive right of governing  
24 themselves as a free, sovereign and independent state, and

1 do so and forever hereafter shall exercise and enjoy every  
2 power, jurisdiction and right, pertaining thereto, which is  
3 not, or may not hereafter be, by them expressly delegated  
4 to the United States of America;

5

6 (ix) The declaration of independence clearly  
7 provides that government derives its power directly from  
8 the consent of the governed and Wyoming affirms the  
9 language of the second paragraph of the declaration of  
10 independence which states "We hold these truths to be self-  
11 evident, that all men are created equal, that they are  
12 endowed by the Creator with certain inalienable Rights,  
13 that among these are Life, Liberty and the pursuit of  
14 Happiness. That to secure these rights, Governments are  
15 instituted among Men, deriving their just powers from the  
16 consent of the governed...".

17

18 **Section 2.** W.S. 6-8-401 by creating a new subsection  
19 (a) and by amending and renumbering (a) as (c) is amended  
20 to read:

21

22 **6-8-401. Firearm, weapon and ammunition regulation**  
23 **and prohibition by state.**

24

1       (a) The Wyoming legislature finds that the right to  
2 keep and bear arms is a fundamental right. The Wyoming  
3 legislature affirms this right as a constitutionally  
4 protected right in every part of Wyoming.

5  
6       ~~(a)~~(c) The sale, transfer, purchase, delivery,  
7 taxation, manufacture, ownership, transportation, storage,  
8 use and possession of firearms, weapons and ammunition  
9 shall be authorized, regulated and prohibited by the state,  
10 and regulation thereof is preempted by the state. Except as  
11 authorized by W.S. 15-1-103(a)(xviii), no city, town, ~~or~~  
12 county, political subdivision or any other entity shall  
13 authorize, regulate or prohibit the sale, transfer,  
14 purchase, delivery, taxation, manufacture, ownership,  
15 transportation, storage, use, carrying or possession of  
16 firearms, weapons, ~~and~~ accessories, components or  
17 ammunition except as specifically provided by this chapter.  
18 This section shall not affect zoning or other ordinances  
19 which encompass firearms businesses along with other  
20 businesses. Zoning and other ordinances which are designed  
21 for the purpose of restricting or prohibiting the sale,  
22 purchase, transfer or manufacture of firearms or ammunition  
23 as a method of regulating firearms or ammunition are in  
24 conflict with this section and are prohibited.

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2       **Section 3.** W.S. 6-8-401(b) is repealed.

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4       **Section 4.** This act is effective immediately upon  
5 completion of all acts necessary for a bill to become law  
6 as provided by Article 4, Section 8 of the Wyoming  
7 Constitution.

8

9

(END)