## STATE OF WYOMING

## HOUSE BILL NO. HB0015

Restoration of voting rights by department of corrections. Sponsored by: Joint Judiciary Interim Committee

## A BILL

## for

1 AN ACT relating to criminal procedure; amending and 2 conforming provisions relating to restoration of voting 3 rights to felons; providing an appropriation; and providing 4 for an effective date.

5

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

8 **Section 1.** W.S. 7-13-105(b)(intro), (i), (ii), (c), 9 by creating a new subsection (d) and by amending and 10 renumbering (d) as (e), 7-13-401(f), 7-13-402(f), 11 7-19-103(a)(ii), 18-16-102(a)(ix)(E), 22-3-102(e)(iv) and 12 25-1-104 by creating a new subsection (k) are amended to 13 read:

14

15 7-13-105. Certificate of restoration of rights;
16 procedure for restoration in general; procedure for

restoration of voting rights for nonviolent felonies;
 filing requirements.

3

4 (b) The department of corrections shall issue a certificate of restoration of voting rights as provided in 5 this subsection and subsection (c) of this section. Upon 6 issuance of a certificate, voting rights lost pursuant to 7 W.S. 6-10-106 shall be deemed restored. The department of 8 corrections shall issue a person convicted of a nonviolent 9 10 felony or nonviolent felonies arising out of the same occurrence or related course of events may apply in writing 11 12 to the state board of parole for a certificate which 13 restores the person's voting rights lost pursuant to W.S. 14 6-10-106. The application shall specifically state that the requirements of this subsection have been met and shall be 15 16 on a form approved by the state board of parole. The state board of parole shall issue a certificate restoring a 17 person's voting rights of restoration of voting rights if: 18

16 person s voting rights of restoration of voting rights

19

20 (i) The <u>applicant person</u> has <u>never not</u> been 21 convicted of any other felony other than convictions 22 arising out of the same occurrence or related course of

HB0015

events for which restoration of rights is sought certified; 1 2 and 3 4 (ii) All of the applicant's terms of The person has completed all of his sentence, are expired, or in the 5 case of probation, the applicant has completed all 6 probation periods; and including probation or parole. 7 8 9 (c) Upon receipt of the written application under 10 subsection (b) of this section, the board shall review the materials and make an initial determination of eligibility. 11 12 Should the board deny the application at this initial determination, the applicant shall have the right to 13 14 request a contested case hearing before the board as provided by and in accordance with the Wyoming 15 16 Administrative Procedure Act. The decision of the board after such hearing shall be deemed a final administrative 17 18 determination, shall be in writing, and, shall in the case 19 of a denial of the application, state the findings of the 20 board and the reasons for the denial and shall not be 21 subject to judicial review under W.S. 16-3-114. The 22 department of corrections shall issue a certificate of

1 restoration of voting rights to eligible persons as
2 follows:
3

4 (i) For persons convicted within Wyoming of a nonviolent felony or nonviolent felonies arising out of the 5 6 same occurrence or related course of events, the department 7 shall issue a certificate to eligible persons who completed their sentence before January 1, 2016, upon receipt of the 8 9 person's application for restoration. The application shall 10 specifically state that the requirements of this subsection 11 and subsection (b) have been met and shall be on a form 12 approved by the state board of parole. The department 13 shall issue a certificate to eligible persons who complete 14 their sentence after January 1, 2016 without the need for 15 the person to submit an application;

16

17 (ii) For persons convicted outside of Wyoming or 18 under federal law of a nonviolent felony or nonviolent 19 felonies arising out of the same occurrence or related 20 course of events, the department shall issue a certificate 21 to an eligible person upon receipt of the person's 22 application for restoration. The application shall 23 specifically state that the requirements of this subsection 2015

1	and subsection (b) have been met and shall be on a form
2	approved by the state board of parole.
3	
4	(d) The department's denial of a certificate of
5	restoration of voting rights is a final action of the
6	agency subject to judicial review. The clerk of the
7	district court and the division of criminal investigation
8	shall cooperate with the department of corrections in
9	providing information necessary for determining a person's
10	eligibility to receive a certificate of restoration of
11	voting rights. The department of corrections shall notify
12	the secretary of state when any person's voting rights have
13	been restored. If the person was convicted in Wyoming, the
14	department shall submit the certificate of restoration of
15	voting rights to the clerk of the district court in which
16	the person was convicted and the clerk shall file the
17	certificate in the criminal case in which the conviction
18	was entered.
19	
20	$\frac{(d)}{(e)}$ As used in this section:
21	

1	(i) "Same occurrence or related course of
2	events" means the same transaction or occurrence or a
3	series of events closely related in time or location;
4	
5	(ii) "Violent felony" means as defined by W.S.
6	6-1-104(a)(xii), including offenses committed in another
7	jurisdiction which if committed in this state would
8	constitute a violent felony under W.S. 6-1-104(a)(xii). As
9	used in this section, "Nonviolent felony" includes all
10	felony offenses not otherwise defined as violent felonies.
11	
12	7-13-401. Definitions; creation of board; officers;
13	compensation; hearing panels; meetings.
13 14	compensation; hearing panels; meetings.
	(f) Three (3) or more members of the board may
14	
14 15	(f) Three (3) or more members of the board may
14 15 16	(f) Three (3) or more members of the board may constitute a hearing panel empowered to review applications
14 15 16 17	(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
14 15 16 17 18	(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
14 15 16 17 18 19	(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
14 15 16 17 18 19 20	(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

2015

STATE OF WYOMING

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

5

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

8

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

- 18
- 19 **7-19-103.** Definitions.
- 20

21 (a) As used in this act:

22

HB0015

2015

1 (ii) "Criminal history record information" means 2 information, records and data compiled by criminal justice 3 agencies on individuals for the purpose of identifying 4 criminal offenders consisting of identifiable descriptions of the offenders and notations or a summary of arrests, 5 indictments, information, pre-trial 6 detentions, proceedings, nature and disposition of criminal charges, 7 8 sentencing, rehabilitation, incarceration, correctional 9 supervision and release. Criminal history record 10 information is limited to information recorded as the result of the initiation of criminal proceedings. It does 11 12 not include intelligence data, analytical prosecutorial 13 files, investigative reports and files or statistical records and reports in which individual identities are not 14 15 ascertainable, any document relating to restoration of voting rights, or any document signed by the governor 16 granting a pardon, commutation of sentence, reprieve, 17 18 remission of fine or forfeiture  $\tau$  or a restoration of civil rights; by the governor or restoration of voting rights by 19 20 the state board of parole;

21

22 **18-16-102.** Definitions.

23

STATE OF WYOMING

```
1
         (a) As used in this act:
 2
 3
         (ix) "Qualified elector" means a natural person who:
 4
 5
                   (E) Has not been convicted of a felony or
    if convicted has had his civil rights or voting rights
 6
    restored; and
 7
8
9
         22-3-102. Qualifications; temporary registration.
10
11
         (e) The secretary of state is authorized to provide
    for the verification of certain voter registration data in
12
    accordance with the following:
13
14
15
              (iv) The secretary of state, and the state board
16
    of parole and the department of corrections shall enter
17
    into an agreement to match information in the voter
18
    registration system with records regarding restoration of
19
    voting rights maintained by the state board of parole or
20
    the department of corrections in order to verify voter
21
    qualifications;
```

22

1 25-1-104. Creation of department of corrections; duties; inspections of state institutions; regulation of 2 3 prisoner produced goods. 4 5 (k) The department of corrections shall issue certificates of restoration of voting rights pursuant to 6 W.S. 7-13-105 (b) and (c). 7 8 9 Section 2. W.S. 7-13-105(b)(iii) and 7-13-402(h) are 10 repealed. 11 Section 3. This act shall not affect the validity of 12 voting rights restored prior to the effective date of this 13 14 act. 15 16 Section 4. There is appropriated from the general fund to the secretary of state twenty-five thousand eight 17 hundred dollars (\$25,800.00) for the period beginning March 18 19 15, 2015 and ending June 30, 2016. 20

1	Section 5.
2	
3	(a) Section 4 of this act is effective immediately
4	upon completion of all acts necessary for a bill to become
5	law as provided by Article 4, Section 8 of the Wyoming
6	Constitution.
7	
8	(b) Except as provided by subsection (a) of this
9	section, this act is effective January 1, 2016.
10	
11	(END)