

ENROLLED ACT NO. 106, HOUSE OF REPRESENTATIVES

SIXTY-THIRD LEGISLATURE OF THE STATE OF WYOMING
2015 GENERAL SESSION

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

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

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

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

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

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(i) The ~~applicant~~ person has ~~never~~ not been convicted of any other felony other than convictions arising out of the same occurrence or related course of events for which restoration of rights is ~~sought~~ certified;

(ii) ~~All of the applicant's terms of~~ The person has completed all of his sentence, ~~are expired, or in the case of probation, the applicant has completed all probation periods~~ including probation or parole; and

(c) ~~Upon receipt of the written application under subsection (b) of this section, the board shall review the materials and make an initial determination of eligibility. Should the board deny the application at this initial determination, the applicant shall have the right to request a contested case hearing before the board as provided by and in accordance with the Wyoming Administrative Procedure Act. The decision of the board after such hearing shall be deemed a final administrative determination, shall be in writing, and, shall in the case of a denial of the application, state the findings of the board and the reasons for the denial and shall not be subject to judicial review under W.S. 16-3-114.~~ The department of corrections shall issue a certificate of restoration of voting rights to eligible persons as follows:

(i) For persons convicted within Wyoming of a nonviolent felony or nonviolent felonies arising out of the same occurrence or related course of events, the department shall require an application for restoration before issuing a certificate to eligible persons who completed their sentence before January 1, 2016. The department shall not require an application for restoration before issuing a

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certificate to eligible persons who complete their sentence after January 1, 2016;

(ii) For persons convicted outside of Wyoming or under federal law of a nonviolent felony or nonviolent felonies arising out of the same occurrence or related course of events, the department shall require an application for restoration before issuing a certificate to an eligible person.

(d) The department's denial of a certificate of restoration of voting rights is a final action of the agency subject to judicial review. The clerk of the district court and the division of criminal investigation shall cooperate with the department of corrections in providing information necessary for determining a person's eligibility to receive a certificate of restoration of voting rights. The department of corrections shall notify the secretary of state when any person's voting rights have been restored. If the person was convicted in Wyoming, the department shall submit the certificate of restoration of voting rights to the clerk of the district court in which the person was convicted and the clerk shall file the certificate in the criminal case in which the conviction was entered.

~~(d)~~ (e) As used in this section: 7

(i) "Same occurrence or related course of events" means the same transaction or occurrence or a series of events closely related in time or location;

(ii) "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

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

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

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

7-19-103. Definitions.

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(a) As used in this act:

(ii) "Criminal history record information" means information, records and data compiled by criminal justice agencies on individuals for the purpose of identifying criminal offenders consisting of identifiable descriptions of the offenders and notations or a summary of arrests, detentions, indictments, information, pre-trial proceedings, nature and disposition of criminal charges, sentencing, rehabilitation, incarceration, correctional supervision and release. Criminal history record information is limited to information recorded as the result of the initiation of criminal proceedings. It does not include intelligence data, analytical prosecutorial files, investigative reports and files or statistical records and reports in which individual identities are not ascertainable, any document relating to restoration of voting rights, or any document signed by the governor granting a pardon, commutation of sentence, reprieve, remission of fine or forfeiture, or a restoration of civil rights; ~~by the governor or restoration of voting rights by the state board of parole;~~

18-16-102. Definitions.

(a) As used in this act:

(ix) "Qualified elector" means a natural person who:

(E) Has not been convicted of a felony or if convicted has had his civil rights or voting rights restored; and

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22-3-102. Qualifications; temporary registration.

(e) The secretary of state is authorized to provide for the verification of certain voter registration data in accordance with the following:

(iv) The secretary of state, ~~and~~ the state board of parole and the department of corrections shall enter into an agreement to match information in the voter registration system with records regarding restoration of voting rights maintained by the state board of parole or the department of corrections in order to verify voter qualifications;

25-1-104. Creation of department of corrections; duties; inspections of state institutions; regulation of prisoner produced goods.

(k) The department of corrections shall issue certificates of restoration of voting rights pursuant to W.S. 7-13-105(b) and (c).

Section 2. W.S. 7-13-402(h) is repealed.

Section 3. This act shall not affect the validity of voting rights restored prior to the effective date of this act.

Section 4. There is appropriated from the general fund to the secretary of state twenty-five thousand eight hundred dollars (\$25,800.00) for the period beginning March 15, 2015 and ending June 30, 2016.

Section 5.

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(a) Section 4 of this act is effective immediately upon completion of all acts necessary for a bill to become law as provided by Article 4, Section 8 of the Wyoming Constitution.

(b) Except as provided by subsection (a) of this section, this act is effective January 1, 2016.

(END)

Speaker of the House

President of the Senate

Governor

TIME APPROVED: _____

DATE APPROVED: _____

I hereby certify that this act originated in the House.

Chief Clerk