



# Certification Page Regular and Emergency Rules

Revised September 2016

**Emergency Rules** *(After completing all of Sections 1 through 3, proceed to Section 5 below)*

**Regular Rules**

## 1. General Information

a. Agency/Board Name			
b. Agency/Board Address		c. City	d. Zip Code
e. Name of Agency Liaison		f. Agency Liaison Telephone Number	
g. Agency Liaison Email Address			h. Adoption Date
i. Program			

## 2. Legislative Enactment

For purposes of this Section 2, "new" only applies to regular rules promulgated in response to a Wyoming legislative enactment not previously addressed in whole or in part by prior rulemaking and does not include rules adopted in response to a federal mandate.

a. Are these rules new as per the above description and the definition of "new" in Chapter 1 of the Rules on Rules?

No.  Yes. Please provide the Enrolled Act Numbers and Years Enacted:

## 3. Rule Type and Information

a. Provide the Chapter Number, Title, and Proposed Action for Each Chapter.  
*(Please use the Additional Rule Information form for more than 10 chapters and attach it to this certification)*

Chapter Number:	Chapter Name:	<input type="checkbox"/> New <input type="checkbox"/> Amended <input type="checkbox"/> Repealed
Chapter Number:	Chapter Name:	<input type="checkbox"/> New <input type="checkbox"/> Amended <input type="checkbox"/> Repealed
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Chapter Number:	Chapter Name:	<input type="checkbox"/> New <input type="checkbox"/> Amended <input type="checkbox"/> Repealed
Chapter Number:	Chapter Name:	<input type="checkbox"/> New <input type="checkbox"/> Amended <input type="checkbox"/> Repealed
Chapter Number:	Chapter Name:	<input type="checkbox"/> New <input type="checkbox"/> Amended <input type="checkbox"/> Repealed

**3. State Government Notice of Intended Rulemaking**

a. Date on which the Proposed Rule Packet (consisting of the Notice of Intent as per W.S. 16-3-103(a), Statement of Principal Reasons, strike and underscore format and a clean copy of each chapter of rules were:

- October 4, 2017
- October 3, 2017

- approved as to form by the Registrar of Rules; and
- provided to the Legislative Service Office and Attorney General:

**4. Public Notice of Intended Rulemaking**

a. Notice was mailed 45 days in advance to all persons who made a timely request for advance notice.  No.  Yes.  N/A

b. A public hearing was held on the proposed rules.  No.  Yes. Please complete the boxes below.

Date:	Time:	City:	Location:

c. If applicable, describe the emergency which requires promulgation of these rules without providing notice or an opportunity for a public hearing:

**5. Final Filing of Rules**

a. Date on which the Certification Page with original signatures and final rules were sent to the Attorney General's Office for the Governor's signature:

October 3, 2017

b. Date on which final rules were approved as to form by the Secretary of State and sent to the Legislative Service Office:

October 4, 2017

c.  The Statement of Reasons is attached to this certification.

**6. Agency/Board Certification**

The undersigned certifies that the foregoing information is correct.

Signature of Authorized Individual	
Printed Name of Signatory	Peter K. Michael
Signatory Title	Attorney General
Date of Signature	October 3, 2017

**7. Governor's Certification**

I have reviewed these rules and determined that they:

1. Are within the scope of the statutory authority delegated to the adopting agency;
2. Appear to be within the scope of the legislative purpose of the statutory authority; and, if emergency rules,
3. Are necessary and that I concur in the finding that they are an emergency.

Therefore, I approve the same.

Governor's Signature	
Date of Signature	



# *Office of the Attorney General*

**Governor**  
Matthew H. Mead

**Attorney General**  
Peter K. Michael

Criminal Division  
2320 Capitol Avenue  
Cheyenne, Wyoming 82002  
307-777-7977 Telephone  
307-777-5034 Fax

**Chief Deputy Attorney General**  
John G. Knepper

## MEMORANDUM

**DATE:** October 3, 2017

**TO:** Interested Parties

**FROM:** Peter K. Michael, Wyoming Attorney General

**SUBJECT:** Statement of Principal Reasons for Rule Adoption

The proposed rulemaking affects Chapters 2 and 3 of the Wyoming Attorney General's current rules specific to concealed firearm permits. The Wyoming Attorney General is required to promulgate rules and regulations necessary to implement legislation passed during the 2017 legislative session. This legislation allows concealed firearm permits for the spouses of active Wyoming Military personnel stationed outside the state of Wyoming. Additional changes were made to simplify and clarify the current rules regarding concealed firearm permits generally.

## **SUMMARY OF COMMENTS**

The Attorney General received no comments on the proposed rules during the 45-day comment period.

## CHAPTER 2

### DEFINITIONS

#### Section 1. Definitions

(a) As used in these rules:

(i) "Applicant" means the person seeking a concealed firearm permit under W.S. 6-8-104;

(ii) "Attorney General" means the Attorney General of the State of Wyoming;

(iii) "Director" means the Director of the Division of Criminal Investigation within the Office of the Attorney General of the State of Wyoming as defined by W.S. § 9-1-611;

(iv) "Documentary evidence" means evidence furnished by written instruments, inscriptions, or documents of any kind;

(v) "Domicile" means the place where a person has his true, fixed, and permanent home, to which whenever the person is temporarily absent that person has the intention of returning. To establish domicile in Wyoming a person shall prove that he:

(A) Physically resides in Wyoming;

(B) Has made his permanent home in Wyoming;

(C) Is not residing in Wyoming for special or temporary purpose; and

(D) Has abandoned his/her domicile in all other states, territories or countries.

(vi) ~~"Home of Record" is the state recorded by the military as a person's home at the time he enlisted, was appointed, commissioned, inducted or ordered in a tour of active duty~~ "Military Spouse" means an individual who maintains Wyoming residency and is legally married to a Wyoming resident who is an active duty military member stationed outside of the state of Wyoming;

(vii) "Peace officer" means any law enforcement officer as defined by W.S. § 7-2-101;

(viii) "Permit" means the concealed firearm permit issued under the authority of W.S. § 6-8-104;

(ix) "Permittee" means the holder of a concealed firearm permit;

(x) "Permanent Address" is the address of an applicant's domicile at the time of application;

(xi) "Qualified Applicant" means a person who meets all criteria in W.S. § 6-8-104, whether seeking a new or renewal permit;

(xii) "Resident of the United States" means a permanent lawful resident of the United States or United States Citizen;

(xiii) "Resident of Wyoming" is a person who domiciles in Wyoming;

(xiv) "Sheriff" means any duly qualified and acting Sheriff or his Undersheriff or Deputy to whom the Sheriff's duties hereunder may have been delegated by the Sheriff;

(xv) "Social Security Number" means the social security number assigned by the Social Security Administration to the applicant, or other tracking and identification numbers or letters deemed appropriate by the Division;

(xvi) "State" means any state or territory of the United States of America and the District of Columbia;

(xvii) "Wyoming driver's license" means a driver's license issued by the Wyoming Department of Transportation which has not expired as indicated by the expiration date on the license;

(xviii) "Wyoming driver's license number" means the number assigned by the Wyoming Department of Transportation to all persons issued Wyoming driver's licenses, or other tracking and identification numbers or letters deemed appropriate by the Wyoming Department of Transportation to be placed upon concealed firearm permits when the applicant does not have a Wyoming driver's license;

(xix) The singular includes the plural, the plural the singular, and the masculine the feminine or neuter when consistent with the intent of these rules and necessary to affect their purpose.

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(iv) "Documentary evidence" means evidence furnished by written instruments, inscriptions, or documents of any kind;

(v) "Domicile" means the place where a person has his true, fixed, and permanent home, to which whenever the person is temporarily absent that person has the intention of returning. To establish domicile in Wyoming a person shall prove that he:

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(C) Is not residing in Wyoming for special or temporary purpose; and

(D) Has abandoned his/her domicile in all other states, territories or countries.

(vi) "Military Spouse" means an individual who maintains Wyoming residency and is legally married to a Wyoming resident who is an active duty military member stationed outside of the state of Wyoming;

(vii) "Peace officer" means any law enforcement officer as defined by W.S. § 7-2-101;

(viii) "Permit" means the concealed firearm permit issued under the authority of W.S. § 6-8-104;

(ix) "Permittee" means the holder of a concealed firearm permit;

(x) "Permanent Address" is the address of an applicant's domicile at the time of application;

(xi) "Qualified Applicant" means a person who meets all criteria in W.S. § 6-8-104, whether seeking a new or renewal permit;

(xii) "Resident of the United States" means a permanent lawful resident of the United States or United States Citizen;

(xiii) "Resident of Wyoming" is a person who domiciles in Wyoming;

(xiv) "Sheriff" means any duly qualified and acting Sheriff or his Undersheriff or Deputy to whom the Sheriff's duties hereunder may have been delegated by the Sheriff;

(xv) "Social Security Number" means the social security number assigned by the Social Security Administration to the applicant, or other tracking and identification numbers or letters deemed appropriate by the Division;

(xvi) "State" means any state or territory of the United States of America and the District of Columbia;

(xvii) "Wyoming driver's license" means a driver's license issued by the Wyoming Department of Transportation which has not expired as indicated by the expiration date on the license;

(xviii) "Wyoming driver's license number" means the number assigned by the Wyoming Department of Transportation to all persons issued Wyoming driver's licenses, or other tracking and identification numbers or letters deemed appropriate by the Wyoming Department of Transportation to be placed upon concealed firearm permits when the applicant does not have a Wyoming driver's license;

(xix) The singular includes the plural, the plural the singular, and the masculine the feminine or neuter when consistent with the intent of these rules and necessary to affect their purpose.

## CHAPTER 3

### APPLICATION PROCESS AND PROCEDURES

#### Section 1. Applications; Contents and Procedure.

(a) Concealed firearm permit applications shall be made available by the Division to all Sheriffs' Offices, ~~and~~ to qualified applicants upon request, and through the Division's website. Except as provided in Section 7 of this chapter, completed concealed firearm permit applications shall be submitted in person to the qualified applicant's county of residence Sheriff's office.

(b) Within ~~405~~ business days after submitting the completed application package to the Sheriff in person, the applicant shall bring a copy of his completed permit application to the nearest driver's license office for his photograph to be taken on a permit template. The permit template shall then be marked to show the appropriate expiration date. A new photo shall be taken in all original and renewal permit submissions.

(c) The Sheriff shall note on each application the date on which it was received from the applicant and within ~~ten business~~ 30 days upon receipt shall deliver original and renewal applications and fees, along with the Sheriff's checklist, to the Division.

(d) The Sheriff's duties shall be listed on a checklist form and the Sheriff shall certify each duty as it has been completed.

(e) The Division shall deliver the permit, if issued, to the Sheriff's Office of the qualified applicant's county of residence. The Sheriff's Office shall promptly notify the qualified applicant, and shall distribute the permit to the qualified applicant personally after verifying the qualified applicant's identity.

(f) Notices of denial shall be mailed by certified mail to the applicant at the address shown on the application form.

(g) The Department of Transportation shall assign a number according to its regular procedure at the time the qualified applicant's photograph is taken.

(h) The front of the permit shall be labeled "Wyoming Concealed Firearm Permit" at the top and shall show the qualified applicant's legal name, address, date of birth, permit number and physical description, including sex, height, weight, and eye and hair color. The permit shall also display the expiration date of the permit and a color photograph of the qualified applicant. The photograph shall be placed on the front of the permit. The

permit shall display a specific Division approved design or logo that will distinguish it from a Wyoming driver's licenses. The permit shall be sealed in a clear, tamper resistant plastic.

(i) The back of the permit shall list the places where W.S. § 6-8-104 prohibits the carrying of concealed weapons. The back of the permit shall also include a statement that a violation of W.S. § 6-8-104 or any conviction for any felony or specified misdemeanor shall be cause for the immediate revocation of the permit and that the permit may be seized by any arresting law enforcement officer and returned to the Division.

(j) Every qualified applicant for a permit shall provide the Division with his social security number unless written documentation is provided showing proof acceptable to the Division that he has satisfied the federal Social Security Administration and the Internal Revenue Service that his seriously held religious beliefs would be violated by use of his social security number. In the event that the qualified applicant provides satisfactory documentation, the Department of Transportation shall assign a special number provided by the Federal Highway Administration for identification and system tracking purposes.

## **Section 2. Renewal Applications.**

(a) Any qualified applicant may renew his permit during the 6 month period before the expiration date of the permit. The applicant may also have the opportunity to renew his permit for up to 6 months after the expiration date.

(b) Sheriffs shall deliver renewal applications and fees to the Division within 30 business days of their receipt along with the Sheriffs' checklist.

(c) An approved qualified applicant's permit shall be renewed for a five year period upon receipt of the renewal application and proper fee by the Division.

(d) The Division shall send the renewal permit, if issued, to the Sheriff's Office that submitted the renewal application. The qualified applicant shall pick up the renewal permit from the Sheriff's Office and surrender the original permit at that time. The original permit shall be returned to the Division.

## **Section 3. Reissuance of permit upon change of name.**

(a) Change of name by any legal proceeding shall be made upon submission of an application for such change. A certified copy of the official document which effectuates the name change shall be submitted with the application. ~~No fee is required for the change of name application.~~ Procedures for a changed name permit shall be as provided by the Division. The permittee shall surrender his original permit before receiving the changed

permit. Fees associated with the issuance of a changed name permit shall equal to the amount required by the Wyoming Department of Transportation for issuance of the physical permit card.

#### **Section 4. Evidence of Wyoming Residency.**

(a) An applicant shall provide evidence of residency at the time his application package is delivered in person to the Sheriff. A Sheriff may accept as documentary evidence of residency ~~either~~any of the following:

(i) Applicant's Wyoming driver's license displaying his current Wyoming address;

(ii) Applicant's Wyoming ID card displaying his current Wyoming address;

(iii) Any other type of evidence of residency that sufficiently establishes Wyoming residency in the discretion of the Division.

(b) If the applicant does not provide either form of acceptable documentary evidence, he shall submit a "Resident of Wyoming Oath" that is part of the permit application, which has been completed and signed by the qualified applicant. Such oath shall be on a form provided by the Division.

#### **Section 5. Payment of Fees.**

(a) All fees shall be collected through the Sheriff's Office in the county in which the qualified applicant applied and shall then be forwarded to the Division. For each individual application, payment shall be submitted in the form of a money order, certified check, or a Sheriff's Office business check.

#### **Section 6. Requirements for fingerprinting.**

(a) A standard 8x8 blue fingerprint card shall be used for the purpose of fingerprinting applicants for permits and may be obtained through either the State of Wyoming or the Federal Bureau of Investigation. The fingerprint card shall contain the following information regarding the applicant:

(i) Name;

(ii) Signature of applicant fingerprinted;

- (iii) All aliases used;
- (iv) Date of birth;
- (v) Citizenship;
- (vi) Sex, race, height, weight, eye color, hair color, and place of birth;
- (vii) Residence address of applicant fingerprinted;
- (viii) Date fingerprints were taken, and signature and title of person taking them;
- (ix) Armed forces number if available;
- (x) Social security number; and
- (xi) Reason fingerprinted.

(b) All information shall be either typewritten or printed legibly on the fingerprint cards. Failure to do so, or failure to follow the requirements stated in this section, may result in the card being returned to the Sheriff.

~~(c) The procedures in obtaining fingerprint cards to be submitted to the Division shall comply with those specified in Chapter 2 of the Division's Criminal History Record Act promulgated Rules and Regulations.~~

~~(d)~~—When fingerprint cards are received for which one or more of the Division's guidelines for obtaining classifiable prints has not been met, the Division shall notify the qualified applicant and advise him that re-fingerprinting shall be necessary before the application can be processed. Re-fingerprinting shall be done at no additional cost to the applicant, and the Sheriff shall then submit the new fingerprint card to the Division.

**Section 7. Applications and Procedure – Active Duty Military, and their Military Spouses, Stationed Outside the State of Wyoming.**

(a) The following provisions govern active duty military, and military spouses, stationed outside the state of Wyoming:

(i) Completed concealed firearm permit applications shall be submitted to the Division with the appropriate fees for a new or renewal application by money order or cashier's check only;

(ii) Documents to accompany the application in addition to documents required in W.S. 6-8-104 are as follows:

(A) ~~Proof of "Home of Record"~~Current Leave and Earnings statement demonstrating Wyoming residency;

(B) ~~2 x 2 Passport Photo~~Current Permanent Change of Station Orders;

(C) ~~Base Commander Checklist~~2 x 2 Passport Photo;

(D) ~~Sheriff's Office Checklist for applicant's county of residence~~Base Commander Checklist;

(E) ~~Chief of Police Checklist for the applicant's municipality of residence.~~Sheriff's Office Checklist for applicant's county of residence;

(F) Chief of Police Checklist for the applicant's city or municipality of residence. If applicant resides outside the jurisdiction of a local police department, this subsection shall not apply;

(G) For military spouse applicants, applicant shall also submit certified copy of marriage certificate.

(iii) The Division shall deliver the permit via Certified Mail to the qualified applicant;

(iv) The renewal application process for active duty military, and military spouses, stationed outside the state of Wyoming shall be the same as the initial application process with the exception of submitting fingerprints and the firearms proficiency document.

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(b) Within 5 business days after submitting the completed application package to the Sheriff in person, the applicant shall bring a copy of his completed permit application to the nearest driver's license office for his photograph to be taken on a permit template. The permit template shall then be marked to show the appropriate expiration date. A new photo shall be taken in all original and renewal permit submissions.

(c) The Sheriff shall note on each application the date on which it was received from the applicant and within 30 days upon receipt shall deliver original and renewal applications and fees, along with the Sheriff's checklist, to the Division.

(d) The Sheriff's duties shall be listed on a checklist form and the Sheriff shall certify each duty as it has been completed.

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(f) Notices of denial shall be mailed by certified mail to the applicant at the address shown on the application form.

(g) The Department of Transportation shall assign a number according to its regular procedure at the time the qualified applicant's photograph is taken.

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(b) If the applicant does not provide either form of acceptable documentary evidence, he shall submit a "Resident of Wyoming Oath" that is part of the permit application, which has been completed and signed by the qualified applicant. Such oath shall be on a form provided by the Division.

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- (v) Citizenship;
- (vi) Sex, race, height, weight, eye color, hair color, and place of birth;
- (vii) Residence address of applicant fingerprinted;
- (viii) Date fingerprints were taken, and signature and title of person taking them;
- (ix) Armed forces number if available;
- (x) Social security number; and
- (xi) Reason fingerprinted.

(b) All information shall be either typewritten or printed legibly on the fingerprint cards. Failure to do so, or failure to follow the requirements stated in this section, may result in the card being returned to the Sheriff.

(c) When fingerprint cards are received for which one or more of the Division's guidelines for obtaining classifiable prints has not been met, the Division shall notify the qualified applicant and advise him that re-fingerprinting shall be necessary before the application can be processed. Re-fingerprinting shall be done at no additional cost to the applicant, and the Sheriff shall then submit the new fingerprint card to the Division.

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(ii) Documents to accompany the application in addition to documents required in W.S. 6-8-104 are as follows:

Wyoming residency;

- (A) Current Leave and Earnings statement demonstrating

- (B) Current Permanent Change of Station Orders;

- (C) 2 x 2 Passport Photo;

- (D) Base Commander Checklist;

- (E) Sheriff's Office Checklist for applicant's county of residence;

- (F) Chief of Police Checklist for the applicant's city or municipality of residence. If applicant resides outside the jurisdiction of a local police department, this subsection shall not apply;

- (G) For military spouse applicants, applicant shall also submit certified copy of marriage certificate.

- (iii) The Division shall deliver the permit via Certified Mail to the qualified applicant;

- (iv) The renewal application process for active duty military, and military spouses, stationed outside the state of Wyoming shall be the same as the initial application process with the exception of submitting fingerprints and the firearms proficiency document.