

## HOUSE BILL NO. HB0103

Regulation of firearms-state preemption.

Sponsored by: Representative(s) Jaggi, Baker, Burkhart,  
Gingery, Kroeker, Miller, Reeder and Winters  
and Senator(s) Dockstader and Hicks

A BILL

for

1 AN ACT relating to firearms; providing that the state of  
2 Wyoming preempts the entire field of firearm and ammunition  
3 regulation; providing civil liability as specified;  
4 providing for attorney's fees and damages; and providing  
5 for an effective date.

6

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

8

9 **Section 1.** W.S. 6-8-401(c) and by creating new  
10 subsections (d) through (k) is amended to read:

11

12 **6-8-401. Firearm, weapon and ammunition regulation**  
13 **and prohibition by state.**

14

15 (c) The sale, transfer, purchase, delivery, taxation,  
16 manufacture, ownership, transportation, storage, use and

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

18

19 (d) This section shall not prohibit regulation of  
20 shooting galleries and shooting ranges specifically as  
21 authorized by W.S. 15-1-103(a)(xv) and 16-11-101 through  
22 16-11-103.

23

1       (e) The authority of a political subdivision to  
2 regulate firearms and ammunition shall not be inferred from  
3 any general or inherent power of the political subdivision  
4 including, but not limited to, the political subdivision's  
5 proprietary authority or home rule status or any other  
6 inherent power.

7  
8       (f) Any existing or future ordinance, resolution,  
9 administrative rule or regulation or order promulgated or  
10 enforced in violation of this section is hereby rendered  
11 without force or effect.

12  
13       (g) A person adversely affected by any ordinance,  
14 resolution, administrative rule or regulation or order  
15 promulgated or enforced in violation of this section may  
16 file suit in the district court for the district in which  
17 the ordinance, administrative rule or regulation or order  
18 is in effect seeking declarative and injunctive relief and  
19 all actual and consequential damages.

20  
21       (h) The district court shall award reasonable  
22 attorneys' fees and litigation expenses, including but not  
23 limited to expert witness fees, court costs and

1 compensation for loss of income, to the plaintiff in an  
2 action filed pursuant to subsection (g) of this section if:

3  
4 (i) The plaintiff substantially prevails in the  
5 action; or

6  
7 (ii) The court finds that as a result of the  
8 action, but prior to a final determination in the action,  
9 the complained of ordinance, administrative rule or  
10 regulation or order is rescinded, repealed or amended.

11  
12 (j) Should any grant of immunity, exception or  
13 imposition of liability within the Wyoming Governmental  
14 Claims Act conflict with any provision of this section,  
15 this section shall prevail.

16  
17 (k) An action may be brought under this subsection  
18 by:

19  
20 (i) A person who may legally possess a firearm,  
21 and:

22  
23 (A) Is adversely affected by an ordinance,  
24 administrative rule or regulation or order promulgated or

1 enforced by a city, town, county, political subdivision or  
2 any other entity in violation of this section; or

3  
4 (B) May be adversely affected by an  
5 ordinance, administrative rule or regulation or order  
6 promulgated or enforced by a city, town, county, political  
7 subdivision or any other entity alleged to be promulgated  
8 or enforced in violation of this section if he would enter  
9 the jurisdictional boundaries of the city, town, county,  
10 political subdivision or other entity.

11  
12 (ii) An organization whose membership includes  
13 at least one (1) person who meets the requirements of  
14 paragraph (i) of this subsection.

15  
16 **Section 2.** This act is effective July 1, 2013.

17  
18 (END)