

## HOUSE BILL NO. HB0172

Repeal gun free zones and preemption amendments.

Sponsored by: Representative(s) Haroldson, Angelos, Banks, Bear, Brady, Brown, G, Filer, Geringer, Hoeft, Johnson, Knapp, Lien, Locke, McCann, Ottman, Riggins, Rodriguez-Williams, Schmid, Smith, S, Styvar, Tarver, Washut, Webber, Wharff and Wylie and Senator(s) Hicks, Kolb, Laursen, D, McKeown, Pearson, Smith, D and Steinmetz

A BILL

for

1 AN ACT relating to concealed weapons; repealing gun free  
 2 zones; providing for the carrying of concealed weapons as  
 3 specified; creating a criminal offense for prohibiting  
 4 entry to a person carrying a concealed weapon as specified;  
 5 clarifying that only the state legislature may regulate  
 6 firearms, weapons and ammunition; providing for exceptions;  
 7 requiring rulemaking; and providing for an effective date.

8

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

10

11 **Section 1.** W.S. 6-8-105 is created to read:

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1           **6-8-105. Exceptions for state issued concealed carry**  
2 **permits; penalty.**

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4           (a) This section shall be known as and may be cited  
5 as the "Wyoming Repeal Gun Free Zones Act."

6  
7           (b) Persons lawfully carrying concealed weapons in  
8 Wyoming under W.S. 6-8-104(a)(ii) through (iv) may carry a  
9 concealed weapon in the following places:

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11           (i) Any meeting of a governmental entity;

12  
13           (ii) Any meeting of the legislature or a  
14 committee thereof;

15  
16           (iii) Any public building not otherwise  
17 prohibited under W.S. 6-8-104(t) or regulated under this  
18 section.

19  
20           (c) Persons lawfully carrying concealed weapons in  
21 Wyoming with a permit issued under W.S. 6-8-104(a)(ii) may  
22 carry a concealed weapon in the following places:

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1           (i) Any public school, public college or  
2 university athletic event taking place on public property  
3 that does not sell alcoholic beverages;

4  
5           (ii) Any public elementary or secondary school  
6 facility;

7  
8           (iii) Any public college or university facility.

9  
10          (d) Nothing in this section shall be construed to:

11  
12           (i) Allow the carrying of a concealed weapon  
13 where otherwise prohibited under W.S. 6-8-104(t);

14  
15           (ii) Prohibit a private property owner from  
16 restricting firearms on his private property;

17  
18           (iii) Prohibit a governmental entity from  
19 prohibiting the open carry, display or wearing of a firearm  
20 into a meeting of that governmental entity;

21  
22           (iv) Allow the carrying of a concealed weapon  
23 into facilities where otherwise prohibited by law;

1

2 (v) Allow the carrying of a concealed weapon  
3 within state agency operated health and human services  
4 settings, health and human services facilities that are  
5 licensed by the department of family services or health and  
6 human services facilities that are certified by the  
7 behavioral health division of the department of health to  
8 provide residential services;

9

10 (vi) Allow the carrying of a concealed weapon  
11 within any facility where explosive or volatile materials  
12 are present. For purposes of this paragraph "explosive or  
13 volatile materials" shall not include materials that are  
14 either in an insufficient amount or in a form such that the  
15 material could not reasonably cause serious bodily injury  
16 due to the materials explosive or volatile nature.

17

18 (e) Any person who knowingly prohibits entry to  
19 another person to lawfully carry a concealed weapon into a  
20 place authorized pursuant to subsection (b) or (c) of this  
21 section, unless otherwise prohibited under subsection (d)  
22 of this section, when the person would otherwise be  
23 permitted entry is guilty of a misdemeanor punishable by

1 imprisonment for not more than one (1) year, a fine of not  
2 more than two thousand dollars (\$2,000.00), or both.

3

4 (f) The board of trustees in each school district may  
5 adopt rules and regulations to govern employees lawfully  
6 carrying concealed weapons in Wyoming under W.S. 6-8-104 on  
7 or in any property or facility owned or leased by the  
8 school district. If no rules and regulations are adopted  
9 under this subsection, an employee with a permit to conceal  
10 carry under W.S. 6-8-104(a)(ii) may carry a concealed  
11 weapon under W.S. 6-8-105(c)(ii) or (iii) onto school  
12 property. Any rules and regulations adopted under this  
13 subsection shall only apply to persons who are employees,  
14 as defined by subsection (g) of this section. The rules  
15 under this subsection shall:

16

17 (i) Require any person carrying a firearm  
18 pursuant to this section to maintain the firearm on his  
19 person at all times or in a concealed biometric container  
20 or lock box within the direct control of the person at all  
21 times;

22

1           (ii) Establish ongoing training requirements,  
2           curricula and instructor qualifications, subject to  
3           approval by local law enforcement, including:

4

5                   (A) An initial course of training comprised  
6           of not less than sixteen (16) hours of live fire handgun  
7           training, and eight (8) hours of scenario based training  
8           using nonlethal training, firearms and ammunition; and

9

10                   (B) Annual firearm qualification and  
11           documented recurrent training of not less than twelve (12)  
12           hours with an approved instructor.

13

14           (g) For purposes of subsection (f) of this section,  
15           "employee" means any person employed by a school district,  
16           including but not limited to, superintendents, assistant  
17           superintendents, principals, assistant principals,  
18           teachers, guidance counselors, librarians, teacher's aids,  
19           coaches, business managers, secretaries or administrative  
20           assistants, janitors, bus drivers or other employees of a  
21           school district.

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1           (h) The board of trustees in any school district may  
2 waive all or part of the training requirements of paragraph  
3 (f)(ii) of this section for isolated rural schools and  
4 employees in those schools.

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6           **Section 2.** W.S. 6-8-401(c) is amended to read:

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

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11           (c) The sale, transfer, purchase, delivery, taxation,  
12 manufacture, ownership, transportation, storage, use and  
13 possession of firearms, weapons and ammunition shall be  
14 authorized, regulated and prohibited by the state, and  
15 regulation thereof is preempted by the legislature of the  
16 state of Wyoming. Except as authorized by W.S.  
17 15-1-103(a)(xviii) and ~~21-3-132~~23-1-302, no state agency  
18 or entity, city, town, county, political subdivision or any  
19 other entity shall authorize, regulate or prohibit the  
20 sale, transfer, purchase, delivery, taxation, manufacture,  
21 ownership, transportation, storage, use, carrying or  
22 possession of firearms, weapons, accessories, components or  
23 ammunition except as specifically provided by this chapter.

1 This section shall not affect zoning or other ordinances  
2 which encompass firearms businesses along with other  
3 businesses. Zoning and other ordinances which are designed  
4 for the purpose of restricting or prohibiting the sale,  
5 purchase, transfer or manufacture of firearms or ammunition  
6 as a method of regulating firearms or ammunition are in  
7 conflict with this section and are prohibited.

8

9       **Section 3.** W.S. 6-8-104(t)(iv) through (vi), (ix) and  
10 (x) and 21-3-132 are repealed.

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12       **Section 4.** The state building commission shall begin  
13 promulgating any rules necessary to administer this act not  
14 later than thirty (30) days after the effective date of  
15 this act.

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

21

22

(END)