

HOUSE BILL NO. HB0130

Second amendment protection act amendments.

Sponsored by: Representative(s) Wharff, Allemand, Brady, Brown, G, Campbell, K, Erickson, Geringer, Guggenmos, Haroldson, Hoeft, Johnson, Lien, Locke, Lucas, Pendergraft, Posey, Riggins, Schmid, Strock, Wasserburger, Webb and Webber and Senator(s) Biteman, French, Ide, Laursen, D, McKeown, Pearson and Salazar

A BILL

for

1 AN ACT relating to the protection of constitutional rights;
2 amending the Second Amendment Protection Act as specified;
3 creating exceptions to the Second Amendment Protection Act;
4 creating civil penalties; creating criminal penalties;
5 creating an exception to the Wyoming Governmental Claims
6 Act; providing definitions; making conforming amendments;
7 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. 1-39-125 is created to read:

12

1 **1-39-125. Liability; enforcement of federal**
2 **regulation of firearms, firearm accessories, magazines and**
3 **ammunition.**

4
5 A governmental entity is liable for damages resulting from
6 a violation of W.S. 9-14-203.

7
8 **Section 2.** W.S. 1-39-103(a)(ix), 1-39-104(a) and
9 9-14-203 are amended to read:

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11 **1-39-103. Definitions.**

12
13 (a) As used in this act:

14
15 (ix) "This act" means W.S. 1-39-101 through
16 ~~1-39-123~~ 1-39-125.

17
18 **1-39-104. Granting immunity from tort liability;**
19 **liability on contracts; exceptions.**

20
21 (a) A governmental entity and its public employees
22 while acting within the scope of duties are granted
23 immunity from liability for any tort except as provided by

1 W.S. 1-39-105 through 1-39-112 and 1-39-122 through
2 ~~1-39-124~~ 1-39-125. Any immunity in actions based on a
3 contract entered into by a governmental entity is waived
4 except to the extent provided by the contract if the
5 contract was within the powers granted to the entity and
6 was properly executed and except as provided in W.S.
7 1-39-120(b). The claims procedures of W.S. 1-39-113 apply
8 to contractual claims against governmental entities.

9
10 **9-14-203. Prohibiting the enforcement of federal**
11 **regulation of firearms, firearm accessories, magazines and**
12 **ammunition; penalties; defense of Wyoming citizens.**

13
14 (a) Except as otherwise provided in this section,
15 this state and all political subdivisions of this state are
16 prohibited from using any personnel or funds appropriated
17 by the legislature of the state of Wyoming, ~~or~~ any other
18 source of funds that originated within the state of
19 Wyoming, any federal funds and any other source of funds
20 solely to enforce, ~~administer or cooperate with~~ attempt to
21 enforce, provide material aid, support or participate in
22 any manner in the enforcement or implementation of any
23 ~~unconstitutional~~ act, law, treaty, executive order, rule or

1 regulation of the United States government ~~that infringes~~
2 ~~on or impedes the free exercise of individual rights~~
3 ~~guaranteed under the Second Amendment of the Constitution~~
4 ~~of the United States~~ solely regarding firearms, accessories
5 or ammunition against any law abiding citizen.

6
7 (b) Nothing in this ~~act~~ section shall limit or
8 restrict a public officer, as defined in W.S.
9 6-5-101(a) (v), or a peace officer, as defined by W.S.
10 7-2-101(a) (iv), from providing assistance to federal
11 authorities for purposes not specifically identified in
12 subsection (a) of this section. Nothing in this ~~act~~
13 section shall be construed to prohibit Wyoming governmental
14 entities from accepting federal assistance or funds for ~~law~~
15 the enforcement ~~purposes of laws in this state.~~

16
17 (c) Any agency of the state, political subdivision or
18 law enforcement agency that employs any public officer, as
19 defined in W.S. 6-5-101(a) (v), or peace officer, as defined
20 in W.S. 7-2-101(a) (iv), who knowingly violates ~~subsection~~
21 ~~(a) of this section is guilty of a misdemeanor punishable~~
22 ~~by imprisonment for not more than one (1) year, a fine of~~
23 ~~not more than two thousand dollars (\$2,000.00), or both~~ any

1 provision of this section against any law abiding citizen
2 while acting under the direction of an official, agent,
3 employee or deputy of the United States government, or
4 otherwise acting under the color of federal or state law,
5 shall be liable to the injured party for damages resulting
6 from the public officer's or peace officer's conduct in a
7 civil action before a court of competent jurisdiction. The
8 court, upon finding a violation as described in this
9 section, shall impose a civil penalty against the agency,
10 political subdivision or law enforcement agency in an
11 amount of fifty thousand dollars (\$50,000.00) per violation
12 and may order any injunctive or other equitable relief as
13 permitted by law. The court shall hold a hearing on a
14 motion for injunctive or equitable relief within thirty
15 (30) days of service of the petition. In addition:

16
17 (i) An interested party may bring a civil action
18 to enforce the provisions of this section. A court of
19 competent jurisdiction may order injunctive or other
20 equitable relief, recovery of damages or other legal
21 remedies permitted by law and payment of reasonable
22 attorney fees;

23

1 (ii) Sovereign immunity shall not be an
2 affirmative defense in any action brought pursuant to this
3 subsection.

4
5 (d) Any agency of the state, political subdivision or
6 law enforcement agency that employs any public officer, as
7 defined in W.S. 6-5-101(a)(v), or peace officer, as defined
8 in W.S. 7-2-101(a)(iv), who previously acted as an
9 official, agent, employee or deputy of the United States
10 government, and who knowingly commits any of the following
11 acts on or after July 1, 2026 shall be subject to a civil
12 penalty of fifty thousand dollars (\$50,000.00) for each
13 such employee employed by the agency of the state,
14 political subdivision or law enforcement agency who:

15
16 (i) Enforces, attempts to enforce or
17 participates in any manner in the enforcement or
18 implementation of any federal act, executive order,
19 administrative order, rule, regulation, statute or
20 ordinance solely regarding firearms, accessories or
21 ammunition;

22

1 (ii) Gives material aid or support to the
2 efforts of another in the enforcement or implementation of
3 any federal act, executive order, administrative order,
4 rule, regulation, statute or ordinance solely regarding
5 firearms, accessories or ammunition.

6
7 (e) A person does not violate the provisions of this
8 section when:

9
10 (i) The person provides material aid to federal
11 officers in pursuit of a suspect when there is a
12 demonstrable criminal nexus with another state or country
13 and such suspect is either not a citizen of this state or
14 is not present in this state;

15
16 (ii) The person provides material aid to federal
17 prosecutors for felony violations involving controlled
18 substances or violations against another person when such
19 prosecution includes weapons violations substantially
20 similar to the laws of this state if such weapons
21 violations are ancillary to such prosecution;

22

1 (iii) Accepting federal assistance for the
2 enforcement of the laws of this state.

3
4 (f) Any public officer, as defined in W.S.
5 6-5-101(a)(v), or peace officer, as defined by W.S.
6 7-2-101(a)(iv), who knowingly violates subsection (a) of
7 this section is guilty of a misdemeanor punishable by
8 imprisonment for not more than one (1) year, a fine of not
9 more than two thousand dollars (\$2,000.00), or both.

10
11 (g) Nothing in this section shall be construed to:

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13 (i) Preclude any investigation and lawful
14 seizure of firearms, accessories or ammunition related to
15 violations of Wyoming law;

16
17 (ii) Impose liability for civil penalties under
18 this section on individual public officers or peace
19 officers.

20
21 (h) As used in this section:

(i) "Law abiding citizen" means a person who is not otherwise precluded under state law from possessing a firearm and shall not be construed to include any person who is not legally present in the United States or the state of Wyoming;

(ii) "Material aid" includes but is not limited to voluntarily giving or allowing others to make use of lodging, communications equipment or services including social media accounts, facilities, weapons, personnel, transportation, clothing or other physical assets. "Material aid" shall not include the giving or allowing the use of medicine or other materials necessary to treat physical injuries or assistance provided to help persons escape a serious and present risk of life threatening injuries.

Section 3. This act is effective July 1, 2026.

(END)