

State Laws and Published Ordinances – Wyoming

Current through 2020 Budget Session and the First Special Session of the Wyoming Legislature.

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**Title 6 – Crimes and Offenses
Chapter 8 – Weapons
Article 1 – Weapons Offenses**

Section 6-8-102. Use or possession of firearm by person convicted of certain felony offenses; penalties.

(a) Any person who has previously pleaded guilty to or been convicted of committing or attempting to commit a violent felony or a felony under W.S. 6-5-204(b), and has not been pardoned and who uses or knowingly possesses any firearm is guilty of a felony punishable by imprisonment for not more than 3 years, a fine of not more than \$5,000, or both.

(b) As used in this section “firearm” does not include an “antique firearm” as defined in W.S. 6-8-403(a)(viii).

Section 6-8-104. Wearing or carrying concealed weapons; penalties; exceptions; permits.

(a) A person who wears or carries a concealed deadly weapon is guilty of a misdemeanor punishable by a fine of not more than \$750, imprisonment in the county jail for not more than 6 months, or both for a first offense, or a felony punishable by a fine of not more than \$2,000, imprisonment for not more than 2 years, or both, for a second or subsequent offense, unless:

(i) The person is a peace officer;

(ii) The person possesses a permit under this section;

(iii) The person holds a valid permit authorizing him to carry a concealed firearm authorized and issued by a governmental agency or entity in another state that recognizes Wyoming permits and is a valid statewide permit; or

(iv) The person does not possess a permit issued under this section, but otherwise meets the requirements specified in paragraphs (b)(i) through (vi), (viii) and (ix) of this section and possession of the firearm by the person is not otherwise unlawful.

(b) The attorney general is authorized to issue permits to carry a concealed firearm to persons qualified as provided by this subsection. The attorney general shall promulgate rules necessary to carry out this section no later than October 1, 1994. Applications for a permit to carry a concealed firearm shall be made available and distributed by the division of criminal investigation and local law enforcement agencies. The permit shall be valid throughout the state for a period of 5 years from the date of issuance. The permittee shall carry the permit, together with valid identification at all times when the permittee is carrying a concealed firearm and shall display both the permit and proper identification upon request of any peace officer. The attorney general through the division shall issue a permit to any person who:

(i) Is a resident of the United States and has been a resident of Wyoming for not less than 6 months prior to filing the application. The Wyoming residency requirements of this paragraph do not apply to any person who holds a valid permit authorizing him to carry a concealed firearm authorized and issued by a governmental agency or entity in another state that recognizes Wyoming permits and is a valid statewide permit;

(ii) Is at least 21 years of age;

(iii) Does not suffer from a physical infirmity which prevents the safe handling of a firearm;

(iv) Is not ineligible to possess a firearm pursuant to 18 U.S.C. § 922(g) or W.S. 6-8-102;

(v) Has not been:

(A) Committed to a state or federal facility for the abuse of a controlled substance, within the 1 year period prior to the date on which application for a permit under this section is submitted;

(B) Convicted of a felony violation of the Wyoming Controlled Substances Act of 1971, W.S. 35-7-1001 through 35-7-1057 or similar laws of any other state or the United States relating to controlled substances and has not been pardoned; or

(C) Convicted of a misdemeanor violation of the Wyoming Controlled Substances Act of 1971, W.S. 35-7-1001 through 35-7-1057 or similar laws of any other state or the United States relating to controlled substances within the 1 year period prior to the date on which application for a permit under this section is submitted.

(vi) Does not chronically or habitually use alcoholic liquor and malt beverages to the extent that his normal faculties are impaired. It shall be presumed that an applicant chronically and habitually uses alcoholic beverages to the extent that his normal faculties are impaired if the applicant has been involuntarily committed, within the 1 year period prior to the date on which application for a permit under this section is submitted, to any residential facility pursuant to the laws of this state or similar laws of any other state as a result of the use of alcohol;

(vii) Demonstrates familiarity with a firearm. A legible photocopy of a certificate of completion of any of the courses or classes or a notarized affidavit from the instructor, school, club, organization or group that conducted or taught the course or class attesting to the completion of the course or class by the applicant or a copy of any document which shows completion of the course or class or evidences participation of firearms competition, shall constitute evidence

of qualification under this paragraph. Any 1 of the following activities listed in this paragraph shall be sufficient to demonstrate familiarity with a firearm:

(A) Completion of any certified firearm safety or training course utilizing instructors certified by the National Rifle Association or the Wyoming law enforcement academy;

(B) Completion of any law enforcement firearms safety or training course or class offered for security guards, investigators, special deputies, or any division of law enforcement or security enforcement;

(C) Experience with a firearm through participation in an organized handgun shooting competition or military service;

(D) Completion of any firearms training or safety course or class conducted by a state certified or National Rifle Association certified firearms instructor;

(E) Be certified as proficient in firearms safety by any Wyoming law enforcement agency under procedures established by that agency; or

(F) Honorable retirement as a federal or state peace officer who has a minimum of 10 years of service.

(viii) Is not currently adjudicated to be legally incompetent; and

(ix) Has not been committed to a mental institution.

(c) The division may deny a permit if the applicant has been found guilty of or has pled nolo contendere to 1 or more crimes of violence constituting a misdemeanor offense within the 3 year period prior to the date on which the application is submitted or may revoke a permit if the permittee has been found guilty of or has pled nolo contendere to 1 or more crimes of violence constituting a misdemeanor offense within the preceding 3 years.

(d) Except as provided in subsection (cc) of this section, the application shall be completed, under oath, on a form promulgated by the attorney general to include:

(i) The name, address, place and date of birth of the applicant;

(ii) A statement that, to the best of his knowledge, the applicant is in compliance with criteria contained within this section;

(iii) A statement that the applicant has been furnished a copy of this section and is knowledgeable of its provisions;

(iv) A conspicuous warning that the application is executed under oath and that a materially false answer to any question or the submission of any materially false document by the applicant may result in denial or revocation of a permit and subjects the applicant to criminal prosecution under W.S. 6-5-303.

(e) The applicant shall submit to the division through the sheriff's office in the county of the applicant's residence:

(i) A completed application as described in subsection (d) of this section or, if applicable, subsection (cc) of this section;

(ii) A nonrefundable permit fee of \$50, if he has not previously been issued a statewide permit, or a nonrefundable permit fee of \$50 for renewal of a permit;

(iii) A full set of fingerprints of the applicant administered by a law enforcement agency. The actual cost of processing the set of fingerprints required in this paragraph shall be borne by the applicant;

(iv) A photocopy of a certificate or an affidavit or document as provided by paragraph (b)(vii) of this section;

(v) If applicable, the items listed in subsection (cc) of this section.

(f) The sheriff's office shall forward items received under subsection (e) of this section but shall retain \$10 of each original permit fee and \$5 of each renewal permit fee. The division, upon receipt of the items listed in subsection (e) of this section, shall process the full set of fingerprints of the applicant for any criminal justice information. The division shall submit a fingerprint card to the federal bureau of investigation for a national background check. The cost of processing the fingerprints shall be payable to the division.

(g) The sheriff of the applicant's county of residence shall submit a written report to the division containing any information that he feels may be pertinent to the issuance of a permit to any applicant. The written report shall state facts known to the sheriff which establish reasonable grounds to believe that the applicant has been or is reasonably likely to be a danger to himself or others, or to the community at large as a result of the applicant's mental or psychological state, as demonstrated by a past pattern or practice of behavior, or participation in incidents involving a controlled substance, alcohol abuse, violence or threats of violence as these incidents relate to criteria listed in this section. The written report shall be made within 30 days after the date the sheriff receives the copy of the application. The sheriff of the applicant's county of residence shall notify the chief of police, if any, of the applicant's place of residence of the application for a

concealed firearm permit by the applicant. The chief of police shall submit written comments to the division under the guidelines prescribed in this section. Submitted comments shall not be considered a public record.

(h) The sheriff of the applicant's county of residence may, at his discretion, submit a written report to the division recommending immediate issuance of a concealed firearm permit prior to the mandatory fingerprint processing. The written recommendation shall specifically state that the sheriff has personal knowledge that the applicant is qualified to be issued a permit.

(j) The sheriff of the applicant's county of residence may, at his discretion, submit a written report to the division recommending the issuance of a concealed firearm permit to an applicant between 18 and 21 years of age who meets the requirements specified in this section. The written recommendation shall specifically state that the sheriff has personal knowledge of the applicant's situation or circumstances which warrant the issuance of a concealed firearm permit. The division may issue a permit to carry a concealed firearm to those individuals between 18 and 21 years of age under circumstances that a reasonable, prudent person would believe warrant the issuance of a permit to carry a concealed firearm. The decision to issue a concealed firearm permit shall be based on the satisfactory completion of the requirements of this section and any voluntary written report offered by the sheriff of the county of the applicant's residence which shall clearly state the reasons the applicant should be issued a permit. The applicant may submit a written report containing relevant facts for consideration by the division.

(k) An applicant shall pay the cost of fingerprinting services for 1 set of fingerprints and shall not be charged for any additional services necessary to obtain a legible set of fingerprints.

(m) The division shall, within 60 days after the date of receipt of the items listed in subsection (e) of this section, either:

(i) Issue the permit; or

(ii) Deny the application based on the ground that the applicant fails to qualify under the criteria listed in this section or upon reasonable grounds for denial specified under subsection (g) of this section. If the division denies the application, it shall notify the applicant in writing, stating the grounds for denial and informing the applicant of a right to submit, within 30 days, any additional documentation relating to the grounds of denial. Upon receiving any additional documentation, the division shall reconsider its decision and inform the applicant within 20 days of the result of the reconsideration. The applicant shall further be informed of the right to seek review of the denial in the district court pursuant to the Wyoming Administrative Procedure Act, W.S. 16-3-101 through 16-3-115. No person who is denied a permit under this section shall carry a concealed firearm under a permit issued in another state, so long as he remains a resident of this state, and he remains ineligible for a permit in this state.

(n) The division shall maintain an automated listing of permit holders and pertinent information, and the information shall be available on-line, upon request, at all times to all Wyoming law enforcement agencies.

(o) Within 30 days after the changing of a permanent address, or within 30 days after the loss or destruction of a permit, the permittee, including any permittee under paragraph (a)(iii) of this section, shall so notify the division. Violation of this subsection may result in cancellation or revocation of the permit.

(p) In the event that a permit is lost or destroyed, the permit shall be automatically invalid, and the person to whom the same was issued may, upon payment of a \$5 fee to the division, obtain a duplicate, upon furnishing a notarized statement to the division that the permit has been lost or destroyed.

(q) A permit issued under this section shall be revoked by the division:

(i) If the permittee becomes ineligible to be issued a permit under the criteria set forth in this section; or

(ii) For any conviction of any offense involving a controlled substance, alcohol abuse while carrying a concealed weapon or any crime of violence or a plea of nolo contendere to any of these crimes.

(s) The permittee may renew his permit on or before the expiration date by filing with the sheriff of the applicant's county of residence the renewal form, a notarized affidavit stating that the permittee remains qualified pursuant to the criteria specified in this section, and the required renewal fee. The permit shall be renewed to a qualified applicant upon receipt of the completed renewal application, appropriate payment of fees and the division shall verify that the criminal history information available to the division does not indicate that possession of a firearm by the applicant would constitute a violation of state or federal law. A permittee who fails to file a renewal application on or before its expiration date shall renew his permit by paying a late fee of \$10, but no late fee shall be charged for permits renewed by deployed armed force members through the additional renewal period under subsection (cc) of the section. Subject to subsection (cc) of this section, no permit shall be renewed 6 months or more after its expiration date, and the permit shall be deemed to be permanently expired. A person whose permit has permanently expired may reapply for a permit pursuant to subsections (b) through (e) of this section.

(t) No person authorized to carry a concealed weapon pursuant to paragraphs (a)(ii) through (iv) of this section shall carry a concealed firearm into:

(i) Any facility used primarily for law enforcement operations or administration without the written consent of the chief administrator;

(ii) Any detention facility, prison or jail;

(iii) Any courtroom, except that nothing in this section shall preclude a judge from carrying a concealed weapon or determining who will carry a concealed weapon in the courtroom;

(iv) Any meeting of a governmental entity;

(v) Any meeting of the legislature or a committee thereof;

(vi) Any school, college or professional athletic event not related to firearms, except as provided in W.S. 21-3-132;

(vii) Any portion of an establishment licensed to dispense alcoholic liquor and malt beverages for consumption on the premises, which portion of the establishment is primarily devoted to that purpose;

(ix) Any elementary or secondary school facility, except as provided in W.S. 21-3-132;

(x) Any college or university facility without the written consent of the security service of the college or university; or

(xi) Any place where the carrying of firearms is prohibited by federal law or regulation or state law.

(y) As used in this section:

(i) "**Division**" means the division of criminal investigation within the office of the attorney general;

(ii) "**Firearm**" means any pistol, revolver or derringer, designed to be fired by the use of a single hand.

(aa) Notwithstanding the provisions of W.S. 1-39-105 through 1-39-112, the attorney general and members of the division of criminal investigation are immune from personal liability for issuing, for failing to issue and for revoking any concealed firearms permit under this section. A sheriff, police chief, employee of a sheriff or police chief's office shall not be personally liable for damages in a civil action arising from any information submitted pursuant to subsections (g) through (j) of this section. Nothing in this section shall relieve any governmental entity of any liability pursuant to W.S. 1-39-101 through 1-39-120 [1-39-101 through 1-39-121].

(bb) No list or other record maintained by the division or other law enforcement agency pursuant to this section, which identifies an individual applicant or permittee shall be considered a public record. Applications, listings and other records maintained pursuant to this section which identify an individual shall be made available to other law enforcement agencies for purposes of conducting official business. The statistical report provided pursuant to subsection (z) of this section shall be a public record.

(cc) The attorney general shall by rule and regulation provide a procedure under which applicant person who is in active military service outside the state of Wyoming, or who is a military spouse as defined by rule of the attorney general residing with a person in active military service outside the state, but otherwise meets the requirements specified in subsection (b) of this section may apply for a permit or a renewal of a permit to carry a concealed firearm under this section without appearing in Wyoming. An application for a permit or renewal under this subsection shall be filed with the division of criminal investigation and accepted during active military service outside the state. Members of the armed forces who are deployed outside the United States and whose permits expire during their term of deployment shall be permitted to renew their permits through the deployment period and not later than six (6) months after returning to the United States after deployment. An expired permit which is not renewed prior to the end of the extended period provided in this subsection shall be deemed to be permanently expired as provided in subsection (s) of this section. Except as provided in this subsection, requirements for applications for all renewals under this subsection shall be the same as those required for non-late renewals under subsection (s) of this section, together with verification of active military status, deployment outside the United States, termination of deployment outside the United States and marital status, all as applicable and as required by rule of the attorney general. Applications, other than renewals, under this subsection shall require:

(i) The items listed in subsection (d) of this section;

(ii) Proof of residency in a form acceptable to the attorney general that shows the applicant meets the requirements specified in subsection (b) of this section;

(iii) Certification of the applicable person's active military service outside the state;

(iv) A notarized affidavit from the applicant testifying in writing that the statements in the application are true and accurate. The affidavit required by this paragraph subjects the applicant to criminal prosecution under W.S. 6-5-303; and

(v) Any other information required by rule and regulation of the attorney general, including proof of the marriage of the military spouse and the person in active military service outside the state, if applicable.

Article 2 Firearms Regulation

Section 6-8-203. Firearms information to be kept in place of business; inspection by peace officer.

The information required by federal law to be maintained on firearms shall be kept by every wholesaler, retailer, pawnbroker and dealer in firearms in the place of business of the wholesaler, retailer, pawnbroker or dealer, and shall be subject to inspection by any peace officer at all reasonable times.

Article 4 – Regulation by State

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

(a) The Wyoming legislature finds that the right to keep and bear arms is a fundamental right. The Wyoming legislature affirms this right as a constitutionally protected right in every part of Wyoming.

(b) Repealed by Laws 2010, ch. 108, § 3.

(c) The sale, transfer, purchase, delivery, taxation, manufacture, ownership, transportation, storage, use and possession of firearms, weapons and ammunition shall be authorized, regulated and prohibited by the state, and regulation thereof is preempted by the state. Except as authorized by W.S. 15-1-103(a)(xviii) and 21-3-132, no city, town, county, political subdivision or any other entity shall authorize, regulate or prohibit the sale, transfer, purchase, delivery, taxation, manufacture, ownership, transportation, storage, use, carrying or possession of firearms, weapons, accessories, components or ammunition except as specifically provided by this chapter. This section shall not affect zoning or other ordinances which encompass firearms businesses along with other businesses. Zoning and other ordinances which are designed for the purpose of restricting or prohibiting the sale, purchase, transfer or manufacture of firearms or ammunition as a method of regulating firearms or ammunition are in conflict with this section and are prohibited.

Section 6-8-403. Definitions.

(a) As used in this act:

(i) **“Ammunition”** means any projectile expelled by action of an explosive from a firearm but shall not include any projectile designed to pierce armor;

(iii) **“Firearm”** means any weapon which will or is designed to expel a projectile by the action of an explosive. “Firearm” shall not include any fully automatic weapon or any weapon designed to fire a rocket propelled grenade or any explosive projectile;

Cheyenne Code of Ordinances

Current through Ordinance 4298, passed March 23, 2020. (Supplement 52, 6-20)

Title 9 – Public Peace and Welfare

Chapter 9.24 – Weapons

Section 9.24.010. Definitions.

For the purposes of this chapter, the following words and phrases shall have the meanings respectively ascribed to them by this section:

“Dealer” means any person engaged in the business of selling firearms at wholesale or retail or of accepting pledges of pistols as security for loans.

“Firearm” means any weapon which will or is designed to expel a projectile by the action of explosive gases. “Firearm” shall not include any fully automatic weapon, any weapon designed to fire a rocket propelled grenade, or any explosive projectile.

“Weapon” means, but is not limited to, a firearm, explosive, incendiary material, motorized vehicle, animal, or other device, instrument, material, or substance, which in the manner used or intended to be used, is reasonably capable of producing death or bodily injury.

Section 9.24.060. Possession of firearms, Minors.

No person under the age of eighteen (18) years shall possess a firearm. This section shall not apply to the issuance of pistols to members of the state militia, ROTC, or the armed forces of the United States for training or active duty or to temporary loans of pistols for instruction under the immediate supervision of a parent or guardian.

Section Sec. 9.24.070. Sale or possession of fire arms without manufacturer's identification mark prohibited.

No person shall receive, possess, sell, lease or otherwise transfer any firearm from which the manufacturer's identification mark or serial number has been removed.

Section 9.24.090. Carrying deadly weapons on school property.

A. School Bus Defined. For purposes of this section, "**school bus**" means every motor vehicle that is owned by or leased to or registered to a school district and is used to transport children to or from school in conjunction with school activities and is designed for and capable of carrying twelve (12) or more passengers, but not including buses operated by common carriers in transportation of school children or buses owned by a community college or the University of Wyoming.

B. Deadly Weapon Defined. For purposes of this section, "**deadly weapon**" means, but is not limited to, a firearm, explosive or incendiary material or other device, instrument, material or substance which, in the manner it is used or intended to be used, is reasonably capable of producing death or serious bodily injury.

C. Carrying Deadly Weapons Restricted. No person, except a sworn peace officer, shall possess, wear or carry a deadly weapon on a school bus as defined in this section or within the boundaries of real property owned or used by a school district primarily for the education of any student in any grade from kindergarten through twelfth grade.

D. Application to Weapons in Motor Vehicles. This section shall not apply to any person possessing a deadly weapon inside a motor vehicle within the boundaries of real property owned or used by a school district when such deadly weapon is in plain view through a window at all times and such deadly weapon is securely placed in a rack whose use is principally for the storage of such deadly weapon and such weapon is not in a position as to be capable of being discharged.

E. Application to Instructors of Courses. This section shall not apply to any person possessing a deadly weapon within the boundaries of real property owned or used by a school district at the specific time designated by the instructor of a course of study in the use of such deadly weapon and which such course is approved by the school district.

F. Application to Concealed Weapons. This section shall not apply to any person possessing a valid concealed weapon permit, as defined under Wyo. Stat. Section 6-8-104 legally issued to that person by the state of Wyoming.

Section 9.24.100. Sale or lease, License, Required.

No person shall sell any firearm at wholesale or retail or shall lease, pledge or accept any firearm as security for a loan without obtaining a license therefor.

Section 9.24.110. Sale or lease, License, Application and issuance.

Application for a firearm dealer's business license shall be made to the city clerk on forms prescribed and furnished by the city clerk. The application shall indicate the business name of the applicant, the business address, the name and home address of the proprietors (if a partnership) or of the president and secretary (if a corporation) and such other pertinent information as may be required by the city clerk. The application shall be accompanied by the license fee of ninety dollars (\$90.00) a year per location. The city clerk shall, within ten (10) days of the date of receipt of the application, issue the license required; provided, that the applicant has conformed with regulations required by federal law for a firearm dealer.

Section 9.24.120. Records to be kept.

A true record shall be made by each licensed manufacturer or dealer of each firearm sold, pledged as security for a loan, transferred or otherwise disposed of at wholesale or retail. This record shall contain the information and be used as required by state law.

Section 9.24.150. Sales to minors.

No dealer shall sell, lease, lend or otherwise transfer a firearm to any minor except as provided in Section 9.24.060.

Cody Code of Ordinances

Current through Ordinance 2019-04, passed July 9, 2019.

Title 5 – Public Safety

Chapter 4 – Weapons

Section 5-4-4. Furnishing deadly weapons and certain cartridges to minors.

A. Under Twenty One Years: It shall be unlawful for any person to sell, barter, give away, or to dispose of in any other way, to any person under the age of twenty one (21) years, any pistol, dirk, knife, concealed upon the person.

Douglas Code of Ordinances

Current through Ordinance 998, adopted November 13, 2018. (Supplement 51)

Title 16 – Unified Land Development Code

Chapter 6 – Use-Specific Development Standards

Section 6.19. Home Occupations.

6.19.2 Home Occupation Permit Required

A home occupation permit, zoning certificate, and accompanying residential site plan shall be submitted for the Community Development Department Director's review and approval to verify compliance with the home occupation standards. The site plan shall indicate the area proposed for the home occupation within the residence or accessory structure and shall demonstrate compliance with the requirements of this section and with the general development standards of Chapter 6 of this Code.

6.19.11 Sales Limited

No sale of goods, supplies, or other inventory shall be allowed unless the sales are clearly incidental and related to providing a service (e.g., sale of hair care products at a beauty shop; occasional sale of a firearm by a gunsmith; incidental retail sales where the home occupation is a mail order, internet, or delivery business, brokers of firearms where inventory is not maintained on site except for specific transactions) or unless the items are produced, constructed or assembled on the premises or are clearly incidental and related to the sale of the homemade items. Nothing in this Section shall limit the ability of the home occupation to sell products mail order via the internet or by telephone.

Section 6.20. Home Occupations, Agricultural

6.20.2 Agricultural Home Occupation Permit Required

An agricultural home occupation permit, zoning certificate, and accompanying residential site plan shall be submitted for the Community Development Department Director's review and approval to verify compliance with the home occupation standards. The site plan shall indicate the area proposed for the home occupation within the residence or accessory structure and shall demonstrate compliance with the requirements of this section and with the general development standards of Chapter 6 of this Code.

6.20.11 Sales Limited

No sale of goods, supplies, or other inventory shall be allowed unless the sales are clearly incidental and related to providing a service (e.g., sale of hair care products at a beauty shop; occasional sale of a firearm by a gunsmith; incidental retail sales where the home occupation is a mail order, internet, or delivery business, brokers of firearms where inventory is not maintained on site except for specific transactions) or unless the items are produced, constructed or assembled on the premises or are clearly incidental and related to the sale of the homemade items. Nothing in this Section shall limit the ability of the agricultural home occupation to sell products mail order via the internet or by telephone.

Upton Code of Ordinances

Current through Ordinance 5-2019, passed July 9, 2018. (Supplement 9-19)

Title 9 – Public Peace, Morals and Welfare Chapter 9.12 – Offenses Against Public Peace

Section 9.12.020. Firing guns or carrying concealed weapon.

C. No person, except a duly authorized law officer, shall take or carry any gun, shotgun, pistol, revolver or other firearm into any bar, lounge, restaurant, bank, school, church or any commercial building or business into which the public is invited, excepting only a store which sells or repairs such guns.