



U.S. Department of Justice
Bureau of Alcohol, Tobacco,
Firearms and Explosives

Office of the Assistant Director
Enforcement Programs & Services

Washington, DC 20226

July 2, 2024

OPEN LETTER TO ALL WYOMING FEDERAL FIREARMS LICENSEES

The Bureau of Alcohol, Tobacco, Firearms, and Explosives (ATF) has become aware that [effective July 1, 2023](#), the Wyoming Department of Corrections has been authorized to issue Restoration of Rights Certificates to certain individuals who lost rights pursuant to Wyoming statute § 6-10-106, including the right to possess firearms. Under Wyoming law, these Restoration of Rights Certificates may be issued to persons convicted in federal or state court of a crime punishable by imprisonment for a term exceeding one year. Wy. Stat. § 7-13-105(a). Multiple federal firearms licensees in Wyoming have contacted ATF with questions about the application of this statute specifically to federal convictions.

This letter has been sent in response, to advise Wyoming licensees that a person convicted in a federal court of a crime punishable by imprisonment for a term exceeding one year remains subject to the federal prohibition on shipment, transportation, receipt, and possession of firearms and ammunition, despite the issuance of a Restoration of Rights Certificate under state law by the State of Wyoming.


The Gun Control Act, more specifically Title 18, United States Code (U.S.C.), section 922(g)(1), prohibits persons who have been convicted of a “crime punishable by imprisonment for a term exceeding one year” from shipping, transporting, receiving, or possessing firearms and/or ammunition in or affecting interstate or foreign commerce. Under 18 U.S.C. § 921(a)(20), “[w]hat constitutes a conviction for such a crime shall be determined in accordance with the law of the jurisdiction in which the proceedings” underlying that conviction were held. The term “crime punishable by imprisonment for a term exceeding one year” is defined in 18 U.S.C. § 921(a)(20) to exclude from consideration as a “conviction” those convictions which have been expunged, set aside, or for which a person has been pardoned or has had civil rights restored. The United States Supreme Court has held that whether a person has had civil rights restored is just one step in determining whether a “conviction” exists, thus, civil rights restoration must come from the convicting jurisdiction.¹ The Supreme Court went on to say a person convicted in a federal court must have their civil rights restored under federal law for the exception in section 921(a)(20) to apply.² Therefore, a person convicted in a federal court remains “convicted” of that offense for purposes of section 922(g)(1) even if a state elects to restore civil rights to such person. A person convicted of violating section 922(g)(1) is subject to imprisonment for not more than 15 years and/or a fine of up to \$250,000.00.

¹ *Beecham v. United States*, 511 U.S. 368, 388 (1994).

² *Id.* at 371; *see also* [*Caron v. United States*, 524 U.S. 308 (1998) (discussing restoration of civil rights by states); *Logan v. United States*, 552 U.S. 23, 30-35 (2007)].

As provided in 18 U.S.C. § 922(d)(1), it is unlawful for any person to sell or otherwise dispose of any firearm or ammunition to any person knowing or having reasonable cause to believe that such person has been convicted in any court of a crime punishable by imprisonment for a term exceeding one year. Because a person convicted in a federal court remains “convicted” of that offense even if a state elects to restore civil rights to such person, you should not sell or otherwise dispose of a firearm to such a person. A conviction for selling or otherwise disposing of a firearm to a person knowing or having reasonable cause to believe the transferee is subject to section 922(d)(1) is punishable by imprisonment for not more than 15 years and/or a fine of up to \$250,000.00.

ATF is committed to assisting you in complying with federal firearms laws. If you have questions, please contact ATF’s Firearms Industry Programs Branch at (202) 648-7190.

 Digitally signed by
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Megan A. Bennett
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