

HOUSE BILL NO. HB0015

Restoration of voting rights by department of corrections.

Sponsored by: Joint Judiciary Interim Committee

A BILL

for

1 AN ACT relating to criminal procedure; amending and
2 conforming provisions relating to restoration of voting
3 rights to felons; and providing for an effective date.

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

6

7 **Section 1.** W.S. 7-13-105(b)(intro), (i), (ii), (c),
8 by creating a new subsection (d) and by amending and
9 renumbering (d) as (e), 7-13-401(f), 7-13-402(f),
10 7-19-103(a)(ii), 18-16-102(a)(ix)(E), 22-3-102(e)(iv) and
11 25-1-104 by creating a new subsection (k) are amended to
12 read:

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14 **7-13-105. Certificate of restoration of rights;**
15 **procedure for restoration in general; procedure for**

1 restoration of voting rights for nonviolent felonies;
2 filing requirements.

3
4 (b) The department of corrections shall issue a
5 certificate of restoration of voting rights as provided in
6 this subsection and subsection (c) of this section. Upon
7 issuance of a certificate, voting rights lost pursuant to
8 W.S. 6-10-106 shall be deemed restored. The department of
9 corrections shall issue a person convicted of a nonviolent
10 felony or nonviolent felonies arising out of the same
11 occurrence or related course of events ~~may apply in writing~~
12 ~~to the state board of parole for a certificate which~~
13 ~~restores the person's voting rights lost pursuant to W.S.~~
14 ~~6-10-106. The application shall specifically state that the~~
15 ~~requirements of this subsection have been met and shall be~~
16 ~~on a form approved by the state board of parole. The state~~
17 ~~board of parole shall issue a certificate restoring a~~
18 ~~person's voting rights~~ of restoration of voting rights if:

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20 (i) The ~~applicant~~ person has ~~never~~ not been
21 convicted of any other felony other than convictions
22 arising out of the same occurrence or related course of
23 events for which restoration of rights is sought; and

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(ii) ~~All of the applicant's terms of~~ The person
has completed all of his sentence, ~~are expired, or in the~~
~~case of probation, the applicant has completed all~~
~~probation periods, and~~ including probation or parole.

(c) ~~Upon receipt of the written application under~~
~~subsection (b) of this section, the board shall review the~~
~~materials and make an initial determination of eligibility.~~
~~Should the board deny the application at this initial~~
~~determination, the applicant shall have the right to~~
~~request a contested case hearing before the board as~~
~~provided by and in accordance with the Wyoming~~
~~Administrative Procedure Act. The decision of the board~~
~~after such hearing shall be deemed a final administrative~~
~~determination, shall be in writing, and, shall in the case~~
~~of a denial of the application, state the findings of the~~
~~board and the reasons for the denial and shall not be~~
~~subject to judicial review under W.S. 16-3-114.~~ The
department of corrections shall issue a certificate of
restoration of voting rights to eligible persons as
follows:

1 (i) For persons convicted within Wyoming of a
2 nonviolent felony or nonviolent felonies arising out of the
3 same occurrence or related course of events, the department
4 shall issue a certificate to eligible persons who completed
5 their sentence before January 1, 2016, upon receipt of the
6 person's application for restoration. The department shall
7 issue a certificate to eligible persons who complete their
8 sentence after January 1, 2016 without the need for the
9 person to submit an application;

10
11 (ii) For persons convicted outside of Wyoming or
12 under federal law of a nonviolent felony or nonviolent
13 felonies arising out of the same occurrence or related
14 course of events, the department shall issue a certificate
15 to an eligible person upon receipt of the person's
16 application for restoration.

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18 (d) The department's denial of a certificate of
19 restoration of voting rights is a final action of the
20 agency subject to judicial review. The clerk of the
21 district court and the division of criminal investigation
22 shall cooperate with the department of corrections in
23 providing information necessary for determining a person's

1 eligibility to receive a certificate of restoration of
2 voting rights. The department of corrections shall notify
3 the secretary of state when any person's voting rights have
4 been restored. If the person was convicted in Wyoming, the
5 department shall submit the certificate of restoration of
6 voting rights to the clerk of the district court in which
7 the person was convicted and the clerk shall file the
8 certificate in the criminal case in which the conviction
9 was entered.

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11 ~~(d)~~ (e) As used in this section:7

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13 (i) "Same occurrence or related course of
14 events" means the same transaction or occurrence or a
15 series of events closely related in time or location;

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17 (ii) "Violent felony" means as defined by W.S.
18 6-1-104(a)(xii), including offenses committed in another
19 jurisdiction which if committed in this state would
20 constitute a violent felony under W.S. 6-1-104(a)(xii). ~~As~~
21 used in this section, "Nonviolent felony" includes all
22 felony offenses not otherwise defined as violent felonies.

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1 **7-13-401. Definitions; creation of board; officers;**
2 **compensation; hearing panels; meetings.**

3
4 (f) Three (3) or more members of the board may
5 constitute a hearing panel empowered to review applications
6 for parole, grant paroles or revoke paroles. Fewer than
7 three (3) members of the board, as may be provided by rule
8 of the board, may withdraw or revoke good time, restore or
9 reinstate good time, ~~make initial determinations of~~
10 ~~eligibility and restore voting rights pursuant to W.S.~~
11 ~~7-13-105(b) and (c),~~ make recommendations to the governor
12 to grant commutations of sentences and review inmate
13 matters, other than the grant or denial of parole, brought
14 before the board. A decision by a majority of the members
15 of a panel under this subsection is the decision of the
16 board.

17
18 **7-13-402. General powers and duties of board;**
19 **eligibility for parole; immunity.**

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21 (f) The promulgation of substantive rules by the
22 board, the conduct of its hearings and its final decisions
23 are specifically exempt from all provisions of the Wyoming

1 Administrative Procedure Act including the provisions for
2 judicial review under W.S. 16-3-114 and 16-3-115. ~~This~~
3 ~~exception shall not apply to the provisions authorizing a~~
4 ~~contested case hearing under W.S. 7-13-105(c).~~ The board's
5 rules and regulations shall be filed in the office of the
6 secretary of state.

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8 **7-19-103. Definitions.**

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10 (a) As used in this act:

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12 (ii) "Criminal history record information" means
13 information, records and data compiled by criminal justice
14 agencies on individuals for the purpose of identifying
15 criminal offenders consisting of identifiable descriptions
16 of the offenders and notations or a summary of arrests,
17 detentions, indictments, information, pre-trial
18 proceedings, nature and disposition of criminal charges,
19 sentencing, rehabilitation, incarceration, correctional
20 supervision and release. Criminal history record
21 information is limited to information recorded as the
22 result of the initiation of criminal proceedings. It does
23 not include intelligence data, analytical prosecutorial

1 files, investigative reports and files or statistical
2 records and reports in which individual identities are not
3 ascertainable, any document relating to restoration of
4 voting rights, or any document signed by the governor
5 granting a pardon, commutation of sentence, reprieve,
6 remission of fine or forfeiture, or a restoration of civil
7 rights; ~~by the governor or restoration of voting rights by~~
8 ~~the state board of parole;~~

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10 **18-16-102. Definitions.**

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12 (a) As used in this act:

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14 (ix) "Qualified elector" means a natural person who:

15
16 (E) Has not been convicted of a felony or
17 if convicted has had his civil rights or voting rights
18 restored; and

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20 **22-3-102. Qualifications; temporary registration.**

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1 (e) The secretary of state is authorized to provide
2 for the verification of certain voter registration data in
3 accordance with the following:

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5 (iv) The secretary of state, ~~and~~ the state board
6 of parole and the department of corrections shall enter
7 into an agreement to match information in the voter
8 registration system with records regarding restoration of
9 voting rights maintained by the state board of parole or
10 the department of corrections in order to verify voter
11 qualifications;

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13 **25-1-104. Creation of department of corrections;**
14 **duties; inspections of state institutions; regulation of**
15 **prisoner produced goods.**

16
17 (k) The department of corrections shall issue
18 certificates of restoration of voting rights pursuant to
19 W.S. 7-13-105(b) and (c).

20
21 **Section 2.** W.S. 7-13-105(b)(iii) and 7-13-402(h) are
22 repealed.

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1 **Section 3.** This act shall not affect the validity of
2 voting rights restored prior to the effective date of this
3 act.

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5 **Section 4.** This act is effective January 1, 2016.

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(END)