



March 18, 2025

The Honorable Chuck Gray, Secretary of State  
Herschler Building East, 122 W. 25th Street, Suite 100  
Cheyenne, Wyoming 82002

Re: Veto of Senate Enrolled Act No. 82/ Senate File 0196 Second Amendment Protection Act amendments

Dear Secretary Gray,

I never expected Wyoming's Legislature would ratify an idea undermining law enforcement. To think our great state would take up a notion kindred to the "Defund the Police" efforts we have seen elsewhere in this country comes as a shock. This Act has less to do with protecting our sacred Second Amendment Rights than it has to do with making law enforcement personnel in this state second guess nearly every action they take for fear of legal reprisal. It is overkill, especially considering I have already signed into law a similar piece of legislation as recently as 2022.

In the Wyoming I grew up in, "Back the Blue" was second nature. We didn't blackball them. And yet, the 68th Legislature showed again its penchant to throw reason out the window, to forget practicality, and to ignore common sense when it comes to any piece of legislation with the words "Second Amendment" attached to it. Every year special interest groups who make their living off of perennially raising funds for campaigns that purport to protect us all from "gun grabbers" show up with another bill, more extreme than the last, in order to score legislators.

Wyoming people know, respect, and protect our second amendment rights. We don't need some out-of-state lobbyist to tell us how precious they are. We are passionate about our gun rights and our support for law enforcement, veterans, and others willing to serve our nation and our state. We shouldn't need to pass boilerplates created in far-flung states that seek to fix problems we haven't seen in Wyoming. Wyoming is not a stooge and should not be willing to become one either.

This Act takes aim at – and potentially vilifies – law enforcement if, in the process of working to apprehend, prosecute, and detain illegal aliens, drug mules, human traffickers, abusers, and other miscreants, they cooperate with the federal government and a gun is involved. Wyoming can do better. I would certainly hope the memory of Sergeant Nevada Krinkee who was serving a trespass warning last year around this time, would remind us that criminals are willing to use a firearm they can possess under Wyoming law even if they are in violation of federal firearms law. I have heard legislators dismissively say, "He knew what he was signing up for." How heartless. Nevada's widow and young child will

remember that tragic day forever, and yet our legislature believes it is appropriate to make law enforcement's job even riskier, even more dangerous. It's shameful.

Senate File 196 Second Amendment Protection Act amendments exacerbates the conflict between the right to bear arms and supporting local law enforcement, when it hasn't been an issue in Wyoming. More importantly, it is unnecessary (except perhaps for use as a fundraising and campaign tool). Since I signed Wyoming's first Second Amendment Protection Act in 2022 (Wyo Stat. Ann. § 9-14-203), during the Biden Administration mind you, the law has never been utilized. Not once! Even so, apparently, that law did not go far enough for some in curbing a nonexistent crisis – or maybe the crisis was how to keep using the second amendment meal ticket here in Wyoming?

Wyoming's current "Second Amendment Protection Act" already prohibits the state and all political subdivisions from using any personnel or state funds to enforce any unconstitutional federal act, law, treaty, executive order, rule or regulation, which infringes upon our Second Amendment rights. I fail to see why that is not enough. Do we back the Blue, or do we want them gone? That is the question this Act raises.

Senate File 196, in practical reality, could prohibit the state and our political subdivisions from enforcing almost any federal firearm regulations, regardless of their perceived constitutionality. This leaves huge gaps in the State's ability to pursue criminal actors unlawfully using guns to threaten and harm innocent people. Think about how happy the cartels might be knowing that state law enforcement would be blocked from participating in bringing human trafficking, drug mules, illegal aliens, and so on to justice. If they were to participate, each department could be liable for up to a \$50,000 penalty for even attempting to do so. It is hard enough to find the funding to support law enforcement in Wyoming, why would anyone want to risk that fine?

But that's not all - our cities, towns and counties would even incur a \$50,000 penalty for hiring any former employee of the U.S. government who ever enforced such a regulation once this Act becomes law. From a U.S. Marshal guarding one of our courthouses to a member of our National Guard manning the gate in Guernsey, their enforcement of any federal firearm regulation would disqualify them from a law enforcement job anywhere in the state. This Act doesn't reflect the sort of common sense Wyoming people are famous for.

Admittedly, supporters tried to allay fears of these flaws while the bill was being worked in committee. Claims were made that the inclusion of the word "solely" ensured state and local law enforcement would still be able to participate in federal task forces. However, from my conversations with local law enforcement and the actual officers who take part in these task forces (often dealing with drug cartels, human trafficking, or illegal immigration), they find scant comfort in the litany of incoherent carveouts included in this legislation. This Act exacerbates inherent and unconstitutional legal dilemmas forcing law enforcement to choose between which laws to violate simply to do their job.

We do have an administration in Washington, D.C. now that is more friendly to the Second Amendment and more focused on fighting the types of criminals who have brought gang violence to our homeland. The Trump Administration has my overwhelming support and that of Wyoming. Consequently, I do not believe this is the time to further handcuff our law enforcement. In fact, I find an irony in how many of our legislators crow about “backing the blue” when it is politically convenient, but are apparently unwilling to hold that view when it comes to drafting law.

Another talking point put forward to ease concerns with this Act was that local law enforcement could still enforce Wyoming firearm regulations, regardless of federal restrictions. While true, this Act still leaves Wyoming’s regulatory landscape littered with loopholes with law enforcement officers trying to navigate the complexity of the conflicting laws in a tense situation and agencies still exposed to potentially costly litigation. An egregious example might stem from the federal prohibition of the possession of firearms by anyone convicted of a misdemeanor crime of domestic violence. There is no comparable statute in Wyoming law and should this Act become law, local police officers attempting to remove a firearm from a convicted domestic abuser will open themselves up to criminal penalties and their department to the \$50,000 civil penalty.

This Act is not how Wyoming develops responsible policy. It has already been found unconstitutional by the Eighth Circuit. Here in Wyoming, I have already signed into law a sound Second Amendment Protection Act which works. Wyoming people don’t wear their love of the Second Amendment on their sleeve, they hold it in their hearts as they do their respect for law enforcement. For these reasons, with this letter, I deliver my veto of the original Senate File 196/Senate Enrolled Act No. 82 to you.

Sincerely,



Mark Gordon  
Governor

MG:nr:kh

cc: The Honorable Bo Biteman, President of the Senate  
The Honorable Chip Neiman, Speaker of the House  
Chief Clerk, Wyoming House of Representatives  
Chief Clerk, Wyoming Senate



ENROLLED ACT NO. 82, SENATE

SIXTY-EIGHTH LEGISLATURE OF THE STATE OF WYOMING  
2025 GENERAL SESSION

AN ACT relating to the protection of constitutional rights; amending the Second Amendment Protection Act as specified; creating exceptions to the Second Amendment Protection Act; creating a civil penalty; creating a criminal penalty; creating an exception to the Wyoming Governmental Claims Act; providing definitions; making conforming amendments; and providing for an effective date.

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

**Section 1.** W.S. 1-39-124 is created to read:

**1-39-124. Liability; enforcement of federal regulation of firearms, firearm accessories, magazines and ammunition.**

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

**Section 2.** W.S. 1-39-103(a)(ix), 1-39-104(a), 9-14-203(a) through (c) and by creating new subsections (d) through (h) are amended to read:

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

(a) As used in this act:

(ix) "This act" means W.S. 1-39-101 through ~~1-39-120~~ 1-39-124.

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

(a) A governmental entity and its public employees while acting within the scope of duties are granted



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immunity from liability for any tort except as provided by W.S. 1-39-105 through 1-39-112, and 1-39-122 ~~and through 1-39-123—1-39-124~~. Any immunity in actions based on a contract entered into by a governmental entity is waived except to the extent provided by the contract if the contract was within the powers granted to the entity and was properly executed and except as provided in W.S. 1-39-120(b). The claims procedures of W.S. 1-39-113 apply to contractual claims against governmental entities.

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

(a) Except as otherwise provided in this section, this state and all political subdivisions of this state are prohibited from using any personnel or funds appropriated by the legislature of the state of Wyoming, or any other source of funds that originated within the state of Wyoming or any federal funds or other source of funds solely to enforce, administer or cooperate with attempt to enforce, provide material aid, support or participate in any manner in the enforcement or implementation of any unconstitutional act, law, treaty, executive order, rule or regulation of the United States government that infringes on or impedes the free exercise of individual rights guaranteed under the Second Amendment of the Constitution of the United States solely regarding firearms, accessories or ammunition against any law abiding citizen.

(b) Nothing in this act shall limit or restrict a public officer, as defined in W.S. 6-5-101(a)(v), or a peace officer, as defined by W.S. 7-2-101(a)(iv), from providing assistance to federal authorities for purposes not specifically identified in subsection (a) of this



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section. Nothing in this act shall be construed to prohibit Wyoming governmental entities from accepting federal assistance or funds for law—the enforcement purposes of laws in this state.

(c) Any agency of the state, political subdivision or law enforcement agency that employs any public officer, as defined in W.S. 6-5-101(a)(v), or peace officer, as defined in W.S. 7-2-101(a)(iv), who knowingly violates subsection (a) of this section is guilty of a misdemeanor punishable by imprisonment for not more than one (1) year, a fine of not more than two thousand dollars (\$2,000.00), or both any provision of this act against any law abiding citizen while acting under the direction of an official, agent, employee or deputy of the United States government, or otherwise acting under the color of federal or state law, shall be liable to the injured party for damages resulting from the public officer's or peace officer's conduct in a civil action before a court of competent jurisdiction. The court, upon finding a violation of this act, shall impose a civil penalty against the agency, political subdivision or law enforcement agency in an amount of fifty thousand dollars (\$50,000.00) per violation and may order any injunctive or other equitable relief as permitted by law. The court shall hold a hearing on a motion for injunctive or equitable relief within thirty (30) days of service of the petition. In addition:

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



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

(d) Any agency of the state, political subdivision or law enforcement agency that employs any public officer, as defined in W.S. 6-5-101(a)(v), or peace officer, as defined in W.S. 7-2-101(a)(iv), who previously acted as an official, agent, employee or deputy of the United States government, and who knowingly commits any of the following acts on or after July 1, 2025 shall be subject to a civil penalty of fifty thousand dollars (\$50,000.00) for each such employee employed by the agency of the state, political subdivision or law enforcement agency who:

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

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

(e) A person does not violate the provisions of this act when:

(i) The person provides material aid to federal officers in pursuit of a suspect when there is a demonstrable criminal nexus with another state or country



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and such suspect is either not a citizen of this state or is not present in this state;

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

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

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

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

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

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

(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 anyone who is



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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.



ORIGINAL SENATE  
FILE NO. SF0196

ENGROSSED

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**Section 3.** This act is effective July 1, 2025.

(END)

  
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Speaker of the House

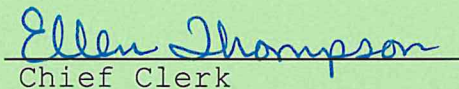
  
\_\_\_\_\_  
President of the Senate

\_\_\_\_\_  
Governor

TIME APPROVED: \_\_\_\_\_

DATE APPROVED: \_\_\_\_\_

I hereby certify that this act originated in the Senate.

  
\_\_\_\_\_  
Chief Clerk