



Office of the Attorney General

Governor
Dave Freudenthal

Attorney General
Patrick J. Crank

Administration
123 State Capitol
Cheyenne, Wyoming 82002
307-777-7841 Telephone
307-777-6869 Fax

Chief Deputy Attorney General
Elizabeth C. Gagen

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Contact: Patrick J. Crank - 307-777-7841
Senator Cale Case - 307-332-7623

BATF BACKS DOWN ON BACKGROUND CHECKS FOR CONCEALED WEAPON PERMIT HOLDERS

CHEYENNE, Wyo. – Wyoming State Senator Cale Case, R-Lander, and Attorney General Pat Crank announced today that the Bureau of Alcohol, Tobacco and Firearms (BATF) has withdrawn a threat to require holders of Wyoming concealed weapons permits to undergo a background check to purchase firearms.

Presently, individuals who have been issued a Wyoming concealed weapons permit are not subject to a background check prior to purchasing a firearm. The threat, which was made in a July 5, 2005, letter from John Spurgeon, BATF firearms program division chief, has been withdrawn pending further legal research by BATF's legal staff.

"I am pleased that the BATF has withdrawn the threat to conduct background checks on Wyoming's concealed weapon permit holders," Crank said. "The procedure and necessary steps to obtain a Wyoming concealed permit are far more extensive than those employed in a Brady check or NICS check. BATF's threat would have burdened many of our most law-abiding citizens' right to own a firearm."

In 2004, the Wyoming Legislature passed W.S. 7-13-1501, which allows persons convicted of misdemeanors to petition a court for expungement of records on the conviction, allowing the person to restore any firearms rights they may have lost as a result of the conviction. Case was the primary sponsor of the legislation.

In a letter dated Aug. 6, 2004, the BATF claimed that it would continue to investigate and prosecute Wyoming citizens who possess firearms, even if the person had followed the procedure outlined by W.S. 7-15-501 to have their misdemeanor domestic violence convictions expunged.

In a subsequent letter dated July 5, 2005, signed by Spurgeon, the BATF threatened to require all Wyoming concealed weapon permit holders to undergo an unnecessary background check before purchasing a firearm. The BATF had threatened to begin the background checks as of Sept. 30, 2005.

The Wyoming Attorney General's Office, in a letter dated Aug. 30, 2005, pointed out the flawed legal analysis underlying the BATF threat. The letter explained that the threat was based on speculation and a political disagreement with a law duly passed by the Wyoming Legislature and signed into law by Gov. Dave Freudenthal. Crank urged BATF to "reexamine the law . . . , withdraw the September 30, 2005, deadline, and take the time to reach some decision based on a correct analysis of [BATF's] statutory authority, relevant law, and common sense."

"I remain hopeful that the BATF will accept that Wyoming's expungement statute effectively restores the right to own and possess firearms and quit threatening Wyoming with actions they have no legal authority to impose" Crank said. "BATF may not agree with the Wyoming legislation, but Wyoming law and federal law give the Legislature the power to set guidelines for expungement of criminal convictions. The BATF should quit trying to mandate federal firearms policy and political considerations on the citizens of Wyoming and their duly elected legislature."

"This is all about the fact that federal firearms officials do not like Wyoming's procedure for restoring firearms rights in onetime misdemeanor convictions—something that Congress provided for in the original Brady Gun Control Act, but has never funded—leaving it to the states to act. I applaud General Crank and the Governor for their defense of Wyoming's law and freedom and the Second Amendment," Case said.

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