

SENATE FILE NO. SF0006

Residential property-removal of unlawful occupant.

Sponsored by: Joint Judiciary Interim Committee

A BILL

for

1 AN ACT relating to civil procedure; authorizing property
2 owners to request law enforcement assistance for the
3 removal of unauthorized occupants as specified; specifying
4 requirements for the law enforcement assistance;
5 authorizing fees; specifying liability; providing civil
6 remedies; prohibiting unlawful use of false property
7 documents; amending the offense of property destruction and
8 defacement by creating an additional felony offense;
9 providing definitions; specifying penalties; and providing
10 for an effective date.

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

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14 **Section 1.** W.S. 1-21-1401 through 1-21-1403 and
15 6-5-309 are created to read:

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ARTICLE 14

REMOVAL OF UNAUTHORIZED OCCUPANTS

1-21-1401. Definitions.

(a) As used in this article:

(i) "Immediate family member" means a spouse, child or parent;

(ii) "Law enforcement" means the sheriff, the sheriff's deputies or peace officers of a city or town;

(iii) "Owner" means the owner of a residential dwelling;

(iv) "Residential dwelling" means a dwelling or property, real or otherwise, that serves as a place of residence or other facilities held out for the occupancy of a person. "Residential dwelling" includes real property where a dwelling or other residential facility is located;

1 (v) "Unauthorized person" means a person who is
2 not authorized to maintain presence or residency in a
3 residential dwelling.

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5 **1-21-1402. Limited alternative remedy for removal of**
6 **unauthorized persons from residential property.**

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8 (a) An owner or the owner's authorized agent may
9 request from law enforcement in the county where the
10 property is located the immediate removal of any person
11 unlawfully occupying or possessing the owner's residential
12 dwelling if all of the following conditions are met:

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14 (i) The person requesting the removal is the
15 residential dwelling owner or the owner's authorized agent;

16

17 (ii) The unauthorized person for whom removal
18 has been requested has unlawfully entered and remains or
19 continues to reside in the owner's residential dwelling;

20

21 (iii) There is no known pending litigation
22 related to the residential dwelling between the owner and
23 any known unauthorized person;

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2 (iv) The unauthorized person is not a current or
3 former tenant pursuant to a written or oral rental or lease
4 agreement authorized by the owner, the owner's predecessor
5 or the owner's authorized agent;

6

7 (v) The unauthorized person is not an immediate
8 family member of the owner.

9

10 (b) To request the immediate removal of an
11 unauthorized person who is occupying a residential
12 dwelling, the owner or the owner's authorized agent shall
13 submit to law enforcement of the county where the
14 residential dwelling is located a complaint for the removal
15 of the unauthorized person. The complaint shall include, at
16 a minimum, that:

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18 (i) The person is the owner or the owner's
19 authorized agent for the residential dwelling;

20

21 (ii) The date on which the residential dwelling
22 was acquired by the owner;

23

1 (iii) An unauthorized person has unlawfully
2 entered and is remaining or residing unlawfully in the
3 residential dwelling;

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5 (iv) The unauthorized person sought to be
6 removed is not an owner or co-owner of the residential
7 dwelling and has not been listed on title to the property
8 unless the person has engaged in title fraud;

9

10 (v) There is no known litigation related to the
11 property that is pending between the owner and any person
12 sought to be removed;

13

14 (vi) The unauthorized person is not a current or
15 former tenant pursuant to a written or oral rental or lease
16 agreement authorized by the owner, the owner's predecessor
17 or the owner's authorized agent;

18

19 (vii) The unauthorized person is not an
20 immediate family member of the owner;

21

22 (viii) The owner acknowledges that an
23 unauthorized person removed from the property or dwelling

1 under this section may bring a cause of action against the
2 owner for any false statements made in the complaint, or
3 for wrongfully using this procedure, and that as a result
4 of this action, the owner may be held liable for actual
5 damages, penalties, costs and reasonable attorney fees;

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7 (ix) The owner is requesting law enforcement to
8 immediately remove the unauthorized person from the
9 residential dwelling;

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11 (x) A copy of the owner's valid
12 government-issued identification or a copy of documents
13 authorizing the owner's authorized agent to act on the
14 owner's behalf is included;

15

16 (xi) The information contained in the complaint
17 is true and correct and that the complaint is submitted
18 under penalty of perjury.

19

20 (c) Upon receipt of a complaint under this section,
21 law enforcement shall verify that the person who submitted
22 the complaint is the record owner of the residential
23 dwelling or the authorized agent of the owner and that the

1 person is entitled to relief under this section. If law
2 enforcement is unable to verify that the person who
3 submitted the complaint is the record owner of the
4 residential dwelling and is entitled to relief under this
5 section, law enforcement shall have no obligation to
6 provide notice and vacate the residential dwelling as
7 provided in subsection (d) of this section.

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9 (d) Upon verification under subsection (c) of this
10 section, law enforcement shall, without delay, provide
11 notice to immediately vacate to all unauthorized persons
12 occupying the residential dwelling and shall put the owner
13 in possession of the residential dwelling. Notice may be
14 accomplished by hand delivery of the notice to the
15 unauthorized occupant or by posting the notice on the front
16 door or entrance of the residential dwelling. Law
17 enforcement shall also attempt to verify the identities of
18 all persons occupying the residential dwelling and shall
19 document the identities. If appropriate, law enforcement
20 may arrest any person found in the residential dwelling for
21 trespass, outstanding warrants or any other legal cause.

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1 **1-21-1403. Fees; vacation of unauthorized persons;**
2 **cause of action for wrongful removal.**

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4 (a) After law enforcement provides notice to
5 immediately vacate, the owner or the owner's authorized
6 agent may request that law enforcement stand by to keep the
7 peace while the owner or agent changes the locks and
8 removes the personal property of the unauthorized occupant
9 from the premises to or near the property line. When a
10 request is made under this subsection, law enforcement may
11 charge a reasonable hourly rate that the owner shall pay to
12 law enforcement.

13
14 (b) Law enforcement shall not be liable to the
15 unauthorized occupant or any other party for the loss,
16 destruction or damage of property removed under this
17 section. The owner or the owner's authorized agent shall
18 not be liable to an unauthorized person or any other party
19 for the loss, destruction or damage to any removed personal
20 property unless the removal was wrongful or unless the
21 personal property is wantonly destroyed or damaged.

22

1 (c) A person may bring a civil cause of action
2 against an owner or the owner's authorized agent for
3 wrongful removal. A person harmed by a wrongful removal
4 under this article may be restored to possession of the
5 residential dwelling and may recover:

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7 (i) Actual costs and damages incurred;

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9 (ii) Statutory damages equal to triple the fair
10 market value of renting the residential dwelling during the
11 period of wrongful removal;

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13 (iii) Court costs;

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15 (iv) Reasonable attorney fees.

16

17 (d) Nothing in this article shall be construed to
18 limit:

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20 (i) The rights of an owner;

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1 (ii) The authority of any peace officer to
2 arrest an unauthorized person for trespassing, vandalism,
3 theft or any other criminal offense;

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5 (iii) Remedies available under title 1, chapter
6 21 of the Wyoming statute or any other provision of law.

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8 **6-5-309. Unlawful advertising or providing false**
9 **documents for fraudulently conveying or leasing real**
10 **property; penalties.**

11

12 (a) Any person who, with the intent to detain or
13 remain on real property or in a residential dwelling,
14 knowingly presents to another person a false document
15 purporting to be a valid lease agreement, deed or other
16 instrument conveying real property rights shall be guilty
17 of a misdemeanor punishable by imprisonment for not more
18 than six (6) months, a fine not to exceed seven hundred
19 fifty dollars (\$750.00), or both.

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21 (b) Any person who lists or advertises residential
22 real property for sale knowing that the purported seller
23 has no legal title or authority to sell the property, or

1 who rents or leases the property to another person knowing
2 that he has no lawful ownership or leasehold interest in
3 the property, shall be guilty of a felony punishable by
4 imprisonment for not more than two (2) years, a fine not to
5 exceed five thousand dollars (\$5,000.00), or both.

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7 **Section 2.** W.S. 6-3-201(b)(i) and by creating a new
8 paragraph (iv) is amended to read:

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10 **6-3-201. Property destruction and defacement;**
11 **grading; penalties; aggregated costs or values.**

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13 (b) Property destruction and defacement is:

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15 (i) Except as provided in paragraph (iv) of this
16 subsection, a misdemeanor punishable by imprisonment for
17 not more than six (6) months, a fine of not more than seven
18 hundred fifty dollars (\$750.00), or both, if the cost of
19 restoring injured property or the value of the property if
20 destroyed is less than one thousand dollars (\$1,000.00);

21

22 (iv) A felony punishable by imprisonment for not
23 more than ten (10) years, a fine of not more than ten

1 thousand dollars (\$10,000.00), or both, if the person
2 unlawfully detains, occupies or trespasses upon a
3 residential dwelling as defined by W.S. 1-21-1401(a)(iv)
4 and who knowingly defaces, injures or destroys property in
5 or on the residential dwelling, regardless of the cost of
6 restoring the injured property or the value of the property
7 if destroyed.

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

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(END)