

HOUSE BILL NO. HB0171

Corner crossings at intersecting public and private lands.

Sponsored by: Representative(s) Harshman, Gay and McOmie
and Senator(s) Burns

A BILL

for

1 AN ACT relating to public lands; specifying conditions
2 under which crossing from one parcel of public land to
3 another parcel of public land does not constitute trespass;
4 subjecting ownership of airspace above lands and waters to
5 such crossings; providing that the crossing does not
6 violate other specified Wyoming statutes; making conforming
7 amendments; and providing for an effective date.

8

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

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11 **Section 1.** W.S. 36-1-122 is created to read:

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13 **36-1-122. Lawful entry from and to public lands.**

14

1 (a) The act of a person entering public land from
2 another parcel of public land shall not constitute trespass
3 for any purpose of Wyoming law if:

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5 (i) The person's presence upon both parcels of
6 public land is otherwise lawful; and

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8 (ii) The person does not touch the surface of
9 private property, including any lawful improvement upon the
10 private property.

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12 (b) For purposes of this section "public land" means
13 any land under the jurisdiction of a federal government
14 agency, the state board of land commissioners, other state
15 government entity or any political subdivision of the
16 state, which the public is authorized to use without
17 obtaining legal permission from a private landowner or the
18 government entity having jurisdiction.

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20 **Section 2.** W.S. 6-3-303(c), 10-4-302 and 23-3-305(b)
21 are amended to read:

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23 **6-3-303. Criminal trespass; penalties.**

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1 (c) This section does not supersede W.S. 1-21-1003.
2 A person acting in accordance with W.S. 36-1-122 is not
3 guilty of trespass under this section.

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5 **10-4-302. Ownership of space.**

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7 The ownership of the space above the lands and waters of
8 this state is declared to be vested in the several owners
9 of the surface beneath subject to the right of flight
10 described in W.S. 10-4-303, and the right of entry to and
11 from public lands as provided in W.S. 36-1-122.

12

13 **23-3-305. Hunting from highway; entering enclosed**
14 **property without permission; penalty; hunting at night**
15 **without permission prohibited.**

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17 (b) No person shall enter upon the private property
18 of any person to hunt, fish, or trap without the permission
19 of the owner or person in charge of the property. A
20 person acting in accordance with W.S. 36-1-122 is not in
21 violation of this subsection. Violation of this subsection
22 constitutes a low misdemeanor punishable as provided in
23 W.S. 23-6-202(a)(v).

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1 **Section 2.** This act is effective immediately upon
2 completion of all acts necessary for a bill to become law
3 as provided by Article 4, Section 8 of the Wyoming
4 Constitution.

5

6

(END)