

SENATE FILE NO. SF0012

Trespassing to collect data.

Sponsored by: Joint Judiciary Interim Committee

A BILL

for

1 AN ACT relating to crimes and offenses; creating the crimes
2 of trespassing to unlawfully collect resource data and
3 unlawful collection of resource data; limiting use of
4 unlawfully collected data; providing for expungement;
5 providing definitions; and providing for an effective date.

6

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

8

9 **Section 1.** W.S. 6-3-414 is created to read:

10

11 **6-3-414. Trespassing to unlawfully collect resource**
12 **data; unlawful collection of resource data.**

13

14 (a) A person is guilty of trespassing to unlawfully
15 collect resource data if he:

16

1 (i) Enters onto or crosses private open land for
2 the purpose of collecting resource data; and

3

4 (ii) Does not have:

5

6 (A) Statutory, contractual or other legal
7 authorization to enter or cross the land to collect
8 resource data; or

9

10 (B) Written or verbal permission of the
11 owner, lessee or agent of the owner to enter or cross the
12 land to collect the specified resource data.

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14 (b) A person is guilty of unlawfully collecting
15 resource data if he enters onto or crosses private open
16 land and collects resource data without:

17

18 (i) Statutory, contractual or other legal
19 authorization to enter or cross the land to collect
20 resource data; or

21

1 (ii) Written or verbal permission of the owner,
2 lessee or agent of the owner to enter or cross the land to
3 collect the specified resource data.

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5 (c) Trespassing to unlawfully collect resource data
6 and unlawfully collecting resource data are punishable as
7 follows:

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9 (i) By imprisonment for not more than six (6)
10 months, a fine of not more than five thousand dollars
11 (\$5,000.00), or both;

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13 (ii) By imprisonment for not less than ten (10)
14 days nor more than one (1) year, a fine of not more than
15 five thousand dollars (\$5,000.00), or both, if the person
16 has previously been convicted of trespassing to unlawfully
17 collect resource data or unlawfully collecting resource
18 data.

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20 (d) As used in this section:

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22 (i) "Open land" means land outside the exterior
23 boundaries of any incorporated city, town, subdivision

1 approved pursuant to W.S. 18-5-308 or development approved
2 pursuant to W.S. 18-5-403;

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4 (ii) "Peace officer" means as defined by W.S.
5 7-2-101;

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7 (iii) "Resource data" means data relating to
8 land or land use, including but not limited to data
9 regarding agriculture, minerals, geology, history, cultural
10 artifacts, archeology, air, water, soil, conservation,
11 habitat, vegetation or animal species. "Resource data"
12 does not include data:

13

14 (A) For surveying to determine property
15 boundaries or the location of survey monuments;

16

17 (B) Used by a state or local governmental
18 entity to assess property values;

19

20 (C) Collected or intended to be collected
21 by a peace officer while engaged in the lawful performance
22 of his official duties;

23

1 (D) Collected incidental to a recreational
2 activity or educational activity done with statutory,
3 contractual or other legal authorization to enter or cross
4 open private land and the data is not used for legal or
5 regulatory proceeding.

6
7 (e) No resource data collected in violation of this
8 section is admissible in evidence in any civil, criminal or
9 administrative proceeding, other than a prosecution for
10 violation of this section or a civil action against the
11 violator. This subsection applies whether or not the
12 violation of this section was prosecuted or resulted in a
13 conviction.

14
15 (f) Resource data collected in violation of this
16 section in the possession of any governmental entity as
17 defined by W.S. 1-39-103(a)(i) shall be expunged by the
18 entity from all files and data bases, and it shall not be
19 considered in determining any agency action.

20

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)