

## HOUSE BILL NO. HB0075

Painted fence posts-no trespassing.

Sponsored by: Representative(s) Banks, Allemand, Crago and  
Slagle and Senator(s) Driskill and Schuler

A BILL

for

1 AN ACT relating to crimes and offenses; specifying how  
2 property may be designated to prevent trespass by use of  
3 fluorescent orange or fluorescent pink paint; requiring the  
4 game and fish commission and the department of state parks  
5 and cultural resources to inform permittees concerning  
6 trespassing and rights-of-way through private land; and  
7 providing for an effective date.

8

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

10

11 **Section 1.** W.S. 6-3-303(a)(intro), (i) and by  
12 creating a new paragraph (iii), 23-1-302(a) by creating a  
13 new paragraph (xxxiii) and 36-4-121 by creating a new  
14 subsection (u) are amended to read:

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1           **6-3-303. Criminal trespass; penalties.**

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3           (a) A person is guilty of criminal trespass if he  
4 enters or remains on or in the land or premises of another  
5 person, knowing he is not authorized to do so, or after  
6 being notified to depart or to not trespass. For purposes  
7 of this section, notice is given by any one (1) of the  
8 following:

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10           (i) Personal communication to the person by the  
11 owner or occupant, or his agent, or by a peace officer; ~~or~~

12

13           (iii) Marking of a post or structure with not  
14 less than fifty (50) square inches of fluorescent orange or  
15 fluorescent pink paint at each outer gate and normal point  
16 of access to the property, including both sides of a body  
17 of water crossing the property wherever the body of water  
18 intersects an outer boundary line and at regular intervals  
19 of not less than one-fourth (1/4) mile along property  
20 bordering a public road, except that:

21

1                   (A) When metal fenceposts are used, the  
2 entire post above ground shall be marked with fluorescent  
3 orange or fluorescent pink paint;

4  
5                   (B) No fluorescent orange or fluorescent  
6 pink markings shall be used on posts or structures where a  
7 public roadway enters the property.

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9           **23-1-302. Powers and duties.**

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11           (a) The commission is directed and empowered:

12  
13                   (xxxiii) To educate and inform all persons  
14 holding hunting, fishing or trapping licenses or permits by  
15 including on any publication concerning the licenses or  
16 permits, in condensed form, the provisions under W.S.  
17 6-3-303 and 23-3-305(b) concerning trespassing. The  
18 commission shall use public media, as well as its own  
19 publications, in educating and informing other recreational  
20 users of the provisions of W.S. 6-3-303 and 23-3-305(b)  
21 concerning trespassing. In the interests of providing the  
22 public with clear information regarding the public nature  
23 of unfenced rights-of-way through private land, the

1 commission may develop and distribute to landowners,  
2 together with the department of state parks and cultural  
3 resources, signs for posting where a public roadway enters  
4 private land that give notice not to trespass off the  
5 public roadway.

6  
7 **36-4-121. Permits to use state parks, recreation**  
8 **areas and historic sites.**

9  
10 (u) The department shall educate and inform all  
11 persons holding permits to use state parks, recreation  
12 areas and historic sites by including on any publication  
13 concerning the permits, in condensed form, the provisions  
14 under W.S. 6-3-303 concerning trespassing. The department  
15 shall use public media, as well as its own publications, in  
16 educating and informing recreational users of the  
17 provisions of W.S. 6-3-303 concerning trespassing. In the  
18 interests of providing the public with clear information  
19 regarding the public nature of unfenced rights-of-way  
20 through private land, the department may develop and  
21 distribute to landowners, together with the game and fish  
22 commission, signs for posting where a public roadway enters

1 private land that give notice not to trespass off the  
2 public roadway.

3

4 **Section 2.** This act is effective July 1, 2023.

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6

(END)