

**DRAFT ONLY
NOT APPROVED FOR
INTRODUCTION**

HOUSE BILL NO.

Adjacent land resource data trespass-repeal.

Sponsored by: Joint Judiciary Interim Committee

A BILL

for

1 AN ACT relating to crimes and offenses; repealing a civil
2 cause of action for and the crime of trespass to access
3 adjacent or proximate land for resource data collection
4 purposes; making conforming amendments; and providing for
5 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(d)(intro) and 40-27-101(d)
10 are amended to read:

11

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

1

2 (d) Crimes committed under subsection (a), or (b) ~~or~~
3 ~~(e)~~ of this section are punishable as follows:

4

5 **40-27-101. Trespass to unlawfully collect resource**
6 **data; unlawful collection of resource data.**

7

8 (d) A person who trespasses to unlawfully collect
9 resource data, or a person who unlawfully collects resource
10 data ~~or a person who trespasses to access adjacent or~~
11 ~~proximate land~~ under this section shall be liable in a
12 civil action by the owner or lessee of the land for all
13 consequential and economic damages proximately caused by
14 the trespass. In a civil action brought under this
15 section, in addition to damages, a successful claimant
16 shall be awarded litigation costs. For purposes of this
17 subsection, "litigation costs" shall include, but ~~is~~ are
18 not limited to, court costs, expert witness fees, other
19 witness fees, costs associated with depositions and
20 discovery, reasonable attorney fees and the reasonably
21 necessary costs of identifying the trespasser, of obtaining
22 effective service of process on the trespasser and of

1 successfully effecting the collection of any judgment
2 against the trespasser.

3

4 **Section 2.** W.S. 6-3-414(c) and 40-27-101(c) are
5 repealed.

6

7 *****
8 *****

9 **STAFF COMMENT**

10

11 The repealed sections above were held unconstitutional by
12 the Tenth Circuit Court (of which Wyoming is a part) See
13 Western Watersheds Project v. Michael, 869 F.3d 1189 (10th
14 Cir. 2017) and Western Watersheds Project v. Michael, 353
15 F. Supp. 3d 1176 (D. Wyo. 2018). The statutes are
16 reproduced below:

17

18 **6-3-414. Trespassing to unlawfully collect resource**
19 **data; unlawful collection of resource data.**

20

21 (c) A person is guilty of trespassing to access
22 adjacent or proximate land if he:

23

24 (i) Crosses private land to access adjacent or
25 proximate land where he collects resource data; and

26

27 (ii) Does not have:

28

29 (A) An ownership interest in the real
30 property or, statutory, contractual or other legal
31 authorization to cross the private land; or

32

33 (B) Written or verbal permission of the
34 owner, lessee or agent of the owner to cross the private
35 land.

36

37 **40-27-101. Trespass to unlawfully collect resource**
38 **data; unlawful collection of resource data.**

39

1 (c) A person commits a civil trespass to access
2 adjacent or proximate land if he:

3

4 (i) Crosses private land to access adjacent or
5 proximate land where he collects resource data; and

6

7 (ii) Does not have:

8

9 (A) An ownership interest in the real
10 property or, statutory, contractual or other legal
11 authorization to cross the private land; or

12

13 (B) Written or verbal permission of the
14 owner, lessee or agent of the owner to cross the private
15 land.

16 *****

17 *****

18

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

20

21 (END)