

**DRAFT ONLY
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INTRODUCTION**

SENATE FILE NO.

Residential property-removal of unlawful occupant.

Sponsored by: Senator(s) Anderson

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; providing definitions; specifying penalties;
9 and providing for an effective date.

10

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

12

1 **Section 1.** W.S. 1-21-1401 through 1-21-1403 and 6-5-
2 309 are created to read:

3

4 ARTICLE 14 - REMOVAL OF UNAUTHORIZED OCCUPANTS

5

6 **1-21-1401. Definitions.**

7

8 (a) As used in this article:

9

10 (i) "Owner" means the owner of a residential
11 dwelling;

12

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

18

19 (iii) "Unauthorized person" means a person who is
20 not authorized or is no longer authorized to maintain
21 presence or residency in a residential dwelling.

22

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

3

4 (a) An owner or the owner's authorized agent may
5 request from the sheriff in the county where the property
6 is located the immediate removal of any person unlawfully
7 occupying or possessing the owner's residential dwelling if
8 all of the following conditions are met:

9

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

12

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

16

17 (iii) The owner or the owner's authorized agent
18 has directed, in person or in writing, the unauthorized
19 person to leave or vacate the residential dwelling;

20

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

1

2 (b) To request the immediate removal of an
3 unauthorized person who is occupying a residential
4 dwelling, the owner or the owner's authorized agent shall
5 submit to the sheriff of the county where the residential
6 dwelling is located a complaint for the removal of the
7 unauthorized person. The complaint shall include, at a
8 minimum that:

9

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

12

13 (ii) The date on which the residential dwelling
14 was purchased by the owner;

15

16 (iii) An unauthorized person has unlawfully
17 entered and is remaining or residing unlawfully in the
18 residential dwelling;

19

20 (iv) The owner or the owner's authorized agent
21 has directed the unauthorized person to leave the
22 residential dwelling but the unauthorized person has not
23 done so;

1

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

6

7 (vi) There is no litigation related to the
8 property that is pending between the owner and any person
9 sought to be removed;

10

11 (vii) The owner acknowledges that an unauthorized
12 person removed from the property or dwelling under this
13 section may bring a cause of action against the owner for
14 any false statements made in the complaint, or for
15 wrongfully using this procedure, and that as a result of
16 this action, the owner may be held liable for actual
17 damages, penalties, costs and reasonable attorney fees;

18

19 (viii) The owner is requesting the sheriff to
20 immediately remove the unauthorized person from the
21 residential dwelling;

22

1 (ix) A copy of the owner's valid government-
2 issued identification or a copy of documents authorizing
3 the owner's authorized agent to act on the owner's behalf
4 is included;

5

6 (x) The information contained in the complaint is
7 true and correct and that the complaint is submitted under
8 penalty of perjury.

9

10 (c) Upon receipt of a complaint under this section,
11 the sheriff shall verify that the person who submitted the
12 complaint is the record owner of the residential dwelling
13 or the authorized agent of the owner and that the person is
14 entitled to relief under this section.

15

16 (d) Upon verification under subsection (c) of this
17 section, the sheriff shall, without delay, serve a notice
18 to immediately vacate on all unauthorized persons occupying
19 the residential dwelling and shall put the owner in
20 possession of the residential dwelling. Service may be
21 accomplished by hand delivery of the notice to the
22 unauthorized occupant or by posting the notice on the front
23 door or entrance of the residential dwelling. The sheriff

1 shall also attempt to verify the identities of all persons
2 occupying the residential dwelling and shall document the
3 identities on the return of service. If appropriate, the
4 sheriff may arrest any person found in the residential
5 dwelling for trespass, outstanding warrants or any other
6 legal cause.

7

8 **1-21-1403. Fees; vacation of unauthorized persons;**
9 **cause of action for wrongful removal.**

10

11 (a) The sheriff is entitled to the same fee for
12 service of process as specified in W.S. 18-3-608(a).

13

14 (b) After the sheriff serves the notice to immediately
15 vacate, the owner or the owner's authorized agent may
16 request that the sheriff stand by to keep the peace while
17 the owner or agent changes the locks and removes the
18 personal property of the unauthorized occupant from the
19 premises to or near the property line. When a request is
20 made under this subsection, the sheriff may charge a
21 reasonable hourly rate that the owner shall pay to the
22 sheriff.

23

1 (c) The sheriff or the sheriff's deputies shall not be
2 liable to the unauthorized occupant or any other party for
3 the loss, destruction or damage of property removed under
4 this section. The owner or the owner's authorized agent
5 shall not be liable to an unauthorized person or any other
6 party for the loss, destruction or damage to any removed
7 personal property unless the removal was wrongful or unless
8 the personal property is wantonly destroyed or damaged.

9

10 (d) A person may bring a civil cause of action against
11 an owner or the owner's authorized agent for wrongful
12 removal. A person harmed by a wrongful removal under this
13 article may be restored to possession of the residential
14 dwelling and may recover:

15

16 (i) Actual costs and damages incurred;

17

18 (ii) Statutory damages equal to triple the fair
19 market value of renting the residential dwelling;

20

21 (iii) Court costs;

22

23 (iv) Reasonable attorney fees.

1

2 (e) Nothing in this article shall be construed to
3 limit:

4

5 (i) The rights of an owner;

6

7 (ii) The authority of the sheriff or any other
8 peace officer to arrest an unauthorized person for
9 trespassing, vandalism, theft or any other criminal
10 offense;

11

12 (iii) Remedies available under title 1, chapter
13 21 of the Wyoming statute or any other provision of law.

14

15 **6-5-309. Unlawful advertising or providing false**
16 **documents for fraudulently conveying or leasing real**
17 **property; penalties.**

18

19 (a) Any person who, with the intent to detain or
20 remain on real property or in a residential dwelling,
21 knowingly presents to another person a false document
22 purporting to be a valid lease agreement, deed or other
23 instrument conveying real property rights shall be guilty

1 of a misdemeanor punishable by imprisonment for not more
2 than six (6) months, a fine not to exceed seven hundred
3 fifty dollars (\$750.00), or both.

4

5 (b) Any person who lists or advertises residential
6 real property for sale knowing that the purported seller
7 has no legal title or authority to sell the property, or
8 who rents or leases the property to another person knowing
9 that he has no lawful ownership or leasehold interest in
10 the property, shall be guilty of a felony punishable by
11 imprisonment for not more than two (2) years, a fine not to
12 exceed five thousand dollars (\$5,000.00), or both.

13

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

16

17 **6-3-201. Property destruction and defacement;**
18 **grading; penalties; aggregated costs or values.**

19

20 (b) Property destruction and defacement is:

21

22 (i) Except as provided in paragraph (iv) of this
23 subsection, a misdemeanor punishable by imprisonment for

1 not more than six (6) months, a fine of not more than seven
2 hundred fifty dollars (\$750.00), or both, if the cost of
3 restoring injured property or the value of the property if
4 destroyed is less than one thousand dollars (\$1,000.00);

5
6 (iv) A felony punishable by imprisonment for
7 not more than ten (10) years, a fine of not more than ten
8 thousand dollars (\$10,000.00), or both, if the person
9 unlawfully detains, occupies or trespasses upon property
10 and who knowingly defaces, injures or destroys property,
11 regardless of the cost of restoring the injured property or
12 the value of the property if destroyed.

13

14 **Section 2.** This act is effective July 1, 2025.

15

16

(END)