

**DRAFT ONLY
NOT APPROVED FOR
INTRODUCTION**

SENATE FILE NO.

Residential property-removal of unlawful occupant.

Sponsored by: Joint Judiciary Interim Committee

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 *****
5 *****

6 STAFF COMMENT

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8 Per the working group, the Committee may wish to consider
9 expanding the involvement of law enforcement in this
10 process to include other peace officers (i.e., municipal
11 law enforcement).

12

13 *****
14 *****

15

16 (a) An owner or the owner's authorized agent may
17 request from the sheriff in the county where the property
18 is located the immediate removal of any person unlawfully
19 occupying or possessing the owner's residential dwelling if
20 all of the following conditions are met:

21

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

24

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

28

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

4

5 *****
6 *****
7 STAFF COMMENT

8
9 The working group highlighted paragraph (iii) above as
10 meriting further discussion as to whether it should be
11 included or amended (i.e., whether notice or an attempt to
12 provide notice is necessary before seeking the removal of
13 an unauthorized person, or if law enforcement should be
14 involved in assisting with providing this notice).

15
16 *****
17 *****

18
19 (iv) There is no pending litigation related to
20 the residential dwelling between the owner and any known
21 unauthorized person;

22

23 *****
24 *****
25 STAFF COMMENT

26
27 The working group directed that the following three
28 paragraphs be included in the bill draft.

29
30 For paragraph (vii) below, the Committee may wish to
31 consider whether a definition of "immediate family member"
32 should be included (for example, W.S. 9-1-701(a)(v);
33 defines the term as a "spouse, child or parent").

34
35 *****
36 *****

1

2 (v) The residential dwelling was not open to
3 members of the public through permission by the owner at
4 the time the unauthorized person entered the residential
5 dwelling;

6

7 (vi) The unauthorized person is not a current or
8 former tenant pursuant to a written or oral rental or lease
9 agreement authorized by the owner or the owner's authorized
10 agent;

11

12 (vii) The unauthorized person is not an immediate
13 family member of the owner.

14

15 (b) To request the immediate removal of an
16 unauthorized person who is occupying a residential
17 dwelling, the owner or the owner's authorized agent shall
18 submit to the sheriff of the county where the residential
19 dwelling is located a complaint for the removal of the
20 unauthorized person. The complaint shall include, at a
21 minimum, that:

22

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

3

4 (ii) The date on which the residential dwelling
5 was purchased by the owner;

6

7 (iii) An unauthorized person has unlawfully
8 entered and is remaining or residing unlawfully in the
9 residential dwelling;

10

11 (iv) The owner or the owner's authorized agent
12 has directed the unauthorized person to leave the
13 residential dwelling but the unauthorized person has not
14 done so;

15

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

20

21 (vi) There is no litigation related to the
22 property that is pending between the owner and any person
23 sought to be removed;

1

2 (vii) The residential dwelling was not open to
3 members of the public through permission by the owner at
4 the time the unauthorized person entered the residential
5 dwelling;

6

7 (viii) The unauthorized person is not a current
8 or former tenant pursuant to a written or oral rental or
9 lease agreement authorized by the owner or the owner's
10 authorized agent;

11

12 (ix) The unauthorized person is not an immediate
13 family member of the owner;

14

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

22

1 (xi) The owner is requesting the sheriff to
2 immediately remove the unauthorized person from the
3 residential dwelling;

4
5 (xii) A copy of the owner's valid government-
6 issued identification or a copy of documents authorizing
7 the owner's authorized agent to act on the owner's behalf
8 is included;

9
10 (xiii) The information contained in the complaint
11 is true and correct and that the complaint is submitted
12 under penalty of perjury.

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

19
20 *****
21 *****
22 STAFF COMMENT
23
24 The working group suggested adding the following sentence
25 (or something similar) to the end of subsection (c) above:
26

1 If the sheriff is unable to verify that the person who
2 submitted the complaint is the record owner of the
3 residential dwelling, the sheriff shall have no obligation
4 to serve notice and vacate the residential dwelling as
5 provided in subsection (d) of this section.

6
7 *****
8 *****
9

10 (d) Upon verification under subsection (c) of this
11 section, the sheriff shall, without delay, serve a notice
12 to immediately vacate on all unauthorized persons occupying
13 the residential dwelling and shall put the owner in
14 possession of the residential dwelling. Service may be
15 accomplished by hand delivery of the notice to the
16 unauthorized occupant or by posting the notice on the front
17 door or entrance of the residential dwelling. The sheriff
18 shall also attempt to verify the identities of all persons
19 occupying the residential dwelling and shall document the
20 identities on the return of service. If appropriate, the
21 sheriff may arrest any person found in the residential
22 dwelling for trespass, outstanding warrants or any other
23 legal cause.

24
25 *****
26 *****
27 STAFF COMMENT
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1 The Committee may wish to consider the following alternate
2 version of subsection (d) above, which is broken into two
3 subsections and provides a 72-hour notice before an
4 unauthorized person may be removed by the sheriff from the
5 residential dwelling.

6
7 (d) Upon verification under subsection (c) of this
8 section, the sheriff shall, without delay, serve a notice
9 on all unauthorized persons to vacate the residential
10 dwelling within seventy-two (72) hours of receiving the
11 notice, excluding weekends and legal holidays, or be
12 subject to removal from the residential dwelling by the
13 sheriff. Service may be accomplished by hand delivery of
14 the notice to the unauthorized occupant or by posting the
15 notice on the front door or entrance of the residential
16 dwelling. The sheriff shall attempt to verify the
17 identities of all persons occupying the residential
18 dwelling and shall document the identities on the return of
19 service. An unauthorized person receiving a notice may
20 petition the [circuit/district] court in the county in
21 which the residential dwelling to halt the removal from the
22 residential dwelling upon a showing of good cause or to
23 seek any other remedy available to the unauthorized person
24 under law.

25
26 (e) After seventy-two (72) hours from the service of
27 notice under subsection (d) of this section and if no court
28 order is entered enjoining or prohibiting removal, the
29 sheriff shall, without delay, order the unauthorized
30 persons to immediately vacate the residential dwelling and
31 shall put the owner in possession of the residential
32 dwelling. If appropriate, the sheriff may arrest any person
33 found in the residential dwelling for trespass, outstanding
34 warrants or any other legal cause.

35
36 Other conforming changes would need to be made in W.S. 1-
37 21-1403 below if this version (or a similar version) is
38 adopted.

39
40 *****
41 *****
42

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

3

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

6

7 (b) After the sheriff serves the notice to immediately
8 vacate, the owner or the owner's authorized agent may
9 request that the sheriff stand by to keep the peace while
10 the owner or agent changes the locks and removes the
11 personal property of the unauthorized occupant from the
12 premises to or near the property line. When a request is
13 made under this subsection, the sheriff may charge a
14 reasonable hourly rate that the owner shall pay to the
15 sheriff.

16

17 (c) The sheriff or the sheriff's deputies shall not be
18 liable to the unauthorized occupant or any other party for
19 the loss, destruction or damage of property removed under
20 this section. The owner or the owner's authorized agent
21 shall not be liable to an unauthorized person or any other
22 party for the loss, destruction or damage to any removed

1 personal property unless the removal was wrongful or unless
2 the personal property is wantonly destroyed or damaged.

3

4 (d) A person may bring a civil cause of action against
5 an owner or the owner's authorized agent for wrongful
6 removal. A person harmed by a wrongful removal under this
7 article may be restored to possession of the residential
8 dwelling and may recover:

9

10 (i) Actual costs and damages incurred;

11

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

14

15 (iii) Court costs;

16

17 (iv) Reasonable attorney fees.

18

19 (e) Nothing in this article shall be construed to
20 limit:

21

22 (i) The rights of an owner;

23

1 (ii) The authority of the sheriff or any other
2 peace officer to arrest an unauthorized person for
3 trespassing, vandalism, theft or any other criminal
4 offense;

5

6 (iii) Remedies available under title 1, chapter
7 21 of the Wyoming statute or any other provision of law.

8

9 **6-5-309. Unlawful advertising or providing false**
10 **documents for fraudulently conveying or leasing real**
11 **property; penalties.**

12

13 (a) Any person who, with the intent to detain or
14 remain on real property or in a residential dwelling,
15 knowingly presents to another person a false document
16 purporting to be a valid lease agreement, deed or other
17 instrument conveying real property rights shall be guilty
18 of a misdemeanor punishable by imprisonment for not more
19 than six (6) months, a fine not to exceed seven hundred
20 fifty dollars (\$750.00), or both.

21

22 (b) Any person who lists or advertises residential
23 real property for sale knowing that the purported seller

1 has no legal title or authority to sell the property, or
2 who rents or leases the property to another person knowing
3 that he has no lawful ownership or leasehold interest in
4 the property, shall be guilty of a felony punishable by
5 imprisonment for not more than two (2) years, a fine not to
6 exceed five thousand dollars (\$5,000.00), or both.

7

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

10

11 **6-3-201. Property destruction and defacement;
12 grading; penalties; aggregated costs or values.**

13

14 (b) Property destruction and defacement is:

15

16 (i) Except as provided in paragraph (iv) of this
17 subsection, a misdemeanor punishable by imprisonment for
18 not more than six (6) months, a fine of not more than seven
19 hundred fifty dollars (\$750.00), or both, if the cost of
20 restoring injured property or the value of the property if
21 destroyed is less than one thousand dollars (\$1,000.00);

22

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

8

9 **Section 3.** This act is effective July 1, 2025.

10

11

(END)