

**DRAFT ONLY
NOT APPROVED FOR
INTRODUCTION**

HOUSE BILL NO.

Use of fraudulent documents to wrongfully possess property.

Sponsored by: Joint Judiciary Interim Committee

A BILL

for

1 AN ACT relating to crimes and offenses; establishing the
2 offense of using fraudulent documents to gain or remain in
3 possession of property; specifying penalties; providing
4 definitions; and providing for an effective date.

5

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

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8 **Section 1.** W.S. 6-3-616 is created to read:

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12 **STAFF COMMENT**

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14 During Committee discussion of this topic in June, a
15 question was raised regarding the laws of other states
16 similar to the offense created in this bill draft. Below is

1 a brief summary of similar laws that involve the use of a
2 false or fraudulent document to gain possession of
3 property.
4

5 **First, New York's larceny statute provides for larceny by**
6 **"deed theft." See N.Y. Penal Code § 155.05(2)(g). The text**
7 **follows:**
8

9 2. Larceny includes a wrongful taking, obtaining or
10 withholding of another's property, with the intent
11 prescribed in subdivision one of this section [*"with intent*
12 *to deprive another of property or to appropriate the same*
13 *to himself or to a third person"*], committed in any of the
14 following ways:
15

16 (g) By deed theft. A person commits deed theft when
17 such person:
18

19 (i) Intentionally alters, falsifies, forges, or
20 misrepresents any written instrument involved in the
21 conveyance or financing of real property, such as a
22 residential or commercial deed or title, with the intent to
23 deceive, defraud, or unlawfully transfer or encumber the
24 ownership rights or a portion thereof of a residential or
25 commercial property; or
26

27 (ii) with intent to defraud, misrepresents
28 themselves as the owner or authorized representative of
29 residential or commercial real property to induce others to
30 rely on such false information in order to obtain ownership
31 or possession of such real property; or
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33 (iii) with intent to defraud, takes, obtains, or
34 transfers title or ownership of real property by fraud,
35 misrepresentation, forgery, larceny, false pretenses, false
36 promise, or any other fraudulent or deceptive practice.
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38 **Second, the federal Code of Military Justice provides this**
39 **offense for frauds against the United States (the relevant**
40 **provision is below). See 10 U.S.C. § 924.**
41

42 Any person subject to this chapter--
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1 (2) who, for the purpose of obtaining the approval,
2 allowance, or payment of any claim against the United
3 States or any officer thereof--

4
5 (A) makes or uses any writing or other paper knowing
6 it to contain any false or fraudulent statements;

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8 (B) makes any oath to any fact or to any writing or
9 other paper knowing the oath to be false; or

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11 (C) forges or counterfeits any signature upon any
12 writing or other paper, or uses any such signature knowing
13 it to be forged or counterfeited;

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15 shall, upon conviction, be punished as a court-martial may
16 direct.

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18 **Similar language can be found in state law for military**
19 **members. See, e.g., Mich. Comp. Laws § 32.1132(1)(c); Colo.**
20 **Rev. Stat. § 28-3.1-547.**

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25 **6-3-616. Use of fraudulent documents to gain or remain**
26 **in possession of property.**

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28 (a) As used in this section:

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30 (i) "Document" means a writing, whether in
31 physical, electronic or another form;

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34 *****

35 **STAFF COMMENT**

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1 The term "writing," as used in paragraph (i) above, is
2 defined in W.S. 6-3-601 for purposes of this article:

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4 6-3-601. "Writing" defined.

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6 As used in this article "writing" means printing or any
7 other method of recording information, money, coins,
8 tokens, stamps, seals, credit cards, badges, trademarks,
9 and other symbols of value, right, privilege or
10 identification.

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12 The Committee may wish to consider whether the term
13 "writing," as defined, should be used or if another term
14 should be used instead.

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19 (ii) "Property" means residential real property
20 improved by a dwelling, structure or other building.

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22 (b) A person is guilty of a felony punishable by
23 imprisonment for not more than ten (10) years, a fine of
24 not more than ten thousand dollars (\$10,000.00), or both,
25 if the person intentionally uses a document that the person
26 knows or reasonably should know is false or fraudulent to
27 gain or remain in possession of property or to claim a
28 right to property for which the person does not have a
29 legal right to possess or claim a right.

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STAFF COMMENT

The penalty used above is the penalty provided for felony forgery and possession of forged writings. See W.S. 6-3-602(b); 6-3-603. The Committee will need to decide what penalty is appropriate for this new offense. For reference, the penalty for theft in Wyoming (discussed below) is:

- If the value of the property is \$1,000 or more (or if the theft involves a firearm or livestock, or if the theft conviction is the person's fifth or more), then a felony punishable by imprisonment for up to 10 years, a fine of up to \$10,000, or both.
- If the value of the property is less than \$1,000, then a misdemeanor punishable by imprisonment for up to 6 months, a fine of up to \$750, or both.

The Committee may wish to consider this new offense vis-à-vis Wyoming's current theft statute, which is produced below in relevant part (W.S. 6-3-402(a), and Wyoming's forgery statute (W.S. 6-3-602, also produced below):

6-3-402. Theft; penalties.

(a) A person is guilty of theft if he knowingly takes, obtains, procures, retains or exercises control over or makes an unauthorized transfer of an interest in the property of another person without authorization or by threat or by deception, or he receives, loans money by pawn or pledge on or disposes of the property of another person that he knew or reasonably should have known was stolen, and he:

(i) Intends to deprive the other person of the use or benefit of the property;

(ii) Knowingly uses, receives, conceals, abandons or disposes of the property in such manner as to deprive the other person of its use or benefit; or

(iii) Demands anything of value to which he has no legal claim as a condition for returning or otherwise restoring the property to the other person.

6-3-602. Forgery; penalties.

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(a) A person is guilty of forgery if, with intent to defraud, he:

(i) Alters any writing of another without authority;

(ii) Makes, completes, executes, authenticates, issues or transfers any writing so that it purports to be the act of another who did not authorize that act, or to have been executed at a time or place or in a numbered sequence other than was in fact the case, or to be a copy of an original when no such original existed; or

(iii) Utters any writing which he knows to be forged in a manner specified in paragraphs (i) or (ii) of this subsection.

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

(END)