

## HOUSE BILL NO. HB0097

Forcible entry and detainer amendments.

Sponsored by: Representative(s) Stith and Crago and  
Senator(s) Nethercott

A BILL

for

1 AN ACT relating to civil procedure; amending forcible entry  
2 and detainer actions to require a bench trial when the  
3 plaintiff waives any claims for monetary restitution as  
4 specified; making conforming amendments; specifying  
5 applicability; and providing for an effective date.

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

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9 **Section 1.** W.S. 1-21-403, 1-21-1008 and 1-21-1009 are  
10 amended to read:

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12 **1-21-403. Appeal of forcible entry and detainer**  
13 **actions.**

14

1 In any forcible entry and detainer action appealed to the  
2 district court which is thereby determined against the  
3 defendant in possession, the court shall hear evidence  
4 concerning and render judgment for the rental value of the  
5 premises in controversy for the whole period of the  
6 unlawful detainer unless recovery of the rental value was  
7 waived consistent with W.S. 1-21-1009(b).

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9 1-21-1008. Trial by judge or jury; judgment and  
10 costs.

11

12 (a) If the action is not continued, the place of  
13 trial changed or if neither party demands a jury or a jury  
14 is not permitted, upon the return day of the summons the  
15 circuit court shall try the action. If the circuit court  
16 concludes that the complaint is not true, the court shall  
17 enter judgment against the plaintiff for costs. Except as  
18 otherwise provided in W.S. 1-21-1009(b), if the court finds  
19 the complaint true, it shall render a general judgment in  
20 favor of the plaintiff for restitution of the premises and  
21 costs. Except as otherwise provided in W.S. 1-21-1009(b),  
22 if the court finds the complaint true in part, it shall

1 render judgment for restitution of that part only and the  
2 costs shall be taxed as deemed equitable.

3

4 (b) Except as otherwise provided in W.S.  
5 1-21-1009(b), if the case is one based on failure to pay  
6 rent, the court shall further find the amount of rent due  
7 and payable at the time of the hearing, together with the  
8 terms and conditions of the agreement between the parties  
9 in relation to the amount and time of payment of rent. If  
10 the trial is by jury the verdict shall contain a finding of  
11 these facts and the court shall recite such findings in the  
12 docket entry of proceedings. The court, upon these  
13 findings, in addition to entering judgment for the  
14 plaintiff to have restitution, shall render judgment in  
15 accordance with the findings for the amount of rent found  
16 due, together with costs and attorney's fees as provided by  
17 the lease, and shall issue execution separate from the writ  
18 of restitution for the rent found due and costs as in other  
19 actions.

20

21 **1-21-1009. Trial by jury; trial by court without**  
22 **jury; verdict.**

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