

SENATE FILE NO. SF0012

Trespassing to collect data.

Sponsored by: Joint Judiciary Interim Committee

A BILL

for

1 AN ACT relating to crimes and offenses; creating the crimes
2 of trespassing to unlawfully collect resource data and
3 unlawful collection of resource data; limiting use of
4 unlawfully collected data; providing for expungement;
5 providing definitions; and providing for 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 is created to read:

10

11 **6-3-414. Trespassing to unlawfully collect resource**
12 **data; unlawful collection of resource data.**

13

14 (a) A person is guilty of trespassing to unlawfully
15 collect resource data if he:

16

1 (i) Enters onto or crosses private open land for
2 the purpose of collecting resource data; and

3

4 (ii) Does not have:

5

6 (A) Statutory, contractual or other legal
7 authorization to enter or cross the land to collect
8 resource data; or

9

10 (B) Written or verbal permission of the
11 owner, lessee or agent of the owner to enter or cross the
12 land to collect resource data. The written or verbal
13 permission shall specify the type of resource data to be
14 collected.

15

16 (b) A person is guilty of unlawfully collecting
17 resource data if he enters onto or crosses private open
18 land and collects resource data without:

19

20 (i) Statutory, contractual or other legal
21 authorization to enter or cross the land to collect
22 resource data; or

23

1 (ii) Written or verbal permission of the owner,
2 lessee or agent of the owner to enter or cross the land to
3 collect resource data. The written or verbal permission
4 shall specify the type of resource data to be collected.

5

6 (c) Trespassing to unlawfully collect resource data
7 and unlawfully collecting resource data are punishable as
8 follows:

9

10 (i) By imprisonment for not more than six (6)
11 months, a fine of not more than five thousand dollars
12 (\$5,000.00), or both;

13

14 (ii) By imprisonment for not less than ten (10)
15 days nor more than one (1) year, a fine of not more than
16 five thousand dollars (\$5,000.00), or both, if the person
17 has previously been convicted of trespassing to unlawfully
18 collect resource data or unlawfully collecting resource
19 data.

20

21 (d) As used in this section:

22

1 (i) "Open land" means land outside the exterior
2 boundaries of any incorporated city, town, subdivision
3 approved pursuant to W.S. 18-5-308 or development approved
4 pursuant to W.S. 18-5-403;

5

6 (ii) "Peace officer" means as defined by W.S.
7 7-2-101;

8

9 (iii) "Resource data" means data relating to
10 land or land use, including but not limited to data
11 regarding agriculture, minerals, geology, history, cultural
12 artifacts, archeology, air, water, soil, conservation,
13 habitat, vegetation or animal species. "Resource data"
14 does not include data:

15

16 (A) For surveying to determine property
17 boundaries or the location of survey monuments;

18

19 (B) Used by a state or local governmental
20 entity to assess property values;

21

1 (C) Collected or intended to be collected
2 by a peace officer while engaged in the lawful performance
3 of his official duties.

4
5 (e) No resource data collected in violation of this
6 section is admissible in evidence in any civil, criminal or
7 administrative proceeding, other than a prosecution for
8 violation of this section or a civil action against the
9 violator. This subsection applies whether or not the
10 violation of this section was prosecuted or resulted in a
11 conviction.

12
13 (f) Resource data collected in violation of this
14 section in the possession of any governmental entity as
15 defined by W.S. 1-39-103(a)(i) shall be expunged by the
16 entity from all files and data bases.

17
18 **Section 2.** This act is effective immediately upon
19 completion of all acts necessary for a bill to become law
20 as provided by Article 4, Section 8 of the Wyoming
21 Constitution.

22

23

(END)