

SENATE FILE NO. SF0067

Criminal trespass.

Sponsored by: Senator(s) Boner, Driskill and Kost and
Representative(s) Barlow, Kirkbride and
Lindholm

A BILL

for

1 AN ACT relating to crimes and offenses; amending criminal
2 trespass elements; establishing the crime of and penalty
3 for criminal trespass within an incorporated city or town;
4 amending the penalty for criminal trespass; providing
5 defenses; making conforming amendments; repealing notice
6 provisions for criminal trespass; and providing an
7 effective date.

8

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

10

11 **Section 1.** W.S. 6-3-303(a)(intro), (b) and by
12 creating new subsections (d) through (f) and 31-2-704(b)
13 are amended to read:

14

1 6-3-303. Criminal trespass; trespass within a
2 municipality; penalties.

3
4 (a) Except on property for which subsection (d) of
5 this section applies, a person is guilty of criminal
6 trespass if he enters ~~or remains on or in~~ the land or
7 premises of another person, ~~knowing~~ when he ~~is not~~
8 ~~authorized~~ does not have authorization to do so, or, after
9 an authorized entry, remains on the land or premises after
10 being notified to depart or to not trespass. ~~For purposes~~
11 ~~of this section, notice is given by:~~

12
13 (b) Criminal trespass is a misdemeanor punishable by
14 imprisonment for not more than six (6) months, a fine of
15 not more than ~~seven hundred fifty dollars (\$750.00)~~ one
16 thousand dollars (\$1,000.00), or both.

17
18 (d) A person is guilty of criminal trespass within an
19 incorporated city or town if he enters the land or premises
20 of another person that is located within the corporate
21 boundaries of a city or town, knowing he is not authorized
22 to do so, or, after an authorized entry, remains on the

1 land or premises after being notified to depart or to not
2 trespass.

3
4 (e) Criminal trespass within an incorporated city or
5 town is a misdemeanor punishable by imprisonment for not
6 more than six (6) months, a fine of not more than one
7 thousand dollars (\$1,000.00), or both.

8
9 (f) It is an affirmative defense to prosecution under
10 this section that:

11
12 (i) The entry was made pursuant to a valid
13 easement, license, lease, contract or other legal right to
14 enter;

15
16 (ii) The entry was made because of a reasonable
17 mistake of fact;

18
19 (iii) The entry was made to prevent injury or to
20 preserve life or property in an emergency;

21
22 (iv) The land or premises was at the time open
23 to the public and the person complied with all lawful

1 conditions imposed for accessing and remaining on or in the
2 land or premises; or

3

4 (v) The person believed he was authorized to
5 enter or remain on the land or premises based on reasonable
6 use of a land status map or a global positioning system
7 device.

8

9 **31-2-704. Payment of fees; issuance of numbered**
10 **decal; trespass warning printed on decal.**

11

12 (b) Numbered decals issued under this article shall
13 contain the following language: "Warning: trespass upon
14 private property while operating an off-road recreational
15 vehicle is punishable by imprisonment up to six (6) months,
16 a fine up to ~~seven hundred fifty dollars (\$750.00)~~ one
17 thousand dollars (\$1,000.00), or both, under W.S. 6-3-303."

18

19 **Section 2.** W.S. 6-3-303(a)(i) and (ii) is repealed.

20

21 **Section 3.** This act is effective July 1, 2020.

22

23

(END)