

## HOUSE BILL NO. HB0155

Burn order violations-restitution.

Sponsored by: Representative(s) Semlek, Davison, Greear,  
Hunt and Lubnau and Senator(s) Cooper and  
Perkins

A BILL

for

1 AN ACT relating to penalties for violating fire bans;  
2 increasing penalties for entry into or use of any area  
3 closed by a board of county commissioners because of  
4 extreme fire danger; requiring restitution for firefighting  
5 services necessary to respond to incidents caused by  
6 persons violating a fire ban as specified; and providing  
7 for an effective date.

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

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11 **Section 1.** W.S. 35-9-304 is amended to read:

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13 **35-9-304. Illegal entry or use.**

14

15 (a) Any entry into or use of any area in violation of  
16 this ~~act shall be~~ article is a misdemeanor ~~and shall be~~

1 ~~punished~~ punishable by a fine of not to exceed ~~one hundred~~  
2 ~~dollars (\$100.00) or~~ seven hundred fifty dollars (\$750.00),  
3 imprisonment ~~in the county jail~~ for not to exceed ~~thirty~~  
4 ~~(30) days~~ six (6) months, or both. ~~the fine and~~  
5 ~~imprisonment.~~

6  
7 (b) In addition to the penalties under subsection (a)  
8 of this section, if the person convicted intentionally  
9 causes a fire in violation of an order issued under this  
10 article requiring a response by a paid or voluntary  
11 firefighting unit the court shall order the person to pay  
12 restitution to the governmental entity. Restitution  
13 ordered under this subsection shall be for all or part of  
14 the value of the services rendered by the responding  
15 firefighting units. The court may consult with the state  
16 forester to ascertain the reasonable value of services. The  
17 court shall not order restitution if the court finds the  
18 person convicted has no ability to currently pay  
19 restitution and there is no reasonable probability that the  
20 person convicted will be able to pay restitution in the  
21 future. The monies collected under this subsection shall be  
22 paid to the fire suppression accounts of the governmental  
23 entities that responded to the incident proportionally

1 determined by the court and shall only be used for  
2 firefighting purposes.

3

4 **Section 2.** This act is effective July 1, 2013.

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6

(END)