

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 lights 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 for part or all of
13 the value of the services provided by the firefighting unit
14 as determined by the court based upon the recommendation of
15 the Wyoming state forester, unless the court specifically
16 finds that the person has no ability to pay the restitution
17 and that no reasonable probability exists that the person
18 will have an ability to pay the restitution. The monies
19 collected under this subsection shall be paid to the fire
20 suppression accounts of the governmental entities that
21 responded to the incident in the proportions determined by
22 the court and shall only be used for firefighting purposes.

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