

SENATE FILE NO. SF0085

Trespassing to collect data.

Sponsored by: Senator(s) Hicks and Driskill and
Representative(s) Barlow, Greear and Hunt

A BILL

for

1 AN ACT relating to crimes and offenses; creating the
2 offense of trespassing to collect data as specified;
3 creating a presumption; providing penalties; and providing
4 for an effective date.

5

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

7

8 **Section 1.** W.S. 6-3-303 by creating new subsections
9 (d) and (e) is amended to read:

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11 **6-3-303. Criminal trespass; trespassing to collect**
12 **data; penalties.**

13

14 (d) A person is guilty of trespassing to collect data
15 if, without authorization, he enters or remains on or in
16 the land or premises of another person and collects

1 geological, physical or biological data including, without
2 limitation, photographs, written observations,
3 electronically collected data and physical samples or
4 specimens. If the data collected by the person includes
5 global positioning system data, specific geographic
6 coordinates or legal description of the property, the
7 person shall be presumed to know that he is on the land or
8 premises of another person under this subsection.

9
10 (e) Trespassing to collect data under subsection (d)
11 of this section is:

12
13 (i) A high misdemeanor for a first offense,
14 punishable by imprisonment for not more than one (1) year,
15 a fine of not more than five thousand dollars (\$5,000.00)
16 or both. When imposing a sentence under this section, the
17 court shall take into consideration evidence by the person
18 or entity that collected the data that any data collected
19 has been expunged from all records and databases;

20
21 (ii) A felony for a second or subsequent
22 offense, punishable by imprisonment for not more than five
23 (5) years, a fine of not more than ten thousand dollars
24 (\$10,000.00) or both. When imposing a sentence under this

1 section, the court shall take into consideration evidence
2 by the person or entity that collected the data that any
3 data collected has been expunged from all records and
4 databases.

5

6 **Section 2.** This act is effective immediately upon
7 completion of all acts necessary for a bill to become law
8 as provided by Article 4, Section 8 of the Wyoming
9 Constitution.

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11

(END)