

HOUSE BILL NO. HB0224

Burn order violations-restitution.

Sponsored by: Representative(s) Baldwin, Blake and Lindholm
and Senator(s) Cooper

A BILL

for

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

9

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

11

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

13

14 **35-9-304. Illegal entry or use; exceptions.**

15

1 (a) Any entry into or use of any area in violation of
2 this ~~act shall be~~ article is a misdemeanor ~~and shall be~~
3 ~~punished~~ punishable by a fine of not to exceed ~~one hundred~~
4 ~~dollars (\$100.00) or~~ seven hundred fifty dollars (\$750.00),
5 imprisonment ~~in the county jail~~ for not to exceed ~~thirty~~
6 ~~(30) days~~ six (6) months, or both. ~~the fine and~~
7 ~~imprisonment.~~

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

1 subsection exceed ten thousand dollars (\$10,000.00). The
2 monies collected under this subsection shall be paid to the
3 fire suppression accounts of the local fire service
4 entities that responded to the incident proportionally as
5 determined by the court and shall only be used for
6 firefighting purposes.

7
8 (c) Fires intentionally set by a person on lands
9 owned or under the control of the person and which do not
10 escape from the lands under their control are exempt from
11 the provisions of this article unless the person requests
12 suppression by the local fire service.

13
14 **Section 2.** This act is effective July 1, 2015.

15
16 (END)