

Page 1-line 3 After "data;" insert "creating the crime of trespassing to access adjacent or proximate land;".

Page 1-lines 9 and 10 Delete entirely and insert:

"Section 1. W.S. 6-3-414(a)(intro), (i), (ii)(A), (B), (b)(intro), (ii), by creating a new subsection (c) and by amending and renumbering (c) through (f) as (d) through (g) is amended to read:".

Page 2-line 2 After "data" insert "from private land".

Page 2-line 20 After "data" insert "from private land".

Page 2-lines 22 and 23 Delete entirely.

Page 3-lines 1 and 2 Delete entirely.

Page 3-lines 8 through 23 Delete entirely and insert:

"(c) A person is guilty of trespassing to access adjacent or proximate land if he:

(i) Crosses private land to access adjacent or proximate land where he collects resource data; and

(ii) Does not have:

(A) An ownership interest in the real property or, statutory, contractual or other legal authorization to cross the private land; or

(B) Written or verbal permission of the owner, lessee or agent of the owner to cross the private land."

~~(c)(d) Trespassing to unlawfully collect resource data and unlawfully collecting resource data~~ Crimes committed under subsections (a), (b) or (c) of this section are punishable as follows:

(i) By imprisonment for not more than one (1) year, a fine of not more than one thousand dollars (\$1,000.00), or both;

1 (ii) By imprisonment for not less than ten (10) days
2 nor more than one (1) year, a fine of not more than five
3 thousand dollars (\$5,000.00), or both, if the person has
4 previously been convicted of trespassing to unlawfully collect
5 resource data or unlawfully collecting resource data.

6
7 ~~(d)~~(e) As used in this section:

8
9 (i) "Collect" means to take a sample of material,
10 acquire, gather, photograph or otherwise preserve information in
11 any form ~~from open land which is submitted or intended to be~~
12 ~~submitted to any agency of the state or federal government and~~
13 the recording of a legal description or geographical coordinates
14 of the location of the collection;

15
16 (iii) "Peace officer" means as defined by W.S. 7-2-
17 101;

18
19 (iv) "Resource data" means data relating to land or
20 land use, including but not limited to data regarding
21 agriculture, minerals, geology, history, cultural artifacts,
22 archeology, air, water, soil, conservation, habitat, vegetation
23 or animal species. "Resource data" does not include data:

24
25 (A) For surveying to determine property
26 boundaries or the location of survey monuments;

27
28 (B) Used by a state or local governmental entity
29 to assess property values;

30
31 (C) Collected or intended to be collected by a
32 peace officer while engaged in the lawful performance of his
33 official duties.

34
35 ~~(e)~~(f) No resource data collected on private land in
36 violation of this section is admissible in evidence in any
37 civil, criminal or administrative proceeding, other than a
38 prosecution for violation of this section or a civil action
39 against the violator.

40
41 ~~(f)~~(g) Resource data collected on private land in
42 violation of this section in the possession of any governmental
43 entity as defined by W.S. 1-39-103(a)(i) shall be expunged by
44 the entity from all files and data bases, and it shall not be
45 considered in determining any agency action."

1 Page 4-line 2 Delete "6-3-414(d)(ii)" insert "6-3-
2 414(e)(ii)". HARSHMAN, CHAIRMAN