

S.F. No. 0075

Criminal trespass to collect data-amendments.

Sponsored By: Senator(s) Hicks, Burns, Christensen and
Kinskey and Representative(s) Allen, Greear,
Laursen, Lindholm, Sommers and Winters

AN ACT relating to crimes and offenses; amending provisions related to the crimes of trespassing to unlawfully collect resource data and unlawful collection of resource data; creating the crime of trespassing to access adjacent or proximate land; repealing the definition of "open land"; and providing for an effective date.

2/9/2016 Bill Number Assigned
2/10/2016 S Received for Introduction
2/11/2016 S Introduced and Referred to S01 - Judiciary 30-0-0-0-0

ROLL CALL

Ayes: Senator(s) Anderson, Barnard, Bebout, Boner, Burns, Case, Christensen, Coe, Cooper, Craft, Dockstader, Driskill, Emerich, Esquibel, F., Geis, Hastert, Hicks, Johnson, Kinskey, Landen, Meier, Nicholas, P., Pappas, Perkins, Peterson, Ross, Rothfuss, Scott, Von Flatern, Wasserburger

Ayes 30 **Nays** 0 **Excused** 0 **Absent** 0 **Conflicts** 0

2/15/2016 S01 - Judiciary:Recommend Amend and Do Pass 5-0-0-0-0

ROLL CALL

Ayes: Senator(s) Christensen, Esquibel, F., Hicks, Kinskey, Von Flatern

Ayes 5 **Nays** 0 **Excused** 0 **Absent** 0 **Conflicts** 0

2/15/2016 S Placed on General File

SF0075SS001/FAILED

Page 2-line 4 Delete "or crosses"; after "land" insert "or accesses adjacent land by crossing private land".

Page 2-line 20 Delete "or crosses".

Page 2-line 21 After "land" insert "or accesses adjacent land by crossing private land".

Page 3-line 14 Strike "from"; delete "private"; strike "land".

Page 3-line 16 After "collection," insert "either from private land or by crossing adjacent private land;"; delete "and"; strike "which is".

Page 3-line 17 Strike.

Page 3-line 18 Strike.

Page 3-line 21 Delete new language. CHRISTENSEN, CHAIRMAN

2/16/2016 S COW:Passed

SF0075S2001/ADOPTED

Page 2-line 4 Delete "or crosses".

Page 2-line 11 Strike "or"; delete "cross".

Page 2-line 15 After "enter" strike "or".

Page 2-line 16 Delete "cross".

Page 2-line 20 Delete "or crosses".

Page 3-line 3 Delete "or cross".
Page 3-line 7 Delete "or cross".
Page 3-line 14 Strike "from"; delete "private"; strike "land".
Page 3-line 16 After "collection," insert "from private
land;"; delete "and"; strike "which is".
Page 3-line 17 Strike.
Page 3-line 18 Strike. HICKS.

2/17/2016 S 2nd Reading:Passed
2/18/2016 S 3rd Reading:Passed 29-1-0-0-0

ROLL CALL

Ayes: Senator(s) Anderson, Barnard, Bebout, Boner, Burns, Christensen, Coe, Cooper, Craft, Dockstader, Driskill, Emerich, Esquibel, F., Geis, Hastert, Hicks, Johnson, Kinskey, Landen, Meier, Nicholas, P., Pappas, Perkins, Peterson, Ross, Rothfuss, Scott, Von Flatern, Wasserburger

Nays: Senator Case

Ayes 29 **Nays** 1 **Excused** 0 **Absent** 0 **Conflicts** 0

2/19/2016 H Received for Introduction
2/22/2016 H Introduced and Referred to H02 - Appropriations
2/24/2016 H02 - Appropriations:Recommend Amend and Do Pass 7-0-0-0-0

ROLL CALL

Ayes: Representative(s) Burkhardt, Connolly, Greear, Harshman, Moniz, Nicholas, B., Stubson

Ayes 7 **Nays** 0 **Excused** 0 **Absent** 0 **Conflicts** 0

2/24/2016 H Placed on General File

SF0075HS001/ADOPTED

(TO ENGROSSED COPY)

(CORRECTED COPY)

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;

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

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

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

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

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

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

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

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

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

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

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

2/25/2016 H COW:Passed

2/26/2016 H 2nd Reading:Passed

2/29/2016 H 3rd Reading:Passed 52-6-2-0-0

ROLL CALL

Ayes: Representative(s) Baker, Baldwin, Barlow, Berger, Blackburn, Blake, Brown, Burkhart, Campbell, Cannady, Clem, Connolly, Edmonds, Edwards, Eklund, Esquibel, K., Freeman, Greear, Halverson, Harshman, Harvey, Hunt, Jaggi, Jennings, Kasperik, Kinner, Kirkbride, Kroeker, Krone, Larsen, Laursen, Lindholm, Lockhart, Loucks, Madden, McKim, Miller, Moniz, Nicholas, B., Northrup, Paxton, Petroff, Piiparinen, Pownall, Reeder, Sommers, Steinmetz, Stubson, Walters, Wilson, Winters, Zwonitzer, Dv.

Nays: Representative(s) Byrd, Dayton, Pelkey, Schwartz, Throne, Zwonitzer, Dn.

Excused: Representative(s) Allen, Gay

Ayes 52 **Nays** 6 **Excused** 2 **Absent** 0 **Conflicts** 0

3/3/2016 S Received for Concurrence

3/3/2016 S Concur:Passed 20-10-0-0-0

ROLL CALL

Ayes: Senator(s) Anderson, Barnard, Bebout, Boner, Christensen, Cooper, Dockstader, Driskill, Emerich, Geis, Hicks, Johnson, Kinskey, Landen, Meier, Pappas, Peterson, Ross, Von Flatern, Wasserburger

Nays: Senator(s) Burns, Case, Coe, Craft, Esquibel, F., Hastert, Nicholas, P., Perkins, Rothfuss, Scott

Ayes 20 **Nays** 10 **Excused** 0 **Absent** 0 **Conflicts** 0

3/3/2016 Assigned Number SEA No. 0055

3/4/2016 S President Signed SEA No. 0055

3/4/2016 H Speaker Signed SEA No. 0055

3/15/2016 Governor Signed SEA No. 0055

3/16/2016 Assigned Chapter Number

Chapter No. 117 Session Laws of Wyoming 2016