

SENATE FILE NO. SF0080

Trespassing to collect data-civil cause of action.

Sponsored by: Senator(s) Hicks, Christensen, Driskill and  
Kinskey and Representative(s) Baker,  
Halverson and Miller

A BILL

for

1 AN ACT relating to trade and commerce; providing a civil  
2 cause of action for trespassing to unlawfully collect  
3 resource data; limiting the use of unlawfully collected  
4 data; providing definitions; and providing for an effective  
5 date.

6

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

8

9 **Section 1.** W.S. 40-26-101 is created to read:

10

11

CHAPTER 26

12

TRESPASS TO UNLAWFULLY COLLECT RESOURCE DATA

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**40-26-101. Trespass to unlawfully collect resource**

15

**data.**

1

2 (a) A person commits a civil trespass to unlawfully  
3 collect resource data if he:

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5 (i) Enters onto or crosses private open land and  
6 collects resource data or enters onto or crosses private  
7 open land for the purpose of collecting resource data; and

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9 (ii) Does not have:

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11 (A) Statutory, contractual or other legal  
12 authorization to enter or cross the land to collect  
13 resource data; or

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15 (B) Written or verbal permission to enter  
16 or cross the land to collect resource data. The written or  
17 verbal permission shall specify the type of resource data  
18 to be collected.

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20 (b) A person who trespasses to unlawfully collect  
21 resource data or a person who unlawfully collects resource  
22 data under this section shall be liable in a civil action  
23 by the owner or lessee of the land for all consequential

1 and economic damages proximately caused by the trespass.  
2 In a civil action brought under this section, in addition  
3 to damages, a successful claimant shall be awarded  
4 litigation costs. For purposes of this subsection,  
5 "litigation costs" shall include, but is not limited to,  
6 court costs, expert witness fees, other witness fees, costs  
7 associated with depositions and discovery, reasonable  
8 attorney fees and the reasonably necessary costs of  
9 identifying the trespasser, of obtaining effective service  
10 of process on the trespasser and of successfully effecting  
11 the collection of any judgment against the trespasser.

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13 (c) As used in this section:

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15 (i) "Open land" means land outside the exterior  
16 boundaries of any incorporated city, town, subdivision  
17 approved pursuant to W.S. 18-5-308 or development approved  
18 pursuant to W.S. 18-5-403;

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20 (ii) "Peace officer" means as defined by W.S.  
21 7-2-101;

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

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

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

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

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18           (d) Resource data unlawfully collected under this  
19 section is not admissible in evidence in any civil,  
20 criminal or administrative proceeding, other than a civil  
21 action for trespassing under this section, and shall not be  
22 used by an administrative agency to make a resource  
23 designation or use determination.

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

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(END)