

A BILL for AN ACT relating to crimes and offenses; creating the crimes of trespassing to unlawfully collect resource data and 3 unlawful collection of resource data; limiting use of unlawfully collected data; providing for expungement; providing definitions; and providing for an effective date.

Be It Enacted by the Legislature of the State of Wyoming: Section 1. W.S. 6-3-414 is created to read:

6-3-414. Trespassing to unlawfully collect resource data; unlawful collection of resource data.

(a) A person is guilty of trespassing to unlawfully collect resource data if he:

(i) Enters onto or crosses private open land for the purpose of collecting resource data; and

(ii) Does not have:

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

(B) Written or verbal permission of the owner, lessee or agent of the owner to enter or cross the land to collect the specified resource data.

(b) A person is guilty of unlawfully collecting resource data if he enters onto or crosses private open land and collects resource data without:

(i) Statutory, contractual or other legal authorization to enter or cross the land to collect resource data; or

(ii) Written or verbal permission of the owner, lessee or agent of the owner to enter or cross the land to collect the specified resource data.

(c) Trespassing to unlawfully collect resource data 6 and unlawfully collecting resource data are punishable as 7 follows:

(i) By imprisonment for not more than six (6) months, a fine of not more than five thousand dollars (\$5,000.00), 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) As used in this section:

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

(ii) "Peace officer" means as defined by W.S. 5 7-2-101;

(iii) "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 21 by a peace officer while engaged in the lawful performance of his official duties;

(D) Collected incidental to a recreational activity or educational activity done with statutory, contractual or other legal authorization to enter or cross open private land and the data is not used for legal or regulatory proceeding.

(E) No resource data collected 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. This subsection applies whether or not the violation of this section was prosecuted or resulted in a conviction.

(F) Resource data collected 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.