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Passage of SF12 strengthens private property rights and adds integrity to data collection

The ability of landowners to protect their property rights was strengthened as a result of Senate File 12 (Trespassing to Collect Data) passed by the Wyoming Legislature and signed into law by Wyoming Governor Matt Mead on March 5.

This law will result in possible criminal convictions if an individual or entity trespasses private property for the purpose of collecting data. It will also prohibit information being used by a government entity if it is collected by someone who trespassed on or across private lands. If information was illegally collected and provided to a government agency it will be expunged by the government agency, but will be retained to use as evidence against the trespasser.

“With this bill’s passage, law enforcement now will have the ability to take action on those folks who are trespassing to collect data,” said Byron Oedekoven, Executive Director of the Wyoming Association of Sheriffs & Chiefs of Police. “The current trespass statute did not provide adequate protection to landowners.”

The law makes it clear that one must have permission to enter private land. It also specifies that one must disclose what kind of information is being collected. The legislation includes protection for agencies, individuals or the private sector who have statutory, contractual or other legal authorization to enter or access private land and not be considered in trespass.

“There is a need to collect accurate credible data in order to manage our natural resources,” said Bobbie Frank, Wyoming Association of Conservation Districts Executive Director. “However, collection of data must be mindful of the rights of others, particularly private property rights.”

“In recent years, there have been numerous instances of individuals and groups trespassing on and across private property to collect data,” Frank continued. “This has led to civil trespass litigation, which is costly and cumbersome for private property owners. These landowners have discovered the trespass after the data was submitted to a state agency to be utilized in administrative/regulatory decision making processes.”

“Our landowners recognize the need to monitor resources and often work with agencies to accomplish the data collection goals they have,” said Amy Hendrickson, Wyoming Wool Growers Association Executive Director. “They expect, however, that their private property rights will be respected. Unfortunately, too often we find that many groups and individuals forget that part of the equation.”

Given today’s technology, identifying property ownership is achievable. Determining property ownership and securing appropriate access permissions should be included in the process of data collection.

“This is a step in the right direction to raise the bar of integrity for the data submitted to the government by ensuring the data will not be accepted if it is illegally collected through trespassing across private lands,” Ken Hamilton, Wyoming Farm Bureau Federation Executive Vice President, said.

“We encourage folks to have a written permission form for both parties to sign so there is documentation if you grant permission to access your lands,” Hamilton continued.

“By making trespassing to collect data a specific crime, this legislation should help to discourage illegal collection of data by those completely disrespectful of private property rights,” said Jim Magagna, Wyoming Stock Growers Association Executive Vice President. “It will be valuable to prosecuting attorneys who have found it difficult to prosecute these trespass cases under Wyoming’s general trespass law.”

The following groups joined together in support of this legislation: Wyoming Association of Conservation Districts; Wyoming Association of Sheriffs & Chiefs of Police; Wyoming Farm Bureau Federation; Wyoming Stock Growers Association, Wyoming Wool Growers Association; and the Rocky Mountain Farmers Union.

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