

Court will hear case against data trespass laws

By Dustin Bleizeffer, WyoFile

A federal judge has rejected the state of Wyoming's motion to dismiss a lawsuit aimed at striking down a pair of laws that make it illegal to collect data from public lands without first gaining permission.

U.S. District Court Judge Scott Skavdahl issued the order last month, finding that Wyoming's "data trespass" laws may unconstitutionally criminalize activities such as photography on public lands.

Groups suing the state say the case strikes at the heart of free speech and the right to petition the government as protected under the First Amendment, as well as equal protection under the Fourteenth Amendment. "A law that makes sharing photos of Devil's Tower or Yellowstone a punishable offense just isn't consistent with Americans' right to Free Speech," Natural Resources Defense Council senior attorney Michael Wall said in a prepared statement.

Earlier in 2015, the Wyoming Legislature passed Senate File 12 creating the crime of trespassing to collect data, and Senate File 80, which made the practice a civil violation. Key in the language of the statutes is the application to all "open lands" outside of municipalities.

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