## HOUSE BILL NO. HB0097

Forcible entry and detainer amendments.

Sponsored by: Representative(s) Stith and Crago and Senator(s) Nethercott

## A BILL

for

- 1 AN ACT relating to civil procedure; amending forcible entry
- 2 and detainer actions to require a bench trial when the
- 3 plaintiff waives any claims for monetary restitution as
- 4 specified; making conforming amendments; specifying
- 5 applicability; and providing for an effective date.

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

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- 9 **Section 1**. W.S. 1-21-403, 1-21-1008 and 1-21-1009 are
- 10 amended to read:

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12 1-21-403. Appeal of forcible entry and detainer

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13 actions.

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1 In any forcible entry and detainer action appealed to the

2 district court which is thereby determined against the

3 defendant in possession, the court shall hear evidence

4 concerning and render judgment for the rental value of the

5 premises in controversy for the whole period of the

6 unlawful detainer unless recovery of the rental value was

7 waived consistent with W.S. 1-21-1009(b).

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9 1-21-1008. Trial by judge or jury; judgment and 10 costs.

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12 (a) If the action is not continued, the place of 13 trial changed or if neither party demands a jury or a jury is not permitted, upon the return day of the summons the 14 circuit court shall try the action. If the circuit court 15 16 concludes that the complaint is not true, the court shall 17 enter judgment against the plaintiff for costs. Except as otherwise provided in W.S. 1-21-1009(b), if the court finds 18 19 the complaint true, it shall render a general judgment in 20 favor of the plaintiff for restitution of the premises and 21 costs. Except as otherwise provided in W.S. 1-21-1009(b), if the court finds the complaint true in part, it shall 22

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1 render judgment for restitution of that part only and the

2 costs shall be taxed as deemed equitable.

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4 (b) Except as otherwise provided in W.S. 1-21-1009(b), if the case is one based on failure to pay 5 rent, the court shall further find the amount of rent due 6 and payable at the time of the hearing, together with the 7 terms and conditions of the agreement between the parties 8 9 in relation to the amount and time of payment of rent. If 10 the trial is by jury the verdict shall contain a finding of these facts and the court shall recite such findings in the 11 12 docket entry of proceedings. The court, upon these 13 findings, in addition to entering judgment for the plaintiff to have restitution, shall render judgment in 14 accordance with the findings for the amount of rent found 15 due, together with costs and attorney's fees as provided by 16 17 the lease, and shall issue execution separate from the writ of restitution for the rent found due and costs as in other 18

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actions.

21 1-21-1009. Trial by jury; trial by court without 22 jury; verdict.

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(a) If a jury is demanded by either party, the

2	proceedings shall be the same as in other cases until the
3	empaneling thereof. If the jury finds the complaint true
4	they shall render a general verdict against the defendant,
5	and if untrue, a general verdict in favor of the defendant.
6	If true in part, the verdict shall set forth the facts they
7	find true.
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9	(b) If the plaintiff elects to waive all monetary
10	restitution including for damages, outstanding rent and
11	costs and seeks only a restoration of the possession of the
12	premises to the plaintiff, the action shall be tried by the
13	circuit court and any demand for a trial by jury shall be

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14 denied.

16 **Section 2.** This act shall apply to any forcible entry 17 and detainer action filed on or after July 1, 2024.

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19 Section 3. This act is effective July 1, 2024.

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21 (END)