

## **SB 1545 STAFF MEASURE SUMMARY**

### **Senate Committee On Judiciary**

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**Meeting Dates:** 2/9, 2/11

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#### **WHAT THE MEASURE DOES:**

The measure provides immunity from trespass claims or charges and negligence claims filed against a person for stepping over a parcel of private property at the point it joins two or more parcels of public land, as the person crosses from one public land parcel to another. Declares emergency, effective on passage.

#### Detailed Summary

- Excludes land held in trust by the federal government for the benefit of a federally recognized tribe from the definition of public land.
- Conditions immunity from trespass actions to corner crossings which do not:
  - Cause physical harm to the private landowners real or personal property, or
  - Unreasonably interfere with the private landowner's quite enjoyment of real property.

**FISCAL:** May have fiscal impact, but no statement yet issued.

**REVENUE:** May have revenue impact, but no statement yet issued.

#### **ISSUES DISCUSSED:**

#### **EFFECT OF AMENDMENT:**

No amendment.

#### **BACKGROUND:**

'Corner crossing' refers to the act of stepping over a corner where two parcels of public land and one or more parcels of private land meet. This typically involves the diagonal intersection of checkerboarded land where one of the public parcels is "corner-locked," meaning that the corner is the only way to enter the parcel without traversing on private property. In states like Oregon, which use a definition for trespass to mean "enter or remain unlawfully," a person might be considered trespassing when entering the airspace over the portion of private land that touches the corner.

A March 18, 2025, decision by the Tenth Circuit Court of Appeals held that corner crossing is not trespassing because the United States Unlawful Inclosures Act of 1885 overrides Wyoming common law on civil trespass, as applied to completely "inclosed" public lands. *Iron Bar Holdings, LLC v. Cape*, 131 F.4<sup>th</sup> 1153 (2025). In other words, a private landowner may not deny the public access to corner-locked public land by preventing a corner crossing. The decision is binding only within the Tenth Circuit, which includes Colorado, Kansas, New Mexico, Oklahoma, Utah, and Wyoming. Oregon and Ninth Circuit caselaw have not yet addressed the issue.