

76-6-206.1 Criminal trespass of abandoned or inactive mines -- Penalty.

(1) For purposes of this section:

(a) "Abandoned or inactive mine" means an underground mine which is no longer open for access or no longer under excavation and has been clearly marked as closed or protected from entry.

(b) "Enter" means intrusion of the entire body.

(2) A person is guilty of criminal trespass of an abandoned or inactive mine if, under circumstances not amounting to burglary as defined in Section 76-6-202, 76-6-203, or 76-6-204:

(a) the person intentionally enters and remains unlawfully in the underground workings of an abandoned or inactive mine; or

(b) intentionally and without authority removes, destroys, or tampers with any warning sign, covering, fencing, or other method of protection from entry placed on, around, or over any mine shaft, mine portal, or other abandoned or inactive mining excavation property.

(3) A violation of Subsection (2)(a) is a class B misdemeanor.

(4) A violation of Subsection (2)(b) is a class A misdemeanor.

Enacted by Chapter 223, 1997 General Session