

76-8-703 Criminal trespass upon an institution of higher education.

- (1)
 - (a) A chief administrative officer may order a person to leave property that is owned, operated, or controlled by an institution of higher education if the person:
 - (i) acts or if the chief administrative officer has reasonable cause to believe that the person intends to act to:
 - (A) cause injury to a person;
 - (B) cause damage to property;
 - (C) commit a crime;
 - (D) interfere with the peaceful conduct of the activities of the institution;
 - (E) violate any rule or regulation of the institution if that rule or regulation is not in conflict with state law; or
 - (F) disrupt the institution, its pupils, or the institution's activities; or
 - (ii) is reckless as to whether the person's actions will cause fear for the safety of another.
 - (b) A person is guilty of criminal trespass upon an institution of higher education if the person enters or remains on property that is owned, operated, or controlled by an institution of higher education after being ordered to leave under Subsection (1)(a).
 - (c) The mere carrying or possession of a firearm on the campus of a state institution of higher education, as defined in Section 53B-3-102, does not warrant an order to leave under Subsection (1)(a) if the person carrying or possessing the firearm is otherwise complying with all state laws regulating the possession and use of a firearm.
- (2) A person is guilty of criminal trespass upon an institution of higher education if the person enters or remains without authorization upon property that is owned, operated, or controlled by an institution of higher education if notice against entry or remaining has been given by:
 - (a) personal communication to the person by the chief administrative officer or a person with apparent authority to act for the institution;
 - (b) the posting of signs reasonably likely to come to the attention of trespassers;
 - (c) fencing or other enclosure obviously designed to exclude trespassers; or
 - (d) a current order of suspension or expulsion.
- (3) If an employee or student of an institution of higher education is ordered to leave under Subsection (1) or receives a notice against entry or remaining under Subsection (2), the institution of higher education shall afford the employee or student the process required by the institution of higher education's rules and regulations.
- (4) A person who violates this section shall be punished as provided in Section 76-8-717.

Repealed and Re-enacted by Chapter 257, 2013 General Session