

TRESPASS ACROSS CULTIVATED LAND

2000 GENERAL SESSION

STATE OF UTAH

Sponsor: Craig W. Butters

AN ACT RELATING TO WILDLIFE RESOURCES; AMENDING THE POSTING REQUIREMENT FOR ENTRY UPON PRIVATE LAND WHILE HUNTING OR FISHING.

This act affects sections of Utah Code Annotated 1953 as follows:

AMENDS:

23-20-14, as last amended by Chapter 201, Laws of Utah 1999

Be it enacted by the Legislature of the state of Utah:

Section 1. Section **23-20-14** is amended to read:

23-20-14. Definitions -- Posted property -- Hunting by permission -- Entry on private land while hunting or fishing -- Violations -- Penalty -- Prohibitions inapplicable to officers -- Promotion of respect for private property.

(1) As used in this section:

(a) "Division" means the Division of Wildlife Resources.

(b) "Cultivated land" means land which is readily identifiable as:

(i) land whose soil is loosened or broken up for the raising of crops;

(ii) land used for the raising of crops; or

(iii) pasturage which is artificially irrigated.

~~(b)~~ (c) "Permission" means written authorization from the owner or person in charge to enter upon private land that is either cultivated or properly posted, and must include:

(i) the signature of the owner or person in charge;

(ii) the name of the person being given permission;

(iii) the appropriate dates; and

(iv) a general description of the property.

~~(c)~~ (d) "Properly posted" means that "No Trespassing" signs or a minimum of 100 square inches of bright yellow, bright orange, or fluorescent paint are displayed at all corners, fishing streams crossing property lines, roads, gates, and rights-of-way entering the land. If metal fence

posts are used, the entire exterior side must be painted.

(2) (a) While taking wildlife or engaging in wildlife related activities, a person may not:

(i) without the permission of the owner or person in charge, enter upon privately owned [~~and properly posted~~] land [~~of any other person, firm, or corporation~~] that is cultivated or properly posted;

(ii) refuse to immediately leave the private land if requested to do so by the owner or person in charge; or

(iii) obstruct any entrance or exit to private property.

(b) "Hunting by permission cards" will be provided to landowners by the division upon request.

(c) A person may not post:

(i) private property he does not own or legally control; or

(ii) land that is open to the public as provided by Section 23-21-4.

(3) (a) A person convicted of violating any provision of Subsection (2) may have his license, tag, certificate of registration, or permit, relating to the activity engaged in at the time of the violation, revoked by a hearing officer.

(b) A hearing officer may construe any subsequent conviction which occurs within a five-year period as a flagrant violation and may prohibit the person from obtaining a new license, tag, certificate of registration, or permit for a period of up to five years.

(4) Subsection (2)(a) does not apply to peace or conservation officers in the performance of their duties.

(5) (a) The division shall provide information regarding owners' rights and sportsmen's duties:

(i) to anyone holding licenses, certificates of registration, tags, or permits to take wildlife; and

(ii) by using the public media and other sources.

(b) The restrictions in this section relating to trespassing shall be stated in all hunting and fishing proclamations issued by the Wildlife Board.

(6) Any person who violates any provision of Subsection (2) is guilty of a class B misdemeanor.