

TRESPASS LAW AMENDMENTS

2009 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: John G. Mathis

Senate Sponsor: Dennis E. Stowell

LONG TITLE

General Description:

This bill modifies the Criminal Code regarding trespass on agricultural and range lands.

Highlighted Provisions:

This bill:

- ▶ creates the offense of criminal trespass on agricultural or range lands;
- ▶ creates the offense of cutting, destroying, or rendering ineffective the fencing of agricultural or range lands;
- ▶ describes the requirements necessary in order for a person to enter these lands lawfully;
- ▶ provides definitions; and
- ▶ provides a civil penalty.

Monies Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

ENACTS:

76-6-206.3, Utah Code Annotated 1953

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

Section 1. Section **76-6-206.3** is enacted to read:

30 76-6-206.3. Criminal trespass on agricultural land or range land.

31 (1) As used in this section:

32 (a) "Agricultural or range land" and "land" mean land as defined under Subsections
33 (1)(d) and (e).

34 (b) "Authorization" means specific written permission by, or contractual agreement
35 with, the owner or manager of the property.

36 (c) "Criminal trespass" means the elements of the crime of criminal trespass under
37 Section 76-6-206.

38 (d) "Land in agricultural use" has the same meaning as in Section 59-2-502.

39 (e) "Range land" means privately owned land that is not fenced or divided into lots
40 and that is generally unimproved. This land includes land used for livestock.

41 (2) A person is guilty of the class B misdemeanor criminal offense of criminal trespass
42 on agricultural or range land and is liable for the civil damages under Subsection (5) if, under
43 circumstances not amounting to a greater offense, and without authorization or a right under
44 state law, the person enters or remains on agricultural or range land regarding which notice
45 prohibiting entry is given by:

46 (a) personal communication to the person by the owner of the land, an employee of the
47 owner, or a person with apparent authority to act for the owner;

48 (b) fencing or other form of enclosure a reasonable person would recognize as
49 intended to exclude intruders; or

50 (c) posted signs or markers that would reasonably be expected to be seen by persons in
51 the area of the borders of the land.

52 (3) A person is guilty of the class B misdemeanor criminal offense of cutting,
53 destroying, or rendering ineffective the fencing of agricultural or range land if the person
54 willfully cuts, destroys, or renders ineffective any fencing as described under Subsection
55 (2)(b).

56 (4) In addition to restitution, as provided in Section 76-3-201, a person who commits
57 any violation of Subsection (2) or (3) may also be liable for:

58 (a) statutory damages in the amount of the value of damages resulting from the
59 violation of Subsection (2) or \$500, whichever is greater; and

60 (b) reasonable attorney fees not to exceed \$250, and court costs.

61 (5) Civil damages under Subsection (4) may be collected in a separate action by the
62 owner of the agricultural or range land or the owner's assignee.