

CAMPUS SAFETY AMENDMENTS

2012 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Don L. Ipson

Senate Sponsor: _____

LONG TITLE

General Description:

This bill modifies the Criminal Code by amending provisions relating to persons interfering or trespassing on property owned by a state institution of higher education.

Highlighted Provisions:

This bill:

- ▶ provides definitions;
- ▶ provides that a person who is not a student or employee of an institution of higher education is guilty of criminal trespass upon an institution of higher education if the person:
 - enters or remains unlawfully upon property that is owned, operated, or controlled by an institution of higher education and intends to do certain things;
 - is reckless as to whether the person's presence will cause fear for the safety of another;
 - willfully denies to students, school officials, employees, or invitees, lawful freedom of movement, lawful use of the property or facilities, or lawful ingress or egress to the institution's physical facilities;
 - knowingly interferes with the peaceful conduct of the activities of the institution or disrupts the institution, its pupils, or the institution's activities; or
 - enters or remains without authorization upon property that is owned, operated, or controlled by an institution of higher education if notice against entry or



28 remaining has been given;

29 ▶ repeals certain provisions relating to interfering or intending to interfere with
30 campus activities, violating rules and regulations of the institution, and failing to
31 leave when ordered; and

32 ▶ makes technical changes.

33 **Money Appropriated in this Bill:**

34 None

35 **Other Special Clauses:**

36 None

37 **Utah Code Sections Affected:**

38 AMENDS:

39 **76-8-701**, as last amended by Laws of Utah 2010, Chapter 211

40 **76-8-712**, as enacted by Laws of Utah 1973, Chapter 196

41 **76-8-717**, as enacted by Laws of Utah 1973, Chapter 196

42 ENACTS:

43 **76-8-719**, Utah Code Annotated 1953

44 REPEALS:

45 **76-8-703**, as enacted by Laws of Utah 1973, Chapter 196

46 **76-8-704**, as enacted by Laws of Utah 1973, Chapter 196

47 **76-8-705**, as enacted by Laws of Utah 1973, Chapter 196

48 **76-8-710**, as enacted by Laws of Utah 1973, Chapter 196

49 **76-8-713**, as enacted by Laws of Utah 1973, Chapter 196



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

52 Section 1. Section **76-8-701** is amended to read:

53 **76-8-701. Definitions.**

54 For the purposes of this part:

55 (1) "Chief administrative officer" means the president of a private or state institution of
56 higher education or the officer designated by the president or by the governing board of the
57 institution to administer the affairs of a campus or other facility owned by the institution or
58 operated or controlled by the governing board of the institution.

59 (2) "Enter" means intrusion of the entire body.

60 ~~[(2)]~~ (3) "School" or "institution of higher education" means any private institution of
61 higher education or any state institution of higher education as defined in Section 53B-1-102.

62 ~~[(3)]~~ (4) "State institution of higher education" includes the University of Utah, Utah
63 State University, Southern Utah University, Weber State University, Snow College, Dixie State
64 College of Utah, Utah Valley University, Salt Lake Community College, and any other
65 university or college which may be established and maintained by the state, and includes any
66 branch or affiliated institution and any campus or facility owned, operated, or controlled by the
67 governing board of the university or college.

68 Section 2. Section **76-8-712** is amended to read:

69 **76-8-712. Reentry of campus or facility after denial of access as condition of**
70 **suspension or dismissal -- Presumption of knowledge.**

71 (1) Every student or employee who, after a hearing, has been suspended or dismissed
72 from an institution of higher education for disrupting the orderly operation of a campus or
73 facility and as a condition of suspension or dismissal has been denied access to the campus or
74 facility of the institution ~~[for the period of the suspension or for a period not to exceed one year~~
75 ~~in the case of dismissal]~~, who has been served by registered or certified mail at the last address
76 given by the person with a written notice of suspension or dismissal and condition; and who
77 willfully and knowingly enters upon the campus or facility of the institution to which he has
78 been denied access without the express written permission of the chief administrative officer is
79 guilty of a misdemeanor and shall be punished as provided in Section 76-8-717.

80 (2) Knowledge shall be presumed if notice has been given as prescribed in this section.
81 The presumption established by this section is a presumption affecting the burden of proof.

82 Section 3. Section **76-8-717** is amended to read:

83 **76-8-717. Violations -- Classifications of offenses.**

84 ~~[Any student or employee]~~ A person found guilty of a violation of ~~[those sections which~~
85 ~~specify this section as prescribing the punishment]~~ this part shall be punished as follows:

86 (1) ~~[Upon]~~ upon the first and second conviction, shall be punished as a class B
87 misdemeanor~~[-];~~ or

88 (2) ~~[If the defendant]~~ if the person has been convicted two or more times of a violation
89 of any offense ~~[specified punishable under this section, he]~~ under this part, the person shall be

90 punished for a class A misdemeanor.

91 Section 4. Section **76-8-719** is enacted to read:

92 **76-8-719. Criminal trespass upon an institution of higher education.**

93 (1) A person who is not a student or employee of an institution of higher education is
94 guilty of criminal trespass upon an institution of higher education if the person:

95 (a) enters or remains unlawfully upon property that is owned, operated, or controlled
96 by an institution of higher education; and

97 (b) (i) intends to:

98 (A) cause annoyance or injury to a person;

99 (B) cause damage to property;

100 (C) commit a crime;

101 (D) interfere with the peaceful conduct of the activities of the institution; or

102 (E) violate any rule or regulation of the institution;

103 (ii) is reckless as to whether the person's presence will cause fear for the safety of
104 another;

105 (iii) willfully denies to students, school officials, employees, or invitees:

106 (A) lawful freedom of movement;

107 (B) lawful use of the property or facilities; or

108 (C) lawful ingress or egress to the institution's physical facilities; or

109 (iv) knowingly:

110 (A) interferes with the peaceful conduct of the activities of the institution; or

111 (B) disrupts the institution, its pupils, or the institution's activities.

112 (2) A person who is not a student or employee of an institution of higher education is
113 guilty of criminal trespass upon an institution of higher education if the person enters or

114 remains without authorization upon property that is owned, operated, or controlled by an
115 institution of higher education if notice against entry or remaining has been given by:

116 (a) personal communication to the person by the chief administrative officer or a
117 person with apparent authority to act for the institution;

118 (b) the posting of signs reasonably likely to come to the attention of trespassers;

119 (c) fencing or other enclosure obviously designed to exclude trespassers; or

120 (d) a current order of suspension or expulsion.

121 (3) A person who violates this section shall be punished as provided in Section
122 76-8-717.

123 **Section 5. Repealer.**

124 This bill repeals:

125 **Section 76-8-703, Interfering or intending to interfere with activities -- Failure to**
126 **leave when ordered.**

127 **Section 76-8-704, Violation of rule or regulation of institution -- Failure to leave**
128 **when ordered.**

129 **Section 76-8-705, Willful interference with lawful activities of students or faculty.**

130 **Section 76-8-710, Disruption of activities in or near school building -- Failure to**
131 **leave or re-entry.**

132 **Section 76-8-713, Person not a student, officer or employee -- Re-entry of campus**
133 **or facility after direction to leave.**

Legislative Review Note
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Office of Legislative Research and General Counsel