



## SB0055 compared with SB0055S01

authorizes the owner or agent to request that the sheriff stand by while the owner or agent takes possession of the property;

- 20       ▶ authorizes the sheriff to charge a reasonable hourly rate;
- 21       ▶ provides that the sheriff is not liable to any party for loss, destruction, or damage;
- 22       ▶ provides that the property owner or agent is not liable to any party for the loss or destruction of, or damage to, personal property unless it was wrongfully removed;
- 24       ▶ provides civil remedies;
- 25       ▶ imposes criminal penalties for unlawfully detaining, occupying, or trespassing of, {~~a residential dwelling~~} real property intentionally and causing a specified amount of damage;
- 27       ▶ imposes criminal penalties for any person who knowingly and willfully presents a false document purporting to be a valid lease agreement, deed, or other instrument conveying real property rights;
- 30       ▶ imposes criminal penalties for fraudulently listing or advertising for sale, or renting or leasing, residential real property under certain circumstances; and
- 32       ▶ provides criminal penalties for committing perjury.

### 33 Money Appropriated in this Bill:

34       None

35       None

38 AMENDS:

39       **76-6-206 , as last amended by Laws of Utah 2024, Chapter 2 , as last amended by Laws of Utah 2024, Chapter 2**

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40 ENACTS:

41       **76-6-106.2** , Utah Code Annotated 1953 , Utah Code Annotated 1953

42       **76-6-525** , Utah Code Annotated 1953 , Utah Code Annotated 1953

43       **78B-6-817** , Utah Code Annotated 1953 , Utah Code Annotated 1953

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

46       Section 1. Section **1** is enacted to read:

47       **76-6-106.2. Property damage or destruction by a trespasser {~~in a residential dwelling~~} on real property.**

47       (1) Terms defined in Sections 76-1-101.5 and 76-6-101 apply to this section.

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48 (2) An actor commits property damage or destruction by a trespasser ~~{in a residential dwelling}~~ on  
real property if, under circumstances not amounting to burglary as defined in Section 76-6-202 or  
76-6-203, the actor:

50 (a) enters ~~{and}~~ or remains unlawfully ~~{in a residential dwelling}~~ on real property; and

51 (b) causes damage or pecuniary loss equal to or in excess of ~~{\$1,000}~~ \$1,500.

52 (3) A violation of Subsection (2) is a second degree felony.

55 Section 2. Section 76-6-206 is amended to read:

56 **76-6-206. Criminal trespass.**

57 (1)

(a) As used in this section:

58 (i) "Enter" means intrusion of the entire body or the entire unmanned aircraft.

59 (ii) "Graffiti" means the same as that term is defined in Section 76-6-101.

60 (iii) "Remain unlawfully," as that term relates to an unmanned aircraft, means remaining on or over  
private property when:

62 (A) the private property or any portion of the private property is not open to the public; and

64 (B) the person operating the unmanned aircraft is not otherwise authorized to fly the unmanned aircraft  
over the private property or any portion of the private property.

67 (b) Terms defined in Sections 76-1-101.5 and 76-6-201 apply to this section.

68 (2) An actor commits criminal trespass if, under circumstances not amounting to burglary as defined in  
Section 76-6-202, 76-6-203, or 76-6-204, a violation of Section 76-6-106.2, or a violation of Section  
76-10-2402 regarding commercial obstruction:

71 (a) the actor enters or remains unlawfully on or causes an unmanned aircraft to enter and remain  
unlawfully over property and:

73 (i) intends to cause annoyance or injury to any person or damage to any property, including the use of  
graffiti;

75 (ii) intends to commit any crime, other than theft or a felony; or

76 (iii) is reckless as to whether the actor's or unmanned aircraft's presence will cause fear for the safety of  
another;

78 (b) knowing the actor's or unmanned aircraft's entry or presence is unlawful, the actor enters or remains  
on or causes an unmanned aircraft to enter or remain unlawfully over property to which notice  
against entering is given by:

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- 81 (i) personal communication to the actor by the owner or someone with apparent authority to act for the  
owner;
- 83 (ii) fencing or other enclosure obviously designed to exclude intruders; or
- 84 (iii) posting of signs reasonably likely to come to the attention of intruders;
- 85 (c) the actor enters a condominium unit in violation of Section 57-8-7(8); or
- 86 (d) the actor enters a sex-designated changing room in violation of Subsection 63G-31-302(3).
- 88 (3)
- . (a) Except as provided in Subsection (3)(b), a violation of Subsection (2)(a) , (b), or (d) is a class B  
misdemeanor.
- 90 (b) The following is a class A misdemeanor:
- 91 (i) if a violation of Subsection (2)(a) or (b) is committed in a dwelling;
- 92 (ii) if a violation of Subsection (2)(d) is committed while also committing the offense of:
- 94 (A) lewdness under Section 76-9-702;
- 95 (B) lewdness involving a child under Section 76-9-702.5;
- 96 (C) voyeurism under Section 76-9-702.7; or
- 97 (D) loitering in a privacy space under Section 76-9-702.8; or
- 98 (iii) if a violation of Subsection (2)(d) is committed in a sex-designated privacy space, as defined in  
Section 76-9-702.8, that is not designated for individuals of the actor's sex.
- 101 (c) A violation of Subsection (2)(c) is an infraction.
- 102 (4) It is a defense to prosecution under this section that:
- 103 (a) the property was at the time open to the public; and
- 104 (b) the defendant complied with all lawful conditions imposed on access to or remaining on the  
property.
- 106 (5) In addition to an order for restitution under Section 77-38b-205, an actor who commits a violation of  
Subsection (2) may also be liable for:
- 108 (a) statutory damages in the amount of three times the value of damages resulting from the violation of  
Subsection (2) or \$500, whichever is greater; and
- 110 (b) reasonable attorney fees not to exceed \$250, and court costs.
- 111 (6) Civil damages under Subsection (5) may be collected in a separate action by the property owner or  
the owner's assignee.

113 Section 3. Section 3 is enacted to read:

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114 **76-6-525. Fraudulent advertisement, sale, {or lease of residential} lease, or mortgaging of**  
real property.

55 (1) Terms defined in Section 76-1-101.5 apply to this section.

56 (2) An actor commits fraudulent advertisement, sale, {or lease of residential} lease, or mortgaging of  
real property if the actor knowingly:

58 (a)

. (i) lists or advertises residential real property for sale; or

59 (ii) sells {or} , leases {residential} , or mortgages real property; and

60 (b) does not have legal title to the property or authority to advertise, sell {or} , lease {the} , or  
mortgage the real property.

61 (3) A violation of Subsection (2) is a second degree felony.

123 Section 4. Section 4 is enacted to read:

124 **78B-6-817. Limited alternative remedy to remove a trespasser from {residential} real**  
property.

65 (1) An owner of {a residential dwelling} real property, or the property owner's authorized agent, may  
request that the sheriff of the county in which the {dwelling} real property is located, immediately  
remove a trespasser occupying {a residential dwelling} the real property if the following conditions  
are met:

68 (a) the property owner, or an authorized agent of the property owner, attests that the trespasser has  
unlawfully entered and remains {in} on the {residential dwelling} real property;

70 (b) the {residential dwelling} real property was not open to members of the public at the time the  
trespasser entered;

72 (c) the property owner{ , or an authorized agent of the property owner, } has directed the trespasser to  
leave the {residential dwelling} real property;

74 (d) the trespasser is not a current or former tenant of the {residential dwelling} real property under a  
written rental agreement authorized by the property owner;

76 (e) the trespasser is not an immediate family member of the property owner; and

77 (f) there is no pending litigation related to the {residential dwelling} real property between the property  
owner and the trespasser.

79 (2)

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- (a) To request the immediate removal of a trespasser ~~{of a residential dwelling}~~ on the real property, the property owner or property owner's authorized agent shall submit a complaint by presenting a completed and verified Complaint to Remove Trespassers Unlawfully Occupying ~~{a Residential Dwelling}~~ Real Property to the sheriff of the county in which the real property is located.
- 84 (b) The submitted complaint shall be in substantially the following form: "COMPLAINT TO REMOVE TRESPASSERS UNLAWFULLY OCCUPYING ~~{A RESIDENTIAL DWELLING}~~ REAL PROPERTYI, the owner or authorized agent of the owner of the real property located at [physical address of the ~~{residential dwelling}~~ real property], declare under the penalty of perjury that (initial each box):1. .... I am the owner of the real property or the authorized agent of the owner of the real property.2. .... I purchased the property on [date].3. .... ~~{The real property is a residential dwelling.4. ....}~~ A trespasser has unlawfully entered and is remaining or residing unlawfully ~~{in }~~ on the ~~{residential dwelling}~~ real property.~~{5.}~~ 4. .... The ~~{residential dwelling}~~ real property was not open to members of the public at the time the trespasser entered.~~{6.}~~ 5. .... I have directed the trespasser to leave the ~~{residential dwelling}~~ real property, but the trespasser has not done so.~~{7.}~~ 6. .... The trespasser is not a current or former tenant according to any valid lease authorized by the property owner for the ~~{residential dwelling}~~ real property, and any lease that may be produced by an occupant is fraudulent.~~{8.}~~ 7. .... The trespasser sought to be removed is not an owner or a co-owner of the property and has not been listed on the title to the property unless the trespasser has engaged in title fraud.~~{9.}~~ 8. .... The trespasser is not an immediate family member of the property owner.~~{10.}~~ 9. .... There is no litigation related to the ~~{residential dwelling}~~ real property pending between the property owner and any trespasser sought to be removed.~~{11}~~ 10. .... I understand that an individual removed from the ~~{residential dwelling}~~ real property with this procedure may bring a cause of action against me for any false statements made in this complaint, or for wrongfully using this procedure, and that as a result of such action I may be held liable for actual damages, penalties, costs, and reasonable attorney fees.~~{12}~~ 11. .... I am requesting the sheriff to immediately remove the trespasser from the ~~{residential dwelling.13}~~ real property.12. .... A copy of my valid government-issued identification is attached, or I am an agent of the property owner~~{.}~~ and documents evidencing my authority to act on the property owner's behalf are attached.I HAVE READ EVERY STATEMENT MADE IN THIS PETITION AND EACH STATEMENT IS TRUE AND CORRECT. I UNDERSTAND THAT THE STATEMENTS MADE IN THIS PETITION ARE BEING MADE UNDER PENALTY OF PERJURY, PUNISHABLE AS PROVIDED IN

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UTAH CODE, SECTION 76-8-502.....(Signature of  
Property Owner or Authorized Agent of Owner)"

- 126 (3)
- . (a) Upon receipt of the complaint, the sheriff shall verify that the individual submitting the complaint is the record owner of the {residential dwelling} real property, or the authorized agent of the owner, and appears entitled to the relief described in this section.
- 130 (b) If verified, the sheriff shall, without delay, serve a notice to immediately vacate on any trespasser and shall put the owner in possession of the {residential dwelling} real property.
- 132 (c) The sheriff may serve the trespasser by hand delivery of the notice or by posting the notice on the {front door or entrance of the residential dwelling} real property.
- 134 (d) The sheriff shall attempt to verify the identity of any trespasser occupying the {residential dwelling} real property and note the identities on the return of service.
- 136 (e) If appropriate, the sheriff may arrest any trespasser found {in} on the {residential dwelling} real property for {trespassing} trespass, outstanding warrants, or any other legal cause.
- 138 (4)
- . (a) The sheriff is entitled to the same fee for service of the notice to immediately vacate as if the sheriff were serving a writ of possession or restitution under Section 17-22-2.5.
- 141 (b) After the sheriff serves the notice to immediately vacate, the property owner or authorized agent {of the property owner} may request that the sheriff stand by to keep the peace while the property owner or authorized agent of the property owner changes the locks and removes the personal property of the trespasser from the {residential dwelling} real property to or near the property line.
- 146 (c) When a property owner or an authorized agent {of the property owner} makes a request under Subsection (4)(b), the sheriff may charge a reasonable hourly rate, and the individual requesting the sheriff to stand by and keep the peace is responsible for paying the reasonable hourly rate set by the sheriff.
- 150 (d) The sheriff is not liable to the trespasser or any other party for loss, destruction, or damage of property.
- 152 (e) The property owner and authorized agent {of the property owner} are not liable to the trespasser or any other party for the loss, destruction, or damage to the personal property unless the removal was wrongful.
- 155 (5)

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- . (a) An individual may bring a civil cause of action for wrongful removal under this section.
- 157 (b)
- . (i) An individual harmed by a wrongful removal under this section may be restored to possession of the {residential dwelling} real property and may recover actual costs and damages incurred, statutory damages equal to triple the fair market rent of the dwelling, court costs, and reasonable attorney fees.
- 161 (ii) The court shall expedite the trial and any hearing in an action described in this Subsection (5).
- 163 (6) This section does not limit the rights of a property owner or limit the authority of a law enforcement officer to arrest a trespasser for trespassing, vandalism, theft, or other crimes.

224 Section 5. **Effective date.**

This bill takes effect on May 7, 2025.

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