

28 **76-6-107.5**, as last amended by Laws of Utah 2023, Chapters 111, 411

29 **76-6-902**, as last amended by Laws of Utah 2023, Chapter 111

30 ENACTS:

31 **9-8a-207**, Utah Code Annotated 1953

32

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

34 Section 1. Section **9-8a-203** is amended to read:

35 **9-8a-203 . Office duties.**

36 The office shall:

- 37 (1) secure, for the present and future benefit of the state, the protection of archaeological
38 resources and sites which are on state lands;
- 39 (2) foster increased cooperation and exchange of information between state authorities, the
40 professional archaeological community, and private individuals;
- 41 (3) in cooperation with federal and state agencies, local governments, private organizations,
42 and private individuals, direct and conduct a comprehensive statewide survey of historic
43 properties;
- 44 (4) maintain an inventory of the properties described in Subsection (3);
- 45 (5) identify and nominate eligible property to the National Register of Historic Places;
- 46 (6) administer applications for listing historic property on the National Register of Historic
47 Places;
- 48 (7) prepare and implement a comprehensive statewide historic preservation plan;
- 49 (8) administer the state program of federal assistance for historic preservation within the
50 state;
- 51 (9) advise and assist, as appropriate, state agencies, federal agencies, and local governments
52 in carrying out the state agency's, federal agency's, and local government's historic
53 preservation responsibilities;
- 54 (10) cooperate with federal agencies, state agencies, local agencies, private organizations,
55 and individuals to ensure that historic property is taken into consideration at all levels of
56 planning and development;
- 57 (11) conduct a state-wide public awareness media campaign to:
- 58 (a) educate the public regarding the protection, purpose, significance, and value of
59 preserving cultural sites, as that term is defined in Section 9-8a-205;
- 60 (b) inform the public of the law with regard to criminal acts and penalties in Title 76,
61 Chapter 6, Part 9, Cultural Sites Protection; and

- 62 (c) educate the public on how to report criminal acts;
- 63 (12) provide educational seminars and training to state agencies, local agencies, private
64 organizations, and individuals regarding the preservation and protection of state cultural
65 sites;
- 66 (13) cooperate with local governments in the development of local historic preservation
67 programs;
- 68 (14) consult with appropriate federal agencies with respect to:
- 69 (a) federal undertakings that may affect historic properties; and
70 (b) advising and assisting in the evaluation of proposals for rehabilitation projects that
71 may qualify for federal assistance;
- 72 (15)(a) create and maintain an inventory of all active and inactive cemeteries throughout
73 the state;
- 74 (b) enter into cooperative agreements with local governments and other groups and
75 organizations to collect and maintain the information needed for the inventory
76 described in Subsection (15)(a);
- 77 (c) encourage the use of volunteers to help collect the information and to maintain the
78 inventory described in Subsection (15)(a);
- 79 (d) encourage cemetery owners, or in the case of inactive or small historic cemeteries,
80 volunteers, to create and maintain geographic information systems to record burial
81 sites;
- 82 (e) publicize the information in the inventory described in Subsection (15)(a) in a variety
83 of forms and media, especially to encourage Utah citizens to participate in the care
84 and upkeep of historic cemeteries;
- 85 (f) work with public and private cemeteries, heritage organizations, genealogical groups,
86 and volunteer groups to help maintain, repair, and landscape cemeteries, grave sites,
87 and tombstones; and
- 88 (g) make the inventory described in Subsection (15)(a) available to any person upon
89 request;
- 90 (16)(a) create and maintain a public electronic record of each cemetery location and each
91 burial location;
- 92 (b) help maintain, repair, and landscape cemeteries, grave sites, and tombstones by
93 providing matching grants to:
- 94 (i) municipal cemeteries;
95 (ii) cemetery maintenance districts;

- 96 (iii) endowment care cemeteries;
 97 (iv) private nonprofit cemeteries;
 98 (v) genealogical associations; or
 99 (vi) other nonprofit groups with an interest in cemeteries; and
 100 (c) make rules, in accordance with Title 63G, Chapter 3, Utah Administrative
 101 Rulemaking Act, governing the process for awarding grants under Subsection (15)(b),
 102 including rules that ensure recipients use grant money for projects that are cost
 103 effective and completed in accordance with applicable professional standards;
 104 (17) perform other duties as designated under 54 U.S.C. Sec. 302303;
 105 (18) administer the Public Lands Restoration and Protection Fund created in Section
 106 9-8a-207; and
 107 [~~18~~] (19) perform other duties as designated by the department and by statute.

108 Section 2. Section **9-8a-207** is enacted to read:

109 **9-8a-207 . Public Lands Restoration and Protection Fund.**

- 110 (1) As used in this section, "fund" means the Public Lands Restoration and Protection Fund
 111 created in Subsection (2).
 112 (2) There is created an expendable special revenue fund known as the "Public Lands
 113 Restoration and Protection Fund."
 114 (3)(a) The fund shall consist of:
 115 (i) criminal restitution collected by the office as a result of an offense under Section
 116 76-6-107.5 or 76-6-902;
 117 (ii) money appropriated by the Legislature; and
 118 (iii) interest, dividends, or other income earned on fund money.
 119 (b) Any portion of the fund may be maintained in an interest-bearing account.
 120 (4)(a) The office may use the fund for the restoration of, and prevention of, harm to
 121 public lands and cultural sites, including:
 122 (i) repairing, restoring, or remediating harm caused by an offense described in
 123 Section 76-6-107.5 or 76-6-902, which may include coordination with the agency
 124 with jurisdiction over the affected area;
 125 (ii) educating the public:
 126 (A) of the criminal laws and penalties relating to public lands and cultural sites;
 127 (B) how to report a criminal act observed on public lands or at a cultural site; and
 128 (C) regarding the protection, purpose, significance, and value of preserving public
 129 lands and cultural sites;

- 130 (iii) providing educational seminars and training to state agencies, local agencies,
 131 private organizations, and individuals regarding the preservation and protection of
 132 public lands and cultural sites; and
 133 (iv) in coordination with other state agencies, enforcement and educational activities
 134 concerning the preservation of, and protection of, public lands and cultural sites,
 135 which may include:
 136 (A) operation and maintenance of anti-vandalism projects; and
 137 (B) acquisition of signage and site-monitoring equipment.

- 138 (b) If the harm caused by an offender's commission of an offense under Section
 139 76-6-107.5 or 76-6-902 may be repaired, restored, or remediated, the office shall
 140 prioritize the use of any money received from the offender as a result of the offense
 141 for the purposes described in Subsection (4)(a)(i).

142 Section 3. Section **76-6-107.5** is amended to read:

143 **76-6-107.5 . Defacing by graffiti, damage, or destruction on public lands.**

144 (1)(a) As used in this section[~~-, "public"~~] :

- 145 (i)(A) "Archaeological feature" means a non-portable element created or used by
 146 humans that provides insights into past human activities or organization at a
 147 site.
 148 (B) "Archaeological feature" includes a petroglyph, a pictograph, a habitation
 149 cave or rock shelter, and other marks or carvings on rock or elsewhere that are
 150 of archaeological interest.
 151 (ii) "Natural feature" means a unique rock formation or feature, geological formation
 152 or feature, or another naturally occurring formation or feature, such as a hoodoo,
 153 cave, stalactite, or stalagmite.
 154 (iii) "Public lands" means state or federally owned property that is held substantially
 155 in the property's natural state, including canyons, parks owned or managed by the
 156 state, national parks, land managed by the Bureau of Land Management, and other
 157 lands owned or maintained by a government entity for outdoor recreational use.

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

159 (2) An actor commits defacing by graffiti, damage, or destruction on public lands if the
 160 actor:

- 161 (a) [~~-~~]creates, or assists in creating, graffiti on any public lands or state-owned object
 162 permanently located on public lands[~~-~~] ; or
 163 (b) damages or destroys:

- 164 (i) a natural feature on public lands;
165 (ii) an archaeological feature on public lands; or
166 (iii) a state-owned object permanently located on public lands.
- 167 (3) A violation of Subsection (2) is^[;] :
- 168 (a) a class B misdemeanor; or
169 (b) if the individual was previously convicted of violating this section, a class A
170 misdemeanor.
- 171 (4) If an actor is convicted of [~~defacing by graffiti on public lands, the~~] a violation of this
172 section, in addition to any other sentence imposed by the court, the court shall sentence
173 the actor to a term of community service as follows:
- 174 (a) for a first conviction, the court shall sentence the actor to 100 hours of community
175 service, to be completed within 90 days after the day on which the court issues the
176 order;
- 177 (b) for a second conviction, the court shall sentence the actor to 200 hours of community
178 service, to be completed within 180 days after the day on which the court issues the
179 order; or
- 180 (c) for a third or subsequent conviction, the court shall sentence the actor to 300 hours of
181 community service, to be completed within 270 days after the day on which the court
182 issues the order.
- 183 (5) If an actor is enrolled in school or maintains full or part-time employment, the ordered
184 community service may not be scheduled at a time the actor is scheduled to be in school
185 or performing the individual's employment duties.
- 186 (6) A sentence of community service described in [~~Subjection~~] Subsection (4) shall, to the
187 greatest extent possible, be for the benefit of public lands.
- 188 (7)(a) If an actor is convicted of [~~defacing by graffiti on public lands~~] a violation of this
189 section, the court may:
- 190 (i) [-]impose a fine up to the full amount of the estimated cost to restore the [~~damaged~~
191 land,] damage caused by the [~~actor, to the land's original state~~] actor's violation of
192 this section; or
- 193 (ii) order the actor to pay restitution for the damage caused by the actor's violation of
194 this section.
- 195 (b) The court may order that restitution under Subsection (7)(a) be deposited into the
196 Public Lands Restoration and Protection Fund created in Section 9-8a-207.
- 197 (8) An actor who voluntarily, at the actor's own expense, and with the consent of the

198 property owner, removes graffiti for which the actor is responsible shall be credited for [
199 eosts] the fees or restitution ordered by the court under Subsection (7).

200 Section 4. Section **76-6-902** is amended to read:

201 **76-6-902 . Antiquities alteration, removal, injury, or destruction.**

202 (1) Terms defined in Sections 76-1-101.5 and 76-6-901 apply to this section.

203 (2) An actor commits antiquities alteration, removal, injury, or destruction if the actor:

204 (a) intentionally alters, removes, injures, or destroys antiquities from state lands or
205 private lands without the landowner's consent; or

206 (b) counsels, procures, solicits, or employs another person to violate Subsection (2)(a).

207 (3)(a) Except as provided in Subsection (3)(b), a violation of Subsection (2) is a class B
208 misdemeanor.

209 (b) A violation of Subsection (2) is a third degree felony if:

210 (i) the violation is the actor's second or subsequent violation of this section, Section
211 76-6-902.1, or Section 76-6-902.2; or

212 (ii) the amount at issue, as calculated under Subsection (3)(c), exceeds \$500.

213 (c) The amount described in Subsection (3)(b)(ii) is calculated by adding together:

214 (i) the commercial or archaeological value of the antiquities involved in the violation;
215 and

216 (ii) the cost of the restoration and repair of the antiquities involved in the violation.

217 (d) An actor shall surrender to the landowner all articles and material discovered,
218 collected, excavated, or offered for sale or exchange in violation of this section.

219 (4)(a) For a violation of Subsection (2) on state lands, the court may:

220 (i) impose a fine up to the full amount described in Subsection (3)(c); or

221 (ii) order the actor to pay restitution for the damage caused by the actor's violation of
222 this section.

223 (b) The court may order that restitution under Subsection (4)(a) be deposited into the

224 Public Lands Restoration and Protection Fund created in Section 9-8a-207.

225 Section 5. **Effective Date.**

226 This bill takes effect on May 6, 2026.