

HB0536S02 compared with HB0536

~~{Omitted text}~~ shows text that was in HB0536 but was omitted in HB0536S02

inserted text shows text that was not in HB0536 but was inserted into HB0536S02

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1 **Criminal Conduct on Public Lands Amendments**
2026 GENERAL SESSION
STATE OF UTAH
Chief Sponsor: Stewart E. Barlow
Senate Sponsor:

2 **LONG TITLE**

3 **General Description:**

4 This bill concerns criminal conduct on public lands.

5 **Highlighted Provisions:**

6 This bill:

- 7 ▶ **defines terms;**
- 8 ▶ **creates the Public Lands Restoration and Protection Fund (fund) to be administered by the**
- 9 **State Historic Preservation Office;**
- 10 ▶ amends the criminal offense of defacing by graffiti on public lands ~~{to include additional}~~ ,
- 11 including to add conduct involving natural and archaeological features;
- 12 ▶ **amends penalty provisions for certain criminal violations of the offense of antiquities**
- 13 **alteration, removal, injury, or destruction;**
- 14 ▶ provides ~~{for}~~ that a ~~{fine or restitution order}~~ court may order criminal restitution to ~~{restore}~~
- 15 be deposited into the ~~{damage caused by}~~ fund for a ~~{defendant; and}~~ violation of:
- 16 • **defacing by graffiti, damage, or destruction on public lands; or**
- 17 •
- 18

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antiquities alteration, removal, injury, or destruction, if the violation is on state lands;

and

▸ makes technical and conforming changes.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

9-8a-203 , as last amended by Laws of Utah 2025, Chapter 536

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

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

ENACTS:

9-8a-207 , Utah Code Annotated 1953

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

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

9-8a-203. Office duties.

The office shall:

- (1) secure, for the present and future benefit of the state, the protection of archaeological resources and sites which are on state lands;
- (2) foster increased cooperation and exchange of information between state authorities, the professional archaeological community, and private individuals;
- (3) in cooperation with federal and state agencies, local governments, private organizations, and private individuals, direct and conduct a comprehensive statewide survey of historic properties;
- (4) maintain an inventory of the properties described in Subsection (3);
- (5) identify and nominate eligible property to the National Register of Historic Places;
- (6) administer applications for listing historic property on the National Register of Historic Places;
- (7) prepare and implement a comprehensive statewide historic preservation plan;
- (8) administer the state program of federal assistance for historic preservation within the state;

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- (9) advise and assist, as appropriate, state agencies, federal agencies, and local governments in carrying out the state agency's, federal agency's, and local government's historic preservation responsibilities;
- 54 (10) cooperate with federal agencies, state agencies, local agencies, private organizations, and individuals to ensure that historic property is taken into consideration at all levels of 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 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, 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 organizations, and individuals regarding the preservation and protection of state cultural sites;
- 66 (13) cooperate with local governments in the development of local historic preservation 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 may qualify for federal assistance;
- 72 (15)
 - (a) create and maintain an inventory of all active and inactive cemeteries throughout the state;
 - 74 (b) enter into cooperative agreements with local governments and other groups and organizations to collect and maintain the information needed for the inventory described in Subsection (15)(a);
 - 77 (c) encourage the use of volunteers to help collect the information and to maintain the inventory described in Subsection (15)(a);
 - 79 (d) encourage cemetery owners, or in the case of inactive or small historic cemeteries, volunteers, to create and maintain geographic information systems to record burial sites;
 - 82 (e) publicize the information in the inventory described in Subsection (15)(a) in a variety of forms and media, especially to encourage Utah citizens to participate in the care and upkeep of historic cemeteries;
 - 85 (f) work with public and private cemeteries, heritage organizations, genealogical groups, and volunteer groups to help maintain, repair, and landscape cemeteries, grave sites, and tombstones; and

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- (g) make the inventory described in Subsection (15)(a) available to any person upon request;
- (16)
- (a) create and maintain a public electronic record of each cemetery location and each burial location;
- (b) help maintain, repair, and landscape cemeteries, grave sites, and tombstones by providing matching grants to:
- (i) municipal cemeteries;
- (ii) cemetery maintenance districts;
- (iii) endowment care cemeteries;
- (iv) private nonprofit cemeteries;
- (v) genealogical associations; or
- (vi) other nonprofit groups with an interest in cemeteries; and
- (c) make rules, in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, governing the process for awarding grants under Subsection (15)(b), including rules that ensure recipients use grant money for projects that are cost effective and completed in accordance with applicable professional standards;
- (17) perform other duties as designated under 54 U.S.C. Sec. 302303;
- (18) administer the Public Lands Restoration and Protection Fund created in Section 9-8a-207; and
- ~~[(18)]~~ (19) perform other duties as designated by the department and by statute.

Section 2. Section 2 is enacted to read:

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

- (1) As used in this section, "fund" means the Public Lands Restoration and Protection Fund created in Subsection (2).
- (2) There is created an expendable special revenue fund known as the "Public Lands Restoration and Protection Fund."
- ~~(3)~~
- (a) The fund shall consist of:
- (i) criminal restitution collected by the office as a result of an offense under Section 76-6-107.5 or 76-6-902;
- (ii) money appropriated by the Legislature; and
- (iii) interest, dividends, or other income earned on fund money.
- (b) Any portion of the fund may be maintained in an interest-bearing account.

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(4)

(a) The office may use the fund for the restoration of, and prevention of, harm to public lands and cultural sites, including:

(i) repairing, restoring, or remediating harm caused by an offense described in Section 76-6-107.5 or 76-6-902, which may include coordination with the agency with jurisdiction over the affected area;

(ii) educating the public:

(A) of the criminal laws and penalties relating to public lands and cultural sites;

(B) how to report a criminal act observed on public lands or at a cultural site; and

(C) regarding the protection, purpose, significance, and value of preserving public lands and cultural sites;

(iii) providing educational seminars and training to state agencies, local agencies, private organizations, and individuals regarding the preservation and protection of public lands and cultural sites; and

(iv) in coordination with other state agencies, enforcement and educational activities concerning the preservation of, and protection of, public lands and cultural sites, which may include:

(A) operation and maintenance of anti-vandalism projects; and

(B) acquisition of signage and site-monitoring equipment.

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

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

76-6-107.5. {~~Damage, destruction~~} Defacing by graffiti, damage, or {~~defacing by graffiti of~~} destruction on public lands.

(1)

(a) As used in this section[, "public"] :

{(i) {~~"Natural feature" means a rock formation or feature, geological formation or feature, or another naturally occurring formation or feature, such as a hoodoo, cave, stalactite, or stalagmite.~~}-}

(ii)(i)

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(A) "Archaeological feature" means a non-portable element created or used by humans that provides insights into past human activities or organization at a site.

(B) "Archaeological feature" includes a petroglyph, a pictograph, a habitation cave or rock shelter, and other marks or carvings on rock or elsewhere that are of archaeological interest.

~~(iii){(ii)} {"Public"} "Natural feature" means a rock formation or feature, geological formation or feature, or another naturally occurring formation or feature, such as a hoodoo, cave, stalactite, or stalagmite.~~

~~(iii) "Public" lands~~ means state or federally owned property that is held substantially in the property's natural state, including canyons, parks owned or managed by the state, national parks, land managed by the Bureau of Land Management, and other lands owned or maintained by a government entity for outdoor recreational use.

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

(2) An actor commits ~~{damage, destruction, or}~~ defacing by graffiti, damage, or destruction on public lands if the actor:

~~{(a) damages or destroys;}~~

~~{(i) a natural feature on public lands;}~~

~~{(ii) an archaeological feature on public lands; or}~~

~~{(iii) a state-owned object permanently located on public lands; or}~~

~~(b){(a)}~~ creates, or assists in creating, graffiti on any public lands or state-owned object permanently located on public lands~~[-]~~ ; or

(b) damages or destroys:

(i) a natural feature on public lands;

(ii) an archaeological feature on public lands; or

(iii) a state-owned object permanently located on public lands.

(3) A violation of Subsection (2) is~~[-]~~ :

(a) a class B misdemeanor; or

(b) if the individual was previously convicted of violating this section, a class A misdemeanor.

(4) If an actor is convicted of ~~[defacing by graffiti on public lands, the]~~ ~~{-}~~ a violation of this section, in addition to any other sentence imposed by the court, the court shall sentence the actor to a term of community service as follows:

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- (a) for a first conviction, the court shall sentence the actor to 100 hours of community service, to be completed within 90 days after the day on which the court issues the order;
- (b) for a second conviction, the court shall sentence the actor to 200 hours of community service, to be completed within 180 days after the day on which the court issues the order; or
- (c) for a third or subsequent conviction, the court shall sentence the actor to 300 hours of community service, to be completed within 270 days after the day on which the court issues the order.
- (5) If an actor is enrolled in school or maintains full or part-time employment, the ordered community service may not be scheduled at a time the actor is scheduled to be in school or performing the individual's employment duties.
- (6) A sentence of community service described in [Subjection] Subsection (4) shall, to the greatest extent possible, be for the benefit of public lands.

(7)

(a) If an actor is convicted of [~~defacing by graffiti on public lands~~] a violation of this section, the court may:

(a){ (i) } [-]impose a fine up to the full amount of the estimated cost to restore the [damaged land,] damage caused by the [actor{ } actor's violation of this section], to the land's original state actor's violation of this section; or

(b){ (ii) } order the actor to {~~provide~~} pay restitution {~~to an authorized government agency that provides, or hires an outside agency to provide, restoration services~~} for the damage caused by the actor's violation of this section.

(b) The court may order that restitution under Subsection (7)(a) be deposited into the Public Lands Restoration and Protection Fund created in Section 9-8a-207.

(8) An actor who voluntarily, at the actor's own expense, and with the consent of the property owner, removes graffiti for which the actor is responsible shall be credited for [costs] the fees or restitution ordered by the court under Subsection (7).

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

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

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

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

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

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- 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 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 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; 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, 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 this section.
223 (b) The court may order that restitution under Subsection (4)(a) be deposited into the Public Lands
Restoration and Protection Fund created in Section 9-8a-207.
225 Section 5. **Effective date.**
Effective Date.
This bill takes effect on May 6, 2026.

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