

### **Part 3**

## **Illegal Activities on Trust Lands**

#### **53C-2-301 Trespassing on trust lands -- Penalties.**

- (1) A person is liable for the civil damages prescribed in Subsection (2) and, unless a greater penalty is prescribed in another part of the law, is guilty of a class B misdemeanor if the person, without written authorization from the director:
  - (a) removes, extracts, uses, consumes, or destroys any mineral resource, gravel, sand, soil, vegetation, water resource, or improvement on trust lands;
  - (b) grazes livestock on trust lands;
  - (c) uses, occupies, or constructs improvements or structures on trust lands;
  - (d) uses or occupies trust lands for more than 30 days after the cancellation or expiration of written authorization;
  - (e) knowingly and willfully uses trust lands for commercial gain;
  - (f) appropriates, alters, injures, or destroys any improvement or any historical, prehistorical, archaeological, or paleontological resource on trust lands;
  - (g) trespasses upon, uses, commits waste, dumps refuse, or occupies trust land;
  - (h) interferes with the activities of an employee or agent of the administration on trust lands; or
  - (i) interferes with activities of a lessee or other person that have been authorized by the administration, whether or not the trust land has been withdrawn from occupancy or use pursuant to Subsection 53C-2-105(1)(b).
- (2) A person who commits any act described in Subsection (1) is liable for damages in the amount of whichever of the following is greatest:
  - (a) three times the value at the point of sale of the mineral or other resource removed, destroyed, or extracted;
  - (b) three times the amount of damage committed;
  - (c) three times the cost to cure the damage;
  - (d) three times the value of any losses suffered as a result of interference with authorized activities; or
  - (e) three times the consideration which would have been charged by the director for use of the land during the period of trespass.
- (3) In addition to the damages described in Subsection (2), a person found guilty of a criminal act under Subsection (1) is subject to the penalties provided in Title 76, Chapter 3, Punishments.
- (4) The director shall deposit money collected under this section in the fund in which like revenues from that land would be deposited.
- (5) The director may award a portion of any of the damages collected under this section in excess of actual damages to the general fund of the county in which the trespass occurred as a reward for county assistance in the apprehension and prosecution of the trespassing party.

Amended by Chapter 389, 2016 General Session

#### **53C-2-302 Enforcement of this chapter -- County attorney to prosecute.**

- (1) It is the duty of the administration and all law enforcement officers to enforce this chapter within their respective jurisdictions and to investigate and gather evidence that may indicate a violation under this chapter.
- (2) The county attorney shall prosecute any criminal violation of this chapter.

Enacted by Chapter 294, 1994 General Session