

**Effective 5/3/2023**

**76-6-206.2 Criminal trespass on state park lands.**

- (1)
  - (a) As used in this section:
    - (i) "Authorization" means specific written permission by, or contractual agreement with, the Division of State Parks.
    - (ii) "Criminal trespass" means the elements of the crime of criminal trespass, as set forth in Section 76-6-206.
    - (iii) "Division" means the Division of State Parks created in Section 79-4-201.
    - (iv) "State park lands" means all lands administered by the division.
  - (b) Terms defined in Sections 76-1-101.5 and 76-6-201 apply to this section.
- (2) An actor commits criminal trespass on state park lands and is liable for the civil damages prescribed in Subsection (5) if, under circumstances not amounting to a greater offense, and without authorization, the actor:
  - (a) constructs improvements or structures on state park lands;
  - (b) uses or occupies state park lands for more than 30 days after the cancellation or expiration of authorization;
  - (c) knowingly or intentionally uses state park lands for commercial gain;
  - (d) intentionally or knowingly grazes livestock on state park lands, except as provided in Section 72-3-112; or
  - (e) remains, after being ordered to leave by a person with actual authority to act for the division, or by a law enforcement officer.
- (3) A violation of Subsection (2) is a class B misdemeanor.
- (4) A person does not commit criminal trespass if that person enters onto state park lands:
  - (a) without first paying the required fee; and
  - (b) for the sole purpose of pursuing recreational activity.
- (5)
  - (a) In addition to an order for restitution under Section 77-38b-205, an actor who commits any act described in Subsection (2) may also be liable for civil damages in the amount of three times the value of:
    - (i) damages resulting from a violation of Subsection (2);
    - (ii) the water, mineral, vegetation, improvement, or structure on state park lands that is removed, destroyed, used, or consumed without authorization;
    - (iii) the historical, prehistorical, archaeological, or paleontological resource on state park lands that is removed, destroyed, used, or consumed without authorization; or
    - (iv) the consideration which would have been charged by the division for unauthorized use of the land and resources during the period of trespass.
  - (b) Civil damages awarded under Subsection (5)(a):
    - (i) may be collected in a separate action by the division; and
    - (ii) shall be deposited into the State Park Fees Restricted Account as established in Section 79-4-402.

Amended by Chapter 111, 2023 General Session