

Effective 5/3/2023

76-6-206.3 Criminal trespass on agricultural land or range land.

- (1)
 - (a) As used in this section:
 - (i) "Agricultural or range land" and "land" mean land as defined under Subsections (1)(a)(iv) and (v).
 - (ii) "Authorization" means specific written permission by, or contractual agreement with, the owner or manager of the property.
 - (iii) "Criminal trespass" means the elements of the crime of criminal trespass under Section 76-6-206.
 - (iv) "Land in agricultural use" has the same meaning as in Section 59-2-502.
 - (v)
 - (A) "Range land" means privately owned land that is not fenced or divided into lots and that is generally unimproved.
 - (B) "Range land" includes land used for livestock.
 - (b) Terms defined in Sections 76-1-101.5 and 76-6-201 apply to this section.
- (2) An actor commits criminal trespass on agricultural or range land and is liable for the civil damages under Subsection (5) if, under circumstances not amounting to a greater offense, and without authorization or a right under state law, the actor enters or remains on agricultural or range land regarding which notice prohibiting entry is given by:
 - (a) personal communication to the actor by the owner of the land, an employee of the owner, or a person with apparent authority to act for the owner;
 - (b) fencing or other form of enclosure a reasonable person would recognize as intended to exclude intruders; or
 - (c) posted signs or markers that would reasonably be expected to be seen by persons in the area of the borders of the land.
- (3) A violation of Subsection (2) is a class B misdemeanor.
- (4) In addition to an order for restitution under Section 77-38b-205, an actor who commits any violation of Subsection (2) may also be liable for:
 - (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;
 - (b) reasonable attorney fees not to exceed \$250; and
 - (c) court costs.
- (5) Civil damages under Subsection (4) may be collected in a separate action by the owner of the agricultural or range land or the owner's assignee.

Amended by Chapter 111, 2023 General Session