

**Effective 5/3/2023**

**Effective until 5/1/2024**

**76-6-206.4 Criminal trespass by long-term guest to a residence.**

- (1)
  - (a) As used in this section:
    - (i) "Burglary" means an offense described in Section 76-6-202, 76-6-203, or 76-6-204.
    - (ii) "Long-term guest" means an individual who is not a tenant but who is given express or implied permission by the person who is the primary occupant of the residence or someone with apparent authority to act for the primary occupant to enter a portion of a residence or temporarily occupy a portion of a residence:
      - (A) for a period of time longer than 48 hours; and
      - (B) without providing the owner or primary occupant of the residence compensation or entering into an agreement that the individual provide labor in lieu of providing the owner or primary occupant compensation for occupying the residence.
    - (iii) "Residence" means an improvement to real property used or occupied as a primary or secondary dwelling.
    - (iv) "Tenant" means a person who has the right to occupy a residence under a rental agreement or lease, or has a tenancy by operation of law.
  - (b) Terms defined in Sections 76-1-101.5 and 76-6-201 apply to this section.
- (2) An actor commits criminal trespass of a residence if the actor:
  - (a) is a long-term guest; and
  - (b) in circumstances not amounting to burglary, remains in a residence after the actor receives notice against remaining in the residence by personal communication to the actor by the person who is the primary occupant of the residence or someone with apparent authority to act for the primary occupant.
- (3) A violation of Subsection (2) is a class B misdemeanor.
- (4) Before a law enforcement officer escorts an actor from a residence for a violation of Subsection (2), the law enforcement officer shall provide the actor a reasonable time for the actor to collect the actor's personal belongings.