

Effective 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, nor the immediate family member of an owner or tenant, but who is given express or implied permission by an owner or tenant of the residence or someone with apparent authority to act for an owner or tenant 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 tenant 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)

(a) Except as provided in Subsection (2)(b), a long-term guest commits criminal trespass of a residence if the long-term guest, in circumstances not amounting to burglary, remains in a residence after receiving notice to leave the residence from:

- (i) an owner;
- (ii) a tenant; or
- (iii) someone with apparent authority to act for an owner or a tenant.

(b) A long-term guest does not commit criminal trespass if:

- (i) the long-term guest has express permission to remain in the residence from a separate owner or tenant; and
- (ii) the express permission is not:
 - (A) revoked by the owner or tenant described in Subsection (2)(b)(i); or
 - (B) rendered void under Subsection (2)(c).

(c) The express permission described in Subsection (2)(b) is void if:

- (i) the long-term guest or a visitor of the long-term guest:
 - (A) uses or distributes illegal drugs at the residence;
 - (B) distributes alcohol to a minor at the residence;
 - (C) commits a crime against a person or property at the residence; or
 - (D) commits a behavior that threatens or substantially endangers the security, safety, well-being, or health of other persons at the residence or threatens or damages property at the residence; or
- (ii) the long-term guest commits a felony after occupying the residence, regardless of whether the long-term guest enters into a plea agreement for a lower offense and regardless of where the felony takes place.

(3) A violation of Subsection (2) is a class B misdemeanor.

(4) Before a law enforcement officer escorts a long-term guest from a residence for a violation of Subsection (2), the law enforcement officer shall provide the long-term guest a reasonable time for the long-term guest to collect the long-term guest's personal belongings.

Amended by Chapter 223, 2024 General Session

