

Effective 5/9/2017

Superseded 5/4/2022

76-6-206 Criminal trespass.

- (1) As used in this section:
 - (a) "Enter" means intrusion of the entire body or the entire unmanned aircraft.
 - (b) "Remain unlawfully," as that term relates to an unmanned aircraft, means remaining on or over private property when:
 - (i) the private property or any portion of the private property is not open to the public; and
 - (ii) the person operating the unmanned aircraft is not otherwise authorized to fly the unmanned aircraft over the private property or any portion of the private property.
- (2) A person is guilty of criminal trespass if, under circumstances not amounting to burglary as defined in Section 76-6-202, 76-6-203, or 76-6-204 or a violation of Section 76-10-2402 regarding commercial obstruction:
 - (a) the person enters or remains unlawfully on or causes an unmanned aircraft to enter and remain unlawfully over property and:
 - (i) intends to cause annoyance or injury to any person or damage to any property, including the use of graffiti as defined in Section 76-6-107;
 - (ii) intends to commit any crime, other than theft or a felony; or
 - (iii) is reckless as to whether the person's or unmanned aircraft's presence will cause fear for the safety of another;
 - (b) knowing the person's or unmanned aircraft's entry or presence is unlawful, the person enters or remains on or causes an unmanned aircraft to enter or remain unlawfully over property to which notice against entering is given by:
 - (i) personal communication to the person by the owner or someone with apparent authority to act for the owner;
 - (ii) fencing or other enclosure obviously designed to exclude intruders; or
 - (iii) posting of signs reasonably likely to come to the attention of intruders; or
 - (c) the person enters a condominium unit in violation of Subsection 57-8-7(8).
- (3)
 - (a) A violation of Subsection (2)(a) or (b) is a class B misdemeanor unless the violation is committed in a dwelling, in which event the violation is a class A misdemeanor.
 - (b) A violation of Subsection (2)(c) is an infraction.
- (4) It is a defense to prosecution under this section that:
 - (a) the property was at the time open to the public; and
 - (b) the actor complied with all lawful conditions imposed on access to or remaining on the property.