

Effective 5/7/2025

76-6-206 Criminal trespass.

- (1)
 - (a) As used in this section:
 - (i) "Enter" means intrusion of the entire body or the entire unmanned aircraft.
 - (ii) "Graffiti" means the same as that term is defined in Section 76-6-101.
 - (iii) "Remain unlawfully," as that term relates to an unmanned aircraft, means remaining on or over private property when:
 - (A) the private property or any portion of the private property is not open to the public; and
 - (B) 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.
 - (b) Terms defined in Sections 76-1-101.5 and 76-6-201 apply to this section.
- (2) An actor commits criminal trespass if, under circumstances not amounting to burglary as defined in Section 76-6-202, 76-6-203, or 76-6-204, a violation of Section 76-6-106.2, or a violation of Section 76-9-113 regarding commercial obstruction or Section 76-9-114 regarding aggravated commercial obstruction:
 - (a) the actor 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;
 - (ii) intends to commit any crime, other than theft or a felony; or
 - (iii) is reckless as to whether the actor's or unmanned aircraft's presence will cause fear for the safety of another;
 - (b) knowing the actor's or unmanned aircraft's entry or presence is unlawful, the actor 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 actor 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;
 - (c) the actor enters a condominium unit in violation of Section 57-8-7(8); or
 - (d) the actor enters a sex-designated changing room in violation of Subsection 63G-31-302(3).
- (3)
 - (a) Except as provided in Subsection (3)(b), a violation of Subsection (2)(a) , (b), or (d) is a class B misdemeanor.
 - (b) The following is a class A misdemeanor:
 - (i) if a violation of Subsection (2)(a) or (b) is committed in a dwelling;
 - (ii) if a violation of Subsection (2)(d) is committed while also committing the offense of:
 - (A) lewdness under Section 76-5-419;
 - (B) lewdness involving a child under Section 76-5-420;
 - (C) voyeurism under Section 76-12-306;
 - (D) recorded or photographed voyeurism under Section 76-12-307;
 - (E) distribution of images obtained through voyeurism under Section 76-12-308; or
 - (F) loitering in a privacy space under Section 76-12-309; or
 - (iii) if a violation of Subsection (2)(d) is committed in a sex-designated privacy space, as defined in Section 76-12-309, that is not designated for individuals of the actor's sex.
 - (c) 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 defendant complied with all lawful conditions imposed on access to or remaining on the property.
- (5) In addition to an order for restitution under Section 77-38b-205, an actor who commits a 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; and
 - (b) reasonable attorney fees not to exceed \$250, and court costs.
- (6) Civil damages under Subsection (5) may be collected in a separate action by the property owner or the owner's assignee.

Amended by Chapter 173, 2025 General Session

Amended by Chapter 295, 2025 General Session