

**TRESPASSING ON STATE PARK LANDS**

2004 GENERAL SESSION

STATE OF UTAH

**Sponsor: Sheryl L. Allen**

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**LONG TITLE**

**General Description:**

This bill establishes penalties for trespassing on state park land and allows the division to sue for treble damages in a civil lawsuit, which damages shall be deposited in the State Park Fees Restricted Account.

**Highlighted Provisions:**

This bill:

- ▶ establishes penalties and civil damages for trespass on state park lands;
- ▶ establishes penalties and civil damages for other activities on state park lands such as using certain resources, grazing, or occupying land; and
- ▶ allows the Division of Parks and Recreation to sue for treble damages in a civil lawsuit, which damages shall be deposited in the State Park Fees Restricted Account.

**Monies Appropriated in this Bill:**

None

**Other Special Clauses:**

This bill takes effect on July 1, 2004.

**Utah Code Sections Affected:**

AMENDS:

**63-11-66**, as enacted by Chapter 336, Laws of Utah 2003

ENACTS:

**76-6-206.2**, Utah Code Annotated 1953

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*Be it enacted by the Legislature of the state of Utah:*

Section 1. Section **63-11-66** is amended to read:

**63-11-66. State Park Fees Restricted Account.**

(1) There is created within the General Fund a restricted account known as the State Park Fees Restricted Account.

(2) (a) Except as provided in Subsection (2)(b), the account shall consist of revenue from:

(i) all charges allowed under Subsection 63-11-17(8); [~~and~~]

(ii) proceeds from the sale or disposal of buffalo under Subsection 63-11-19.2(2)(b)[-];

and

(iii) civil damages collected under Section 76-6-206.2.

(b) The account shall not include revenue the division receives under Sections 63-11-19.5, 63-11-19.6, and Subsection 63-11-19.2(2)(a).

(3) The division shall use funds in this account for the purposes described in Section 63-11-17.

Section 2. Section **76-6-206.2** is enacted to read:

**76-6-206.2. Criminal trespass on state park lands -- Penalties.**

(1) For purposes of this section:

(a) "Authorization" means specific written permission by, or contractual agreement with, the Division of Parks and Recreation.

(b) "Criminal trespass" means the elements of the crime of criminal trespass, as set forth in Section 76-6-206.

(c) "Division" means the Division of Parks and Recreation, as referred to in Section 63-11-3.1.

(d) "State park lands" means all lands administered by the division.

(2) A person is guilty of criminal trespass on state park lands and is liable for the civil damages prescribed in Subsection (5) if, under circumstances not amounting to a greater offense, and without authorization, the person:

(a) constructs improvements or structures on state park lands;

(b) uses or occupies state park lands for more than 30 days after the cancellation or

expiration of authorization;

(c) knowingly or intentionally uses state park lands for commercial gain;

(d) intentionally or knowingly grazes livestock on state park lands, except as provided in Section 72-3-112; or

(e) remains, after being ordered to leave by someone with actual authority to act for the division, or by a law enforcement officer.

(3) A person is not guilty of criminal trespass if that person enters onto state park lands:

(a) without first paying the required fee; and

(b) for the sole purpose of pursuing recreational activity.

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

(5) In addition to restitution, as provided in Section 76-3-201, a person who commits any act described in Subsection (2) may also be liable for civil damages in the amount of three times the value of:

(a) damages resulting from a violation of Subsection (2);

(b) the water, mineral, vegetation, improvement, or structure on state park lands that is removed, destroyed, used, or consumed without authorization;

(c) the historical, prehistorical, archaeological, or paleontological resource on state park lands that is removed, destroyed, used, or consumed without authorization; or

(d) the consideration which would have been charged by the division for unauthorized use of the land and resources during the period of trespass.

(6) Civil damages under Subsection (5) may be collected in a separate action by the division, and shall be deposited in the State Parks Fees Restricted Account as established in Section 63-11-66.

**Section 3. Effective date.**

This bill takes effect on July 1, 2004.