

**TRESPASS LAW AMENDMENTS**

2006 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Kerry W. Gibson**

Senate Sponsor: Darin G. Peterson

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**LONG TITLE**

**General Description:**

This bill modifies the Criminal Code regarding criminal trespass.

**Highlighted Provisions:**

This bill:

- ▶ increases the penalties for each of two specified types of criminal trespass to one higher level of misdemeanor.

**Monies Appropriated in this Bill:**

None

**Other Special Clauses:**

None

**Utah Code Sections Affected:**

AMENDS:

**76-6-206**, as last amended by Chapter 225, Laws of Utah 2001

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

Section 1. Section **76-6-206** is amended to read:

**76-6-206. Criminal trespass.**

(1) [~~For purposes of~~] As used in this section, "enter" means intrusion of the entire body.

(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 terrorism:

- 30 (a) he enters or remains unlawfully on property and:  
31 (i) intends to cause annoyance or injury to any person or damage to any property,  
32 including the use of graffiti as defined in Section 76-6-107;  
33 (ii) intends to commit any crime, other than theft or a felony; or  
34 (iii) is reckless as to whether his presence will cause fear for the safety of another;  
35 (b) knowing his entry or presence is unlawful, he enters or remains on property as to  
36 which notice against entering is given by:  
37 (i) personal communication to the actor by the owner or someone with apparent  
38 authority to act for the owner;  
39 (ii) fencing or other enclosure obviously designed to exclude intruders; or  
40 (iii) posting of signs reasonably likely to come to the attention of intruders; or  
41 (c) he enters a condominium unit in violation of Subsection 57-8-7(7).  
42 (3) (a) A violation of Subsection (2)(a) or (b) is a class [C] B misdemeanor unless it  
43 was committed in a dwelling, in which event it is a class [B] A misdemeanor.  
44 (b) A violation of Subsection (2)[~~(b)~~](c) is an infraction.  
45 (4) It is a defense to prosecution under this section that [~~the~~]:  
46 (a) the property was open to the public when the actor entered or remained; and  
47 (b) the actor's conduct did not substantially interfere with the owner's use of the  
48 property.