

1 **TRESPASS LAW AMENDMENTS**

2 2006 GENERAL SESSION

3 STATE OF UTAH

4 **Chief Sponsor: Kerry W. Gibson**

5 Senate Sponsor: Darin G. Peterson

7 **LONG TITLE**

8 **General Description:**

9 This bill modifies the Criminal Code regarding criminal trespass.

10 **Highlighted Provisions:**

11 This bill:

12 ▶ includes as the offense of criminal trespass the act of entering property with the
13 intent to commit a theft or felony; and

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

16 **Monies Appropriated in this Bill:**

17 None

18 **Other Special Clauses:**

19 None

20 **Utah Code Sections Affected:**

21 AMENDS:

22 **76-6-206**, as last amended by Chapter 225, Laws of Utah 2001

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

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

26 **76-6-206. Criminal trespass.**

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



28 body.

29 (2) A person is guilty of criminal trespass if, under circumstances not amounting to
30 burglary as defined in Section 76-6-202, 76-6-203, or 76-6-204 or a violation of Section
31 76-10-2402 regarding commercial terrorism:

32 (a) he enters or remains unlawfully on property and:

33 (i) intends to cause annoyance or injury to any person or damage to any property,
34 including the use of graffiti as defined in Section 76-6-107;

35 (ii) intends to commit any crime, other than theft or a felony; or

36 (iii) is reckless as to whether his presence will cause fear for the safety of another;

37 (b) knowing his entry or presence is unlawful, he enters or remains on property as to
38 which notice against entering is given by:

39 (i) personal communication to the actor by the owner or someone with apparent
40 authority to act for the owner;

41 (ii) fencing or other enclosure obviously designed to exclude intruders; or

42 (iii) posting of signs reasonably likely to come to the attention of intruders; or

43 (c) he enters a condominium unit in violation of Subsection 57-8-7(7).

44 (3) (a) A violation of Subsection (2)(a) or (b) is a class [C] B misdemeanor unless it
45 was committed in a dwelling, in which event it is a class [B] A misdemeanor.

46 (b) A violation of Subsection (2)(~~(b)~~)(c) is an infraction.

47 (4) It is a defense to prosecution under this section that [~~the~~]:

48 (a) the property was open to the public when the actor entered or remained; and

49 (b) the actor's conduct did not substantially interfere with the owner's use of the
50 property.

Legislative Review Note
as of 12-28-05 2:06 PM

Based on a limited legal review, this legislation has not been determined to have a high probability of being held unconstitutional.

Office of Legislative Research and General Counsel

Fiscal Note
Bill Number HB0223

Trespass Law Amendments

16-Jan-06

5:25 PM

State Impact

No fiscal impact.

Individual and Business Impact

May have a positive fiscal impact on businesses.

Office of the Legislative Fiscal Analyst