

**TRESPASS LAW AMENDMENTS**

2009 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: John G. Mathis**

Senate Sponsor: Dennis E. Stowell

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**LONG TITLE**

**General Description:**

This bill modifies the Criminal Code regarding trespass on agricultural and range lands.

**Highlighted Provisions:**

This bill:

▶ creates the offense of criminal trespass on agricultural or range lands;

**§→ ▶ creates the offense of cutting, destroying, or rendering ineffective the fencing of agricultural or range lands; ←§**

▶ describes the requirements necessary in order for a person to enter these lands

lawfully;

▶ provides definitions; and

▶ provides a civil penalty.

**Monies Appropriated in this Bill:**

None

**Other Special Clauses:**

None

**Utah Code Sections Affected:**

ENACTS:

**76-6-206.3**, Utah Code Annotated 1953

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

Section 1. Section **76-6-206.3** is enacted to read:

**76-6-206.3. Criminal trespass on agricultural land or range land.**



28 (1) As used in this section:

29 (a) "Agricultural or range land" and "land" mean land as defined under Subsections  
30 (1)(d) and (e).

31 (b) "Authorization" means specific written permission by, or contractual agreement  
32 with, the owner or manager of the property.

33 (c) "Criminal trespass" means the elements of the crime of criminal trespass under  
34 Section 76-6-206.

35 (d) "Land in agricultural use" has the same meaning as in Section 59-2-502.

36 (e) "Range land" means privately owned land that is not fenced or divided into lots and  
37 that is generally unimproved. This land includes land used for livestock.

38 (2) A person is guilty of ~~§~~→ **the class B misdemeanor criminal offense of** ←~~§~~ criminal  
38a trespass on agricultural or range land and is liable for  
39 the civil damages under Subsection (5) if, under circumstances not amounting to a greater  
40 offense, and without authorization or a right under state law, the person enters or remains on  
41 agricultural or range land regarding which notice prohibiting entry is given by:

42 (a) personal communication to the person by the owner of the land, an employee of the  
43 owner, or a person with apparent authority to act for the owner;

44 (b) fencing or other form of enclosure a reasonable person would recognize as intended  
45 to ~~H~~→ **[prevent trespass] exclude intruders** ←~~H~~ ; or

46 (c) posted signs or markers that would reasonably be expected to be seen by persons in  
47 the area of the borders of the land.

48 ~~§~~→ **[(3) A violation of Subsection (2) is a class B misdemeanor.]**

48a **(3) A person is guilty of the class B misdemeanor criminal offense of cutting,**  
48b **destroying, or rendering ineffective the fencing of agricultural or range land if the**  
48c **person willfully cuts, destroys, or renders ineffective any fencing as described under**  
48d **Subsection (2)(b).** ←~~§~~

49 (4) In addition to restitution, as provided in Section 76-3-201, a person who commits  
50 any violation of Subsection (2) ~~§~~→ or (3) ←~~§~~ may also be liable for:

51 (a) statutory damages in the amount of the value of damages resulting from the  
52 violation of Subsection (2) or \$500, whichever is greater; and

53 (b) reasonable attorney fees ~~H~~→ **not to exceed \$250,** ←~~H~~ and court costs ~~H~~→ **[,but not to**  
53a **exceed \$250]** ←~~H~~ .

54 (5) Civil damages under Subsection (4) may be collected in a separate action by the  
55 owner of the agricultural or range land or the owner's assignee.

**Legislative Review Note**  
as of 2-2-09 1:46 PM

**Office of Legislative Research and General Counsel**

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**H.B. 153 - Trespass Law Amendments**

**Fiscal Note**

2009 General Session

State of Utah

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**State Impact**

Enactment of this bill will not require additional appropriations.

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**Individual, Business and/or Local Impact**

Enactment of this bill could result in civil penalties for individuals found guilty of trespassing on agricultural or range land. Property owners may benefit from receipt of civil penalties. Local justice courts may see a slight increase in caseloads.

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