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**SURVEYOR AMENDMENTS**

2010 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: John G. Mathis**

Senate Sponsor: \_\_\_\_\_

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**LONG TITLE**

**General Description:**

This bill prohibits, in certain circumstances, the prosecution of a county surveyor or a professional land surveyor for criminal trespass.

**Highlighted Provisions:**

This bill:

- ▶ defines terms;
- ▶ prohibits, in certain circumstances, the prosecution of a county surveyor or a professional land surveyor for criminal trespass; and
- ▶ makes technical corrections.

**Monies Appropriated in this Bill:**

None

**Other Special Clauses:**

None

**Utah Code Sections Affected:**

AMENDS:

**76-6-206**, as last amended by Laws of Utah 2006, Chapter 210

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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.**



- 28 (1) As used in this section, "enter" means intrusion of the entire 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~~ the person 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~~ the person's presence will cause fear for the safety of
- 37 another;
- 38 (b) knowing ~~his~~ the person's entry or presence is unlawful, ~~he~~ the person enters or
- 39 remains on property as to which notice against entering is given by:
- 40 (i) personal communication to the actor by the owner or someone with apparent
- 41 authority to act for the owner;
- 42 (ii) fencing or other enclosure obviously designed to exclude intruders; or
- 43 (iii) posting of signs reasonably likely to come to the attention of intruders; or
- 44 (c) ~~he~~ the person enters a condominium unit in violation of Subsection 57-8-7(7).
- 45 (3) (a) A violation of Subsection (2)(a) or (b) is a class B misdemeanor unless it was
- 46 committed in a dwelling, in which event it is a class A misdemeanor.
- 47 (b) A violation of Subsection (2)(c) is an infraction.
- 48 (4) It is a defense to prosecution under this section that:
- 49 (a) the property was open to the public when the actor entered or remained; and
- 50 (b) the actor's conduct did not substantially interfere with the owner's use of the
- 51 property.
- 52 (5) (a) As used in this Subsection (5):
- 53 (i) "Professional land surveying or the practice of land surveying" is as defined in
- 54 Section 58-22-102.
- 55 (ii) "Professional land surveyor" is as defined in Section 58-22-102.
- 56 (iii) "Surveyor" means a professional land surveyor and a county surveyor.
- 57 (b) A surveyor does not commit criminal trespass if when the surveyor enters and
- 58 remains on the property, the surveyor:

59            (i) (A) is engaged in professional land surveying or the practice of land surveying; or  
60            (B) in the case of a county surveyor or a designee of the county surveyor, is acting  
61 under the scope of authority under Title 17, Chapter 23, County Surveyor; and  
62            (ii) is not acting in violation of this section.

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**Legislative Review Note**  
as of 1-28-10 10:20 AM

**Office of Legislative Research and General Counsel**

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**H.B. 122 - Surveyor Amendments**

**Fiscal Note**

2010 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 likely will not result in direct, measurable costs and/or benefits for individuals, businesses, or local governments.

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