



House of Representatives *State of Utah*

UTAH STATE CAPITOL COMPLEX • 350 STATE CAPITOL
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February 9, 2010

Mr. Speaker:

The Government Operations Committee reports a favorable recommendation on **H.B. 122**, SURVEYOR AMENDMENTS, by Representative J. Mathis, with the following amendments:

1. *Page 1, Lines 9 through 10:*

9 This bill { ~~prohibits, in certain circumstances, the prosecution of a county~~
~~surveyor or a~~
10 ~~professional land surveyor for criminal trespass.~~ } provides a defense to criminal
trespass that the person is a professional surveyor or county surveyor.

2. *Page 1, Lines 14 through 15:*

14 ▶ { ~~prohibits, in certain circumstances, the prosecution of a county surveyor~~
~~or a~~
15 ~~professional land surveyor for criminal trespass.~~ } provides a defense to criminal
trespass that the person is a professional surveyor or county surveyor ; and

3. *Page 2, Line 48 through Page 3, Line 62:*

48 (4) (a) As used in this Subsection (4):
(i) "Professional land surveying or the practice of land surveying" is as
defined in Section 58-22-102.
(ii) "Professional land surveyor" is as defined in Section 58-22-102.
(iii) "Surveyor" means a professional land surveyor and a county surveyor.
(b) It is a defense to prosecution under this section that:
49 {~~(a)~~} (i)(A) the property was open to the public when the actor entered or
remained; and
50 {~~(b)~~} (B) the actor's conduct did not substantially interfere with the owner's
use of the
51 property {~~.~~} ; or
(ii)(A) the actor:
(I) is a surveyor or a designee of the surveyor engaged in professional

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land surveying or the practice of land surveying; or
(II) in the case of a county surveyor or designee of the county surveyor,
is acting under the scope of authority under Title 17, Chapter 23, County Surveyor;
and
(B) the actor's conduct did not substantially interfere with the owner's use
of the property.

52 { ~~(5) (a) As used in this Subsection (5):~~
53 — ~~(i) "Professional land surveying or the practice of land surveying" is as defined~~
54 ~~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~~
58 ~~and~~
58 ~~remains on the property, the surveyor~~ ~~59~~ — ~~(i) (A) is engaged in professional land~~
59 ~~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~~
61 ~~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.~~
62 - }

Respectfully,

Craig A. Frank
Committee Chair

Voting: 6-0-4

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