

# H.B. 122

## SURVEYOR AMENDMENTS

Representative **John G. Mathis** proposes 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 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 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~~<sup>59</sup> ~~\_\_\_\_\_ (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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