

TRESPASSING ON STATE LANDS

2012 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Margaret Dayton

House Sponsor: Michael E. Noel

LONG TITLE

General Description:

This bill makes it a class B misdemeanor for a person to camp on sovereign lands at a single location for more than 15 days, return to camp at the same location before 15 days pass, ~~§→ [moor or anchor a boat on sovereign lands at a single location for more than 15 days, or return to moor or anchor a boat at the same location before 15 days pass.]~~ leave an anchored or beached vessel unattended for longer than 48 hours, or anchor or beach a vessel for longer than 72 hours at the same location and then fail to move the vessel at least two miles from that location. ←§

Highlighted Provisions:

This bill:

- ▶ makes it a class B misdemeanor for a person to camp on sovereign lands for more than 15 days at the same or a nearby location;
- ▶ makes it a class B misdemeanor for a person to return to camp at the same location on sovereign lands before 15 days pass;
- ▶ makes it a class B misdemeanor for a person to ~~§→ [moor or anchor a boat on sovereign lands for more than 15 days at the same or a nearby location; and]~~ leave an anchored or beached vessel unattended for longer than 48 hours; ←§
- ▶ makes it a class B misdemeanor for a person to ~~§→ [return to moor or anchor a boat at the same location on sovereign lands before 15 days pass.]~~ anchor or beach a vessel for longer than 72 hours at the same location, and then fail to move the vessel at least two miles from that location; and
- ▶ makes technical changes. ←§



S.B. 33

23 **Money Appropriated in this Bill:**

24 None

25 **Other Special Clauses:**

26 None

27 **Utah Code Sections Affected:**

28 AMENDS:

29 **65A-3-1**, as last amended by Laws of Utah 2007, Chapter 322

30

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

32 Section 1. Section **65A-3-1** is amended to read:

33 **65A-3-1. Trespassing on state lands -- Penalties.**

34 **§→ (1) As used in this section:**

34a **(a) "Anchored" is as defined in Section 73-18-2;**

34b **(b) "Beached" is as defined in Section 73-18-2; and**

34c **(c) "Vessel" is as defined in Section 73-18-2. ←§**

34d **§→ [(1)] (2) ←§** A person is guilty of a class B misdemeanor and liable for the civil damages
 35 prescribed in Subsection **§→ [(3)] (4) ←§** if, without written authorization from the division, the
 35a person:

36 (a) removes, extracts, uses, consumes, or destroys any mineral resource, gravel, sand,
 37 soil, vegetation, or improvement on state lands;

38 (b) grazes livestock on state lands;

39 (c) uses, occupies, or constructs improvements or structures on state lands;

40 (d) uses or occupies state lands for more than 30 days after the cancellation or
 41 expiration of written authorization;

42 (e) knowingly and willfully uses state lands for commercial gain;

43 (f) appropriates, alters, injures, or destroys any historical, prehistorical, archaeological,
 44 or paleontological resource on state lands;

45 (g) camps on the beds of navigable lakes **§→ [and] or ←§** rivers except in posted and
 45a designated
 46 areas; **[or]**

47 **(h) camps on sovereign land for longer than 15 consecutive days at the same location**
 48 **or within one mile of the same location;**

49 **(i) camps on sovereign land for 15 consecutive days, and then returns to camp at the**
 50 **same location before 15 consecutive days have elapsed after the day on which the person left**
 51 **that location;**

52 **(j) §→ [moors or anchors a boat or other vessel on sovereign land for longer than 15**
 53 **consecutive days at the same location or within one mile of the same location;] leaves an anchored or**
 53a **beached vessel unattended for longer than 48 hours on sovereign land or navigable lakes or**
 53b **rivers; ←§**

54 (k) ~~§~~→ [moors or anchors a boat or other vessel on sovereign land for 15 consecutive days;
55 and then returns to moor or anchor a boat or other vessel at the same location before 15
56 consecutive days have elapsed after the day on which the person left that location;] anchors or
56a beaches a vessel for longer than 72 hours at the same location, on sovereign land or navigable
56b lakes or rivers, and then fails to move the vessel at least two miles from that location; ←§ or
57 [~~(k)~~] (l) parks or operates motor vehicles on the beds of navigable lakes and rivers
58 except in those areas supervised by the Division of Parks and Recreation or other state or local

59 enforcement entity and which are posted as open to vehicle use.

60 ~~§~~ → [(2)] (3) ← ~~§~~ A person is guilty of a class C misdemeanor and liable for civil damages
60a prescribed

61 in Subsection ~~§~~ → [(3)] (4) ← ~~§~~ if the person is in violation of any of the following regarding Bear
61a Lake:

62 (a) From October 1 through April 30, motor vehicle use and camping or picnicking are
63 allowed on the exposed lake bed, except that:

64 (i) motor vehicles are not allowed on lands administered by the Division of Parks and
65 Recreation;

66 (ii) the speed limit is 20 miles per hour;

67 (iii) except as necessary to launch or retrieve watercraft, motor vehicles are not allowed
68 within 100 feet of the water's edge; and

69 (iv) motor vehicle travel parallel to the water's edge is allowed, except within 100 feet
70 of the water's edge.

71 (b) From May 1 through September 30, motor vehicle use and camping or picnicking
72 are allowed on the exposed lake bed, except that:

73 (i) motorized vehicle usage is not allowed in areas specifically posted prohibiting
74 usage;

75 (ii) the established speed limit is 15 miles per hour;

76 (iii) except as necessary to launch or retrieve watercraft, motor vehicles are not allowed
77 within 100 feet of the water's edge;

78 (iv) unless posted, no motor vehicles may travel parallel to the water's edge;

79 (v) camping and use of motorized vehicles are prohibited between the hours of 10 p.m.
80 and 7 a.m.; and

81 (vi) no campfires or fireworks are allowed.

82 ~~§~~ → [(3)] (4) ← ~~§~~ A person who commits any act described in Subsection ~~§~~ → [(1)] (2) ← ~~§~~ or
82a ~~§~~ → [(2)] (3) ← ~~§~~ is liable for
83 damages in the amount of:

84 (a) three times the value of the mineral or other resource removed, destroyed, or
85 extracted;

86 (b) three times the value of damage committed; or

87 (c) three times the consideration which would have been charged by the division for
88 use of the land during the period of trespass.

89 ~~§~~ → [(4)] (5) ← ~~§~~ In addition to the damages described in Subsection ~~§~~ → [(3)] (4) ← ~~§~~ ,

89a a person found guilty of a

90 misdemeanor under Subsection ~~§→ [(1)] (2) ←§~~ or ~~§→ [(2)] (3) ←§~~ is subject to the penalties
90a provided in Section
91 76-3-204.

92 ~~§→ [(5)] (6) ←§~~ Money collected under this section shall be deposited in the fund in which
92a similar
93 revenues from that land would be deposited.

Legislative Review Note
as of 12-12-11 7:13 AM

Office of Legislative Research and General Counsel