



House of Representatives *State of Utah*

UTAH STATE CAPITOL COMPLEX • 350 STATE CAPITOL
P.O. BOX 145030 • SALT LAKE CITY, UTAH 84114-5030 • (801) 538-1029

February 27, 2015

Mr. Speaker:

The Law Enforcement and Criminal Justice Committee recommends **H.B. 348**, CRIMINAL JUSTICE PROGRAMS AND AMENDMENTS, by Representative E. Hutchings, be replaced and reports a favorable recommendation on **1st Sub. H.B. 348**, CRIMINAL JUSTICE PROGRAMS AND AMENDMENTS with the following amendments:

1. *Page 3, Line 84:*

84 and Juvenile Justice; ~~{and}~~

2. *Page 3, Line 87:*

87 guidelines established by the Sentencing Commission : and
▶ amends the offense of criminal trespass .

3. *Page 10, Line 297:*

297 76-3-202, as last amended by Laws of Utah 2013, Chapter 278
76-6-206, as last amended by Laws of Utah 2013, Chapter 152

4. *Page 210, Lines 6476 through 6477:*

6476 (11) A parolee sentenced to lifetime parole may petition the Board of Pardons and
6477 Parole for termination of lifetime parole.

= Section 202. Section 76-6-206 is amended to read:
76-6-206. Criminal trespass.

(1) As used in this section, "enter" means intrusion of the entire body.

(2) A person is guilty of criminal trespass if, under circumstances not amounting to

Bill Number



HB0348S01

Action Class



H

Action Code



HCRSUBAMD

burglary as defined in Section 76-6-202, 76-6-203, or 76-6-204 or a violation of Section 76-10-2402 regarding commercial obstruction:

- (a) the person enters or remains unlawfully on property and:
 - (i) intends to cause annoyance or injury to any person or damage to any property, including the use of graffiti as defined in Section 76-6-107;
 - (ii) intends to commit any crime, other than theft or a felony; or
 - (iii) is reckless as to whether his presence will cause fear for the safety of another;
 - (b) knowing the person's entry or presence is unlawful, the person enters or remains on property as to which notice against entering is given by:
 - (i) personal communication to the actor by the owner or someone with apparent authority to act for the owner;
 - (ii) fencing or other enclosure obviously designed to exclude intruders; or
 - (iii) posting of signs reasonably likely to come to the attention of intruders; or
 - (c) the person enters a condominium unit in violation of Subsection 57-8-7(8).
- (3) (a) A violation of Subsection (2)(a) or (b) is a class B misdemeanor unless it was committed in a dwelling, in which event it is a class A misdemeanor.
- (b) A violation of Subsection (2)(c) is an infraction.
- (4) It is a defense to prosecution under this section that:
- (a) the property was at the time open to the public ~~{when the actor entered or remained}~~ ; and
 - (b) ~~{the actor's conduct did not substantially interfere with the owner's use of the property}~~ the actor complied with all lawful conditions imposed on access to or remaining on the property .

Renumber remaining sections accordingly.

Respectfully,

Don L. Ipson
Committee Chair

Voting: 11-0-0

7 HB0348.HC1.WPD 2/27/15 10:16 am nbrady/NWB SCA/NWB

Bill Number



HB0348S01

Action Class



H

Action Code



HCRSUBAMD