

1st Sub. H.B. 348

CRIMINAL JUSTICE PROGRAMS AND AMENDMENTS

HOUSE COMMITTEE AMENDMENTS

AMENDMENT 2

FEBRUARY 26, 2015 7:52 PM

Representative **Don L. Ipson** proposes 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 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.