

**TRESPASS AMENDMENTS**

2017 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Brian M. Greene**

Senate Sponsor: Jacob L. Anderegg

**LONG TITLE**

**General Description:**

This bill modifies criminal trespass provisions.

**Highlighted Provisions:**

This bill:

- ▶ defines terms;
- ▶ enacts provisions related to trespass by a ~~H→~~ long-term ~~←H~~ guest in a residence; and
- ▶ provides for a penalty.

**Money Appropriated in this Bill:**

None

**Other Special Clauses:**

None

**Utah Code Sections Affected:**

ENACTS:

76-6-206.4, Utah Code Annotated 1953

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

Section 1. Section **76-6-206.4** is enacted to read:

**76-6-206.4. Criminal trespass by ~~H→~~ long-term ~~←H~~ guest to a residence.**

(1) As used in this section:

(a) "~~H→~~ **[Guest] Long-term guest ~~←H~~** " means an individual who is not a tenant but who is given express or

H.B. 202



28 implied permission by ~~H→~~ [an owner, tenant] the person who is the primary occupant  
 28a of the residence ~~←H~~ or someone with apparent authority to act for the  
 29 ~~H→~~ [owner or tenant] primary occupant ~~←H~~ to enter a portion of a residence or temporarily  
 29a occupy a portion of a residence ~~S→~~ :  
 29b (i) ~~←S~~ ~~H→~~ for a period of time longer than 48 hours ~~←H~~ ~~S→~~ , but otherwise for a short  
 29c period of time; and  
 29d (ii) without providing the owner or primary occupant of the residence compensation or  
 29e entering into an agreement that the individual provide labor in lieu of providing the owner or  
 29f primary occupant compensation for occupying the residence ~~←S~~ .  
 30 (b) "Residence" means an improvement to real property used or occupied as a primary  
 31 or secondary dwelling.  
 32 (c) "Tenant" means a person who has the right to occupy a residence under a rental  
 33 agreement or lease, or has a tenancy by operation of law.  
 34 (2) A ~~H→~~ long-term ~~←H~~ guest is guilty of criminal trespass of a residence if, under  
 34a circumstances not  
 35 amounting to burglary as defined in Section [76-6-202](#), [76-6-203](#), or [76-6-204](#), the  
 35a ~~H→~~ long-term ~~←H~~ guest  
 36 remains in a residence after the ~~H→~~ long-term ~~←H~~ guest receives notice against remaining  
 36a in the residence by  
 37 personal communication to the ~~H→~~ long-term ~~←H~~ guest by the ~~H→~~ [owner, tenant] person who  
 37a is the primary occupant of the residence ~~←H~~ or someone with apparent authority  
 38 to act for the ~~H→~~ [owner or tenant] primary occupant ~~←H~~ .  
 39 (3) A violation of Subsection (2) is a class B misdemeanor.  
 39a ~~S→~~ (4) Before a law enforcement officer escorts an individual from a residence for a  
 39b violation of this section, the law enforcement officer shall provide the individual a reasonable  
 39c time for the individual to collect the individual's personal belongings. ~~←S~~

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Legislative Review Note  
 Office of Legislative Research and General Counsel