

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 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 guest to a residence.

(1) As used in this section:

(a) "Guest" means an individual who is not a tenant but who is given express or



28 implied permission by an owner, tenant, or someone with apparent authority to act for the
29 owner or tenant to enter a portion of a residence or temporarily occupy a portion of a residence.

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 guest is guilty of criminal trespass of a residence if, under circumstances not
35 amounting to burglary as defined in Section [76-6-202](#), [76-6-203](#), or [76-6-204](#), the guest
36 remains in a residence after the guest receives notice against remaining in the residence by
37 personal communication to the guest by the owner, tenant, or someone with apparent authority
38 to act for the owner or tenant.

39 (3) A violation of Subsection (2) is a class B misdemeanor.

Legislative Review Note
Office of Legislative Research and General Counsel