

**Senator Jacob L. Anderegg** proposes the following substitute bill:

**TRESPASS AMENDMENTS**

2017 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Brian M. Greene**

Senate Sponsor: Jacob L. Anderegg

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**LONG TITLE**

**General Description:**

This bill modifies criminal trespass provisions.

**Highlighted Provisions:**

This bill:

- ▶ defines terms;
- ▶ enacts provisions related to trespass by a long-term 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

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*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 long-term guest to a residence.**



26 (1) As used in this section:

27 (a) "Long-term guest" means an individual who is not a tenant but who is given express  
28 or implied permission by the person who is the primary occupant of the residence or someone  
29 with apparent authority to act for the primary occupant to enter a portion of a residence or  
30 temporarily occupy a portion of a residence:

31 (i) for a period of time longer than 48 hours; and

32 (ii) without providing the owner or primary occupant of the residence compensation or  
33 entering into an agreement that the individual provide labor in lieu of providing the owner or  
34 primary occupant compensation for occupying the residence.

35 (b) "Residence" means an improvement to real property used or occupied as a primary  
36 or secondary dwelling.

37 (c) "Tenant" means a person who has the right to occupy a residence under a rental  
38 agreement or lease, or has a tenancy by operation of law.

39 (2) A long-term guest is guilty of criminal trespass of a residence if, under  
40 circumstances not amounting to burglary as defined in Section [76-6-202](#), [76-6-203](#), or  
41 [76-6-204](#), the long-term guest remains in a residence after the long-term guest receives notice  
42 against remaining in the residence by personal communication to the long-term guest by the  
43 person who is the primary occupant of the residence or someone with apparent authority to act  
44 for the primary occupant.

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

46 (4) Before a law enforcement officer escorts an individual from a residence for a  
47 violation of this section, the law enforcement officer shall provide the individual a reasonable  
48 time for the individual to collect the individual's personal belongings.