

1 **ILLEGAL ACTIVITIES ON TRUST LANDS AMENDMENTS**

2 2020 GENERAL SESSION

3 STATE OF UTAH

4 **Chief Sponsor: Michael K. McKell**

5 Senate Sponsor: Scott D. Sandall

7 **LONG TITLE**

8 **General Description:**

9 This bill addresses state institutional trust lands.

10 **Highlighted Provisions:**

11 This bill:

- 12 ▶ addresses penalties for illegal activities on trust land; and
- 13 ▶ makes technical changes.

14 **Money Appropriated in this Bill:**

15 None

16 **Other Special Clauses:**

17 None

18 **Utah Code Sections Affected:**

19 AMENDS:

20 **53C-2-301**, as last amended by Laws of Utah 2016, Chapter 389

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

23 Section 1. Section **53C-2-301** is amended to read:

24 **53C-2-301. Illegal activities on trust lands -- Penalties.**

25 (1) A person is liable for the civil damages prescribed in Subsection (2) and ~~unless a~~
26 ~~greater penalty is prescribed in another part of the law, is guilty of a class B misdemeanor] is~~
27 guilty of a criminal offense specified in Subsection (4) if the person ~~intentionally, knowingly,~~
28 or recklessly, and without written authorization from the director:

29 (a) removes, extracts, uses, consumes, or destroys ~~any~~ a mineral resource, gravel,

30 sand, soil, vegetation, water resource, or improvement on trust lands;

31 (b) grazes livestock on trust lands;

32 (c) uses, occupies, or constructs improvements or structures on trust lands;

33 (d) uses or occupies trust lands for more than 30 days after the cancellation or

34 expiration of written authorization;

35 (e) knowingly and willfully uses trust lands for commercial gain;

36 (f) appropriates, alters, injures, or destroys [~~any~~] an improvement or [~~any~~] historical,
37 prehistorical, archaeological, or paleontological resource on trust lands;

38 (g) trespasses upon, uses, commits waste, dumps refuse, or occupies trust land;

39 (h) interferes with the activities of an employee or agent of the administration on trust
40 lands; or

41 (i) interferes with activities of a lessee or other person that have been authorized by the
42 administration, whether or not the trust land has been withdrawn from occupancy or use
43 pursuant to Subsection [53C-2-105\(1\)\(b\)](#).

44 (2) A person who commits [~~any~~] an act described in Subsection (1) is liable for
45 damages in the amount of whichever of the following is greatest:

46 (a) three times the value at the point of sale of the mineral or other resource removed,
47 destroyed, or extracted;

48 (b) three times the amount of damage committed;

49 (c) three times the cost to cure the damage;

50 (d) three times the value of any losses suffered as a result of interference with
51 authorized activities; or

52 (e) three times the consideration which would have been charged by the director for
53 use of the land during the period of trespass.

54 (3) In addition to the damages described in Subsection (2), a person found guilty of a
55 criminal act under Subsection (1) is subject to the penalties provided in Title 76, Chapter 3,
56 Punishments[~~;~~], as specified in Subsection (4).

57 (4) A violation of this section is a:

58 (a) second degree felony if the actor's conduct causes property injury or damage, or
59 pecuniary loss equal to or in excess of \$5,000 in value;

60 (b) third degree felony if the actor's conduct causes property injury or damage, or
61 pecuniary loss equal to or in excess of \$1,500 but is less than \$5,000 in value;

62 (c) class A misdemeanor if the actor's conduct causes property injury or damage, or
63 pecuniary loss equal to or in excess of \$500 but is less than \$1,500 in value; and

64 (d) class B misdemeanor if the actor's conduct causes property injury or damage, or
65 pecuniary loss less than \$500 in value.

66 ~~[(4)]~~ (5) The director shall deposit money collected under this section in the fund in
67 which like revenues from that land would be deposited.

68 ~~[(5)]~~ (6) The director may award a portion of any of the damages collected under this
69 section in excess of actual damages to the general fund of the county in which the trespass
70 occurred as a reward for county assistance in the apprehension and prosecution of the
71 trespassing party.