

TRESPASSING OF A LONG-TERM GUEST AMENDMENTS

2024 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Kirk A. Cullimore

House Sponsor: Calvin R. Musselman

LONG TITLE

General Description:

This bill modifies criminal trespass by long-term guest to a residence.

Highlighted Provisions:

This bill:

- clarifies that an immediate family member is not a long-term guest; and
addresses resolution of the circumstance in which one party attempts to remove a long-term guest and another party gives express permission for the long-term guest to stay.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

76-6-206.4, as last amended by Laws of Utah 2023, Chapter 111

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

Section 1. Section 76-6-206.4 is amended to read:

76-6-206.4 . Criminal trespass by long-term guest to a residence.

(1) (a) As used in this section:

- "Burglary" means an offense described in Section 76-6-202, 76-6-203, or 76-6-204.
"Long-term guest" means an individual who is not a tenant, nor the immediate family member of an owner or tenant, but who is given express or implied permission by [the person who is the primary occupant] an owner or tenant of the residence or someone with apparent authority to act for [the primary occupant] an owner or tenant to enter a portion of a residence or temporarily occupy a portion

- 29 of a residence:
- 30 (A) for a period of time longer than 48 hours; and
- 31 (B) without providing the owner or [~~primary occupant~~] tenant of the residence
- 32 compensation or entering into an agreement that the individual provide labor in
- 33 lieu of providing the owner or primary occupant compensation for occupying
- 34 the residence.
- 35 (iii) "Residence" means an improvement to real property used or occupied as a
- 36 primary or secondary dwelling.
- 37 (iv) "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 (b) Terms defined in Sections 76-1-101.5 and 76-6-201 apply to this section.
- 40 [~~(2) An actor commits criminal trespass of a residence if the actor:~~]
- 41 [~~(a) is a long-term guest; and~~]
- 42 [~~(b) in circumstances not amounting to burglary, remains in a residence after the actor~~
- 43 ~~receives notice against remaining in the residence by personal communication to the~~
- 44 ~~actor by the person who is the primary occupant of the residence or someone with~~
- 45 ~~apparent authority to act for the primary occupant.]~~
- 46 (2) (a) Except as provided in Subsection (2)(b), a long-term guest commits criminal
- 47 trespass of a residence if the long-term guest, in circumstances not amounting to
- 48 burglary, remains in a residence after receiving notice to leave the residence from:
- 49 (i) an owner;
- 50 (ii) a tenant; or
- 51 (iii) someone with apparent authority to act for an owner or a tenant.
- 52 (b) A long-term guest does not commit criminal trespass if:
- 53 (i) the long-term guest has express permission to remain in the residence from a
- 54 separate owner or tenant; and
- 55 (ii) the express permission is not:
- 56 (A) revoked by the owner or tenant described in Subsection (2)(b)(i); or
- 57 (B) rendered void under Subsection (2)(c).
- 58 (c) The express permission described in Subsection (2)(b) is void if:
- 59 (i) the long-term guest or a visitor of the long-term guest:
- 60 (A) uses or distributes illegal drugs at the residence;
- 61 (B) distributes alcohol to a minor at the residence;
- 62 (C) commits a crime against a person or property at the residence; or

63 (D) commits a behavior that threatens or substantially endangers the security,
64 safety, well-being, or health of other persons at the residence or threatens or
65 damages property at the residence; or

66 (ii) the long-term guest commits a felony after occupying the residence, regardless of
67 whether the long-term guest enters into a plea agreement for a lower offense and
68 regardless of where the felony takes place.

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

70 (4) Before a law enforcement officer escorts [~~an actor~~] a long-term guest from a residence
71 for a violation of Subsection (2), the law enforcement officer shall provide the [~~actor~~]
72 long-term guest a reasonable time for the [~~actor~~] long-term guest to collect the [~~actor's~~]
73 long-term guest's personal belongings.

74 Section 2. **Effective date.**

75 This bill takes effect on May 1, 2024.