

**TRESPASSING OF A LONG-TERM GUEST AMENDMENTS**

2024 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Kirk A. Cullimore**

House Sponsor: Calvin R. Musselman

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**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

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*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:



28 (i) "Burglary" means an offense described in Section 76-6-202, 76-6-203, or 76-6-204.

29 (ii) "Long-term guest" means an individual who is not a tenant, nor the immediate  
30 family member of an owner or tenant, but who is given express or implied permission by [~~the~~  
31 ~~person who is the primary occupant~~] an owner or tenant of the residence or someone with  
32 apparent authority to act for [~~the primary occupant~~] an owner or tenant to enter a portion of a  
33 residence or temporarily occupy a portion of a residence:

34 (A) for a period of time longer than 48 hours; and

35 (B) without providing the owner or [~~primary occupant~~] tenant of the residence  
36 compensation or entering into an agreement that the individual provide labor in lieu of  
37 providing the owner or primary occupant compensation for occupying the residence.

38 (iii) "Residence" means an improvement to real property used or occupied as a primary  
39 or secondary dwelling.

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

42 (b) Terms defined in Sections 76-1-101.5 and 76-6-201 apply to this section.

43 [~~(2) An actor commits criminal trespass of a residence if the actor:~~]

44 [~~(a) is a long-term guest; and~~]

45 [~~(b) in circumstances not amounting to burglary, remains in a residence after the actor~~  
46 ~~receives notice against remaining in the residence by personal communication to the actor by~~  
47 ~~the person who is the primary occupant of the residence or someone with apparent authority to~~  
48 ~~act for the primary occupant.]~~

49 (2) (a) Except as provided in Subsection (2)(b), a long-term guest commits criminal  
50 trespass of a residence if the long-term guest, in circumstances not amounting to burglary,  
51 remains in a residence after receiving notice to leave the residence from:

52 (i) an owner;

53 (ii) a tenant; or

54 (iii) someone with apparent authority to act for an owner or a tenant.

55 (b) A long-term guest does not commit criminal trespass if:

56 (i) the long-term guest has express permission to remain in the residence from a  
57 separate owner or tenant; and

58 (ii) the express permission is not:

59            (A) revoked by the owner or tenant described in Subsection (2)(b)(i); or  
60            (B) rendered void under Subsection (2)(c).  
61            (c) The express permission described in Subsection (2)(b) is void if:  
62            (i) the long-term guest or a visitor of the long-term guest:  
63            (A) uses or distributes illegal drugs at the residence;  
64            (B) distributes alcohol to a minor at the residence;  
65            (C) commits a crime against a person or property at the residence; or  
66            (D) commits a behavior that threatens or substantially endangers the security, safety,  
67 well-being, or health of other persons at the residence or threatens or damages property at the  
68 residence; or  
69            (ii) the long-term guest commits a felony after occupying the residence, regardless of  
70 whether the long-term guest enters into a plea agreement for a lower offense and regardless of  
71 where the felony takes place.  
72            (3) A violation of Subsection (2) is a class B misdemeanor.  
73            (4) Before a law enforcement officer escorts [~~an actor~~] a long-term guest from a  
74 residence for a violation of Subsection (2), the law enforcement officer shall provide the [~~actor~~]  
75 long-term guest a reasonable time for the [~~actor~~] long-term guest to collect the [~~actor's~~]  
76 long-term guest's personal belongings.  
77            Section 2. **Effective date.**  
78            This bill takes effect on May 1, 2024.