

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 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

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.

(1) As used in this section:

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

temporarily occupy a portion of a residence:

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

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

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

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

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

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

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