

**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 ~~H~~→ long-term ~~H~~ 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 ~~H~~→ long-term ~~H~~ guest to a residence.**(1) As used in this section:

(a) " ~~H~~→ [~~Guest~~] Long-term guest ~~H~~ " means an individual who is not a tenant but who is given express or



28 implied permission by ~~Ĥ→ [an owner, tenant,]~~ **the person who is the primary occupant**  
28a **of the residence** ~~←Ĥ~~ or someone with apparent authority to act for the  
29 ~~Ĥ→ [owner or tenant]~~ **primary occupant** ~~←Ĥ~~ to enter a portion of a residence or temporarily  
29a occupy a portion of a residence ~~Ĥ→~~ **for a period of time longer than 48 hours** ~~←Ĥ~~ .  
30 (b) "Residence" means an improvement to real property used or occupied as a primary  
31 or secondary dwelling.  
32 (c) "Tenant" means a person who has the right to occupy a residence under a rental  
33 agreement or lease, or has a tenancy by operation of law.  
34 (2) A ~~Ĥ→~~ **long-term** ~~←Ĥ~~ guest is guilty of criminal trespass of a residence if, under  
34a circumstances not  
35 amounting to burglary as defined in Section [76-6-202](#), [76-6-203](#), or [76-6-204](#), the  
35a ~~Ĥ→~~ **long-term** ~~←Ĥ~~ guest  
36 remains in a residence after the ~~Ĥ→~~ **long-term** ~~←Ĥ~~ guest receives notice against remaining  
36a in the residence by  
37 personal communication to the ~~Ĥ→~~ **long-term** ~~←Ĥ~~ guest by the ~~Ĥ→~~ ~~[owner, tenant,]~~ **person who**  
37a **is the primary occupant of the residence** ~~←Ĥ~~ or someone with apparent authority  
38 to act for the ~~Ĥ→~~ ~~[owner or tenant]~~ **primary occupant** ~~←Ĥ~~ .  
39 (3) A violation of Subsection (2) is a class B misdemeanor.

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Legislative Review Note  
Office of Legislative Research and General Counsel