

1 **POSTING OF TRESPASS**

2 2012 GENERAL SESSION

3 STATE OF UTAH

4 **Chief Sponsor: John G. Mathis**

5 Senate Sponsor: David P. Hinkins

7 **LONG TITLE**

8 **General Description:**

9 This bill makes it a class B misdemeanor for a person to take wildlife or engage in
10 wildlife activities on private land if the person has notice to not enter or remain on the
11 land.

12 **Highlighted Provisions:**

13 This bill:

- 14 ▶ modifies the definition of "properly posted";
- 15 ▶ makes it a class B misdemeanor for a person to take wildlife or engage in wildlife
16 activities on private land if the person has notice to not enter or remain on the land;
- 17 and
- 18 ▶ makes technical changes.

19 **Money Appropriated in this Bill:**

20 None

21 **Other Special Clauses:**

22 None

23 **Utah Code Sections Affected:**

24 AMENDS:

25 **23-20-14**, as last amended by Laws of Utah 2011, Chapter 297

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

28 Section 1. Section **23-20-14** is amended to read:

29 **23-20-14. Definitions -- Posted property -- Hunting by permission -- Entry on**

30 private land while hunting or fishing -- Violations -- Penalty -- Prohibitions inapplicable
31 to officers -- Promotion of respect for private property.

32 (1) As used in this section:

33 (a) "Cultivated land" means land [~~which~~] that is readily identifiable as:

34 (i) land whose soil is loosened or broken up for the raising of crops;

35 (ii) land used for the raising of crops; or

36 (iii) pasturage which is artificially irrigated.

37 (b) "Division" means the Division of Wildlife Resources.

38 (c) "Permission" means written authorization from the owner or person in charge to
39 enter upon private land that is either cultivated or properly posted, and shall include:

40 (i) the signature of the owner or person in charge;

41 (ii) the name of the person being given permission;

42 (iii) the appropriate dates; and

43 (iv) a general description of the property.

44 (d) "Properly posted" means that [~~"No Trespassing"~~] signs prohibiting trespass or [~~a~~
45 ~~minimum of 100 square inches of~~] bright yellow, bright orange, or fluorescent paint are clearly
46 displayed:

47 (i) at all corners, fishing streams crossing property lines, roads, gates, and
48 rights-of-way entering the land[~~. If metal fence posts are used, the entire exterior side shall be~~
49 ~~painted.]; or~~

50 (ii) in a manner that would reasonably be expected to be seen by a person in the area.

51 (2) (a) While taking wildlife or engaging in wildlife related activities, a person may
52 not:

53 (i) without [~~the~~] permission [~~of the owner or person in charge~~], enter upon privately
54 owned land that is cultivated or properly posted;

55 [~~(ii) refuse to immediately leave the private land if requested to do so by the owner or~~
56 ~~person in charge; or~~]

57 (ii) enter or remain on privately owned land if the person has notice to not enter or

58 remain on the privately owned land; or

59 (iii) obstruct any entrance or exit to private property.

60 (b) A person has notice to not enter or remain on privately owned land if:

61 (i) the person is directed to not enter or remain on the land by:

62 (A) the owner of the land;

63 (B) the owner's employee; or

64 (C) a person with apparent authority to act for the owner; or

65 (ii) the land is fenced or otherwise enclosed in a manner that a reasonable person

66 would recognize as intended to exclude intruders.

67 ~~[(b) "Hunting]~~ (c) The division shall provide "hunting by permission cards" [will be
68 provided] to [landowners by the division] a landowner upon the landowner's request.

69 ~~[(c)]~~ (d) A person may not post:

70 (i) private property the person does not own or legally control; or

71 (ii) land that is open to the public as provided by Section 23-21-4.

72 (3) (a) A person convicted of violating ~~[any provision of]~~ Subsection (2)(a) may have
73 the person's license, tag, certificate of registration, or permit, relating to the activity engaged in
74 at the time of the violation, revoked by a hearing officer.

75 (b) A hearing officer may construe any subsequent conviction which occurs within a
76 five-year period as a flagrant violation and may prohibit the person from obtaining a new
77 license, tag, certificate of registration, or permit for a period of up to five years.

78 (4) Subsection (2)(a) does not apply to peace or conservation officers in the
79 performance of their duties.

80 (5) (a) The division shall provide information regarding owners' rights and sportsmen's
81 duties:

82 (i) to anyone holding licenses, certificates of registration, tags, or permits to take
83 wildlife; and

84 (ii) by using the public media and other sources.

85 (b) The restrictions in this section relating to trespassing shall be stated in all hunting

86 and fishing proclamations issued by the Wildlife Board.

87 (6) ~~[Any]~~ A person who violates ~~[any provision of]~~ Subsection (2)(a) or (d) is guilty of
88 a class B misdemeanor.