

**PRIVATE PROPERTY AND WILDLIFE AMENDMENTS**

2023 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Scott H. Chew**

Senate Sponsor: \_\_\_\_\_

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**LONG TITLE**

**General Description:**

This bill enacts provisions related to access to private property.

**Highlighted Provisions:**

This bill:

- ▶ defines terms;
- ▶ prohibits the Division of Wildlife Resources and the Wildlife Board from conditioning participation in a wildlife program on a person granting public access to private property with exceptions; and
- ▶ addresses the scope of the provision.

**Money Appropriated in this Bill:**

None

**Other Special Clauses:**

None

**Utah Code Sections Affected:**

ENACTS:

**23-14-22**, Utah Code Annotated 1953

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

Section 1. Section **23-14-22** is enacted to read:

**23-14-22. Public access to private property.**



28           (1) As used in this section:  
29           (a) "Private property" means real property that is not:  
30           (i) owned by:  
31           (A) the federal government or an agency of the federal government;  
32           (B) an Indian tribe, if the land is not held in trust by the United States for an Indian  
33 tribe or an Indian tribe's members;  
34           (C) the state;  
35           (D) a county;  
36           (E) a municipality;  
37           (F) a school district;  
38           (G) a local district under Title 17B, Limited Purpose Local Government Entities -  
39 Local Districts;  
40           (H) a special service district under Title 17D, Chapter 1, Special Service District Act;  
41 or  
42           (I) any other political subdivision or governmental entity of the state; or  
43           (ii) school and institutional trust lands, as defined in Section [53C-1-103](#).  
44           (b) "Public access" means providing a member of the public access to private property.  
45           (c) "Wildlife hunting program" means a program administered by the division or  
46 Wildlife Board under this title that provides hunting opportunities to owners of private  
47 properties that provide wildlife resources in the state.  
48           (2) Unless required by statute or except as provided in Subsection (3), the division or  
49 the Wildlife Board may not condition a person's ability to participate in a wildlife hunting  
50 program on the person granting public access to the person's private property.  
51           (3) The division or Wildlife Board may condition participation in a wildlife hunting  
52 program on the granting of public access to a person's private property if:  
53           (a) the person receives a benefit or compensation separate from the participation in the  
54 wildlife hunting program;  
55           (b) the person expressly agrees in writing to allow public access to the person's private  
56 property; and  
57           (c) the benefit or compensation described in Subsection (3)(a) is agreed to by the  
58 division and the person.

- 59           (4) This section does not preclude a person who owns private property from:  
60           (a) personally controlling trespass upon the person's private property to which public  
61 access is not granted; or  
62           (b) charging a fee for access to the private property for purposes of hunting or fishing.