

**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 ~~H~~→ ~~[an owner, tenant,]~~ **the person who is the primary occupant**  
 28a **of the residence** ~~←H~~ or someone with apparent authority to act for the  
 29 ~~H~~→ ~~[owner or tenant]~~ **primary occupant** ~~←H~~ to enter a portion of a residence or temporarily  
 29a occupy a portion of a residence ~~H~~→ **for a period of time longer than 48 hours** ~~←H~~ .  
 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 ~~H~~→ **long-term** ~~←H~~ 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 ~~H~~→ **long-term** ~~←H~~ guest  
 36 remains in a residence after the ~~H~~→ **long-term** ~~←H~~ guest receives notice against remaining  
 36a in the residence by  
 37 personal communication to the ~~H~~→ **long-term** ~~←H~~ guest by the ~~H~~→ ~~[owner, tenant,]~~ **person who**  
 37a **is the primary occupant of the residence** ~~←H~~ or someone with apparent authority  
 38 to act for the ~~H~~→ ~~[owner or tenant]~~ **primary occupant** ~~←H~~ .  
 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