

TRESPASSING ON STATE LANDS

2012 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Margaret Dayton

House Sponsor: Michael E. Noel

LONG TITLE

General Description:

This bill makes it a class B misdemeanor for a person to camp on sovereign lands at a single location for more than 15 days, return to camp at the same location before 15 days pass, leave an anchored or beached vessel unattended for longer than 48 hours, or anchor or beach a vessel for longer than 72 hours at the same location and then fail to move the vessel at least two miles from that location.

Highlighted Provisions:

This bill:

- ▶ makes it a class B misdemeanor for a person to camp on sovereign lands for more than 15 days at the same or a nearby location;
- ▶ makes it a class B misdemeanor for a person to return to camp at the same location on sovereign lands before 15 days pass;
- ▶ makes it a class B misdemeanor for a person to leave an anchored or beached vessel unattended for longer than 48 hours;
- ▶ makes it a class B misdemeanor for a person to anchor or beach a vessel for longer than 72 hours at the same location, and then fail to move the vessel at least two miles from that location; and
- ▶ makes technical corrections.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

30 **Utah Code Sections Affected:**

31 AMENDS:

32 **65A-3-1**, as last amended by Laws of Utah 2007, Chapter 322



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

35 Section 1. Section **65A-3-1** is amended to read:

36 **65A-3-1. Trespassing on state lands -- Penalties.**

37 (1) As used in this section:

38 (a) "Anchored" is as defined in Section 73-18-2.

39 (b) "Beached" is as defined in Section 73-18-2.

40 (c) "Vessel" is as defined in Section 73-18-2.

41 ~~(+)~~ (2) A person is guilty of a class B misdemeanor and liable for the civil damages
42 prescribed in Subsection ~~(3)~~ (4) if, without written authorization from the division, the
43 person:

44 (a) removes, extracts, uses, consumes, or destroys any mineral resource, gravel, sand,
45 soil, vegetation, or improvement on state lands;

46 (b) grazes livestock on state lands;

47 (c) uses, occupies, or constructs improvements or structures on state lands;

48 (d) uses or occupies state lands for more than 30 days after the cancellation or
49 expiration of written authorization;

50 (e) knowingly and willfully uses state lands for commercial gain;

51 (f) appropriates, alters, injures, or destroys any historical, prehistorical, archaeological,
52 or paleontological resource on state lands;

53 (g) camps on the beds of navigable lakes ~~and~~ or rivers except in posted and
54 designated areas; ~~or~~

55 (h) camps on sovereign land for longer than 15 consecutive days at the same location
56 or within one mile of the same location;

57 (i) camps on sovereign land for 15 consecutive days, and then returns to camp at the

58 same location before 15 consecutive days have elapsed after the day on which the person left
59 that location;

60 (j) leaves an anchored or beached vessel unattended for longer than 48 hours on
61 sovereign land or navigable lakes or rivers;

62 (k) anchors or beaches a vessel for longer than 72 hours at the same location, on
63 sovereign land or navigable lakes or rivers, and then fails to move the vessel at least two miles
64 from that location; or

65 ~~[(h)]~~ (l) parks or operates motor vehicles on the beds of navigable lakes and rivers
66 except in those areas supervised by the Division of Parks and Recreation or other state or local
67 enforcement entity and which are posted as open to vehicle use.

68 ~~[(2)]~~ (3) A person is guilty of a class C misdemeanor and liable for civil damages
69 prescribed in Subsection ~~[(3)]~~ (4) if the person is in violation of any of the following regarding
70 Bear Lake:

71 (a) From October 1 through April 30, motor vehicle use and camping or picnicking are
72 allowed on the exposed lake bed, except that:

73 (i) motor vehicles are not allowed on lands administered by the Division of Parks and
74 Recreation;

75 (ii) the speed limit is 20 miles per hour;

76 (iii) except as necessary to launch or retrieve watercraft, motor vehicles are not allowed
77 within 100 feet of the water's edge; and

78 (iv) motor vehicle travel parallel to the water's edge is allowed, except within 100 feet
79 of the water's edge.

80 (b) From May 1 through September 30, motor vehicle use and camping or picnicking
81 are allowed on the exposed lake bed, except that:

82 (i) motorized vehicle usage is not allowed in areas specifically posted prohibiting
83 usage;

84 (ii) the established speed limit is 15 miles per hour;

85 (iii) except as necessary to launch or retrieve watercraft, motor vehicles are not allowed

86 within 100 feet of the water's edge;

87 (iv) unless posted, no motor vehicles may travel parallel to the water's edge;

88 (v) camping and use of motorized vehicles are prohibited between the hours of 10 p.m.

89 and 7 a.m.; and

90 (vi) no campfires or fireworks are allowed.

91 [~~3~~] (4) A person who commits any act described in Subsection [~~1~~] (2) or [~~2~~] (3) is
92 liable for damages in the amount of:

93 (a) three times the value of the mineral or other resource removed, destroyed, or
94 extracted;

95 (b) three times the value of damage committed; or

96 (c) three times the consideration which would have been charged by the division for
97 use of the land during the period of trespass.

98 [~~4~~] (5) In addition to the damages described in Subsection [~~3~~] (4), a person found
99 guilty of a misdemeanor under Subsection [~~1~~] (2) or [~~2~~] (3) is subject to the penalties
100 provided in Section 76-3-204.

101 [~~5~~] (6) Money collected under this section shall be deposited in the fund in which
102 similar revenues from that land would be deposited.