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POSTING OF TRESPASS

2012 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: John G. Mathis

Senate Sponsor: _____

LONG TITLE

General Description:

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

Highlighted Provisions:

This bill:

⌚→ ► modifies the definition of "properly posted"; ←⌚

► makes it a class B misdemeanor for a person to take wildlife or engage in wildlife activities on private land if the person has notice to not enter or remain on the land;

and

► makes technical changes.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

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

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

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



28 **23-20-14. Definitions -- Posted property -- Hunting by permission -- Entry on**
 29 **private land while hunting or fishing -- Violations -- Penalty -- Prohibitions inapplicable**
 30 **to officers -- Promotion of respect for private property.**

31 (1) As used in this section:

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

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

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

35 (iii) pasturage which is artificially irrigated.

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

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

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

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

41 (iii) the appropriate dates; and

42 (iv) a general description of the property.

43 (d) "Properly posted" means that ~~it~~ **→** ["No Trespassing"] ~~←~~ **→** signs ~~it~~ **→** prohibiting
 43a trespass ~~←~~ **→** or ~~it~~ **→** [a minimum of 100 square

44 inches of] ~~←~~ **→** bright yellow, bright orange, or fluorescent paint are ~~it~~ **→** clearly ~~←~~ **→**
 44a displayed ~~it~~ **→** :

44b (i) ~~←~~ **→** at all corners, fishing

45 streams crossing property lines, roads, gates, and rights-of-way entering the land ~~it~~ **→** [. If metal

46 fence posts are used, the entire exterior side shall be painted.] ; or

46a (ii) in a manner that would reasonably be expected to be seen by a person in the area. ~~←~~ **→**

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

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

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

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

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

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

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

58 (A) the owner of the land;

- 59 (B) the owner's employee; or
- 60 (C) a person with apparent authority to act for the owner; ~~H→~~ or ~~←H~~
- 61 (ii) the land is fenced or otherwise enclosed in a manner that a reasonable person
- 62 would recognize as intended to exclude intruders ~~H→~~ [~~;~~ or
- 63 ~~—— (iii) signs or markers are posted on the land that:~~
- 64 ~~—— (A) indicate a property boundary or prohibit entry; and~~
- 65 ~~—— (B) would reasonably be expected to be seen by a person in the area.] . ~~←H~~~~
- 66 ~~[(b) "Hunting]~~ (c) The division shall provide "hunting by permission cards" [will be
- 67 provided] to [landowners by the division] a landowner upon the landowner's request.
- 68 ~~[(c)]~~ (d) A person may not post:
- 69 (i) private property the person does not own or legally control; or
- 70 (ii) land that is open to the public as provided by Section 23-21-4.
- 71 (3) (a) A person convicted of violating [~~any provision of~~] Subsection (2)(a) may have
- 72 the person's license, tag, certificate of registration, or permit, relating to the activity engaged in
- 73 at the time of the violation, revoked by a hearing officer.
- 74 (b) A hearing officer may construe any subsequent conviction which occurs within a
- 75 five-year period as a flagrant violation and may prohibit the person from obtaining a new
- 76 license, tag, certificate of registration, or permit for a period of up to five years.
- 77 (4) Subsection (2)(a) does not apply to peace or conservation officers in the
- 78 performance of their duties.
- 79 (5) (a) The division shall provide information regarding owners' rights and sportsmen's
- 80 duties:
- 81 (i) to anyone holding licenses, certificates of registration, tags, or permits to take
- 82 wildlife; and
- 83 (ii) by using the public media and other sources.
- 84 (b) The restrictions in this section relating to trespassing shall be stated in all hunting
- 85 and fishing proclamations issued by the Wildlife Board.
- 86 (6) [~~Any~~] A person who violates [~~any provision of~~] Subsection (2)(a) or (d) is guilty of
- 87 a class B misdemeanor.

Legislative Review Note
as of 1-24-12 12:03 PM

Office of Legislative Research and General Counsel