

# Utah Code § 76-6-206 — Criminal Trespass

Source: Utah State Legislature ([le.utah.gov](http://le.utah.gov)), official current text, retrieved 2026-06-02.

76-6-206. Criminal trespass.

- (1)
    - (a) As used in this section:
      - (i) "Enter" means intrusion of the entire body or the entire unmanned aircraft.
      - (ii) "Graffiti" means the same as that term is defined in Section 76-6-101.
      - (iii) "Remain unlawfully," as that term relates to an unmanned aircraft, means remaining on or over
        - ↪ private property when:
          - (A) the private property or any portion of the private property is not open to the public; and
          - (B) the person operating the unmanned aircraft is not otherwise authorized to fly the unmanned
            - ↪ aircraft over the private property or any portion of the private property.
    - (b) Terms defined in Sections 76-1-101.5 and 76-6-201 apply to this section.
  - (2) An actor commits criminal trespass if, under circumstances not amounting to burglary as defined in
    - ↪ Section 76-6-202, 76-6-203, or 76-6-204, a violation of Section 76-6-106.2, or a violation of
    - ↪ Section 76-9-113 regarding commercial obstruction or Section 76-9-114 regarding aggravated
    - ↪ commercial obstruction:
    - (a) the actor enters or remains unlawfully on or causes an unmanned aircraft to enter and remain
      - ↪ unlawfully over property and:
    - (i) intends to cause annoyance or injury to any person or damage to any property, including the use of
      - ↪ graffiti;
    - (ii) intends to commit any crime, other than theft or a felony; or
    - (iii) is reckless as to whether the actor's or unmanned aircraft's presence will cause fear for the
      - ↪ safety of another;
    - (b) knowing the actor's or unmanned aircraft's entry or presence is unlawful, the actor enters or
      - ↪ remains on or causes an unmanned aircraft to enter or remain unlawfully over property to
      - ↪ which notice against entering is given by:
    - (i) personal communication to the actor by the owner or someone with apparent authority to act for the
      - ↪ owner;
    - (ii) fencing or other enclosure obviously designed to exclude intruders; or
    - (iii) posting of signs reasonably likely to come to the attention of intruders;
    - (c) the actor enters a condominium unit in violation of Section 57-8-7(8); or
    - (d) the actor enters a sex-designated changing room in violation of Subsection 63G-31-302(3).
- (3)
  - (a) Except as provided in Subsection (3)(b), a violation of Subsection (2)(a) , (b), or (d) is a class
    - ↪ B misdemeanor.
  - (b) The following is a class A misdemeanor:
    - (i) if a violation of Subsection (2)(a) or (b) is committed in a dwelling;
    - (ii) if a violation of Subsection (2)(d) is committed while also committing the offense of:
      - (A) lewdness under Section 76-5-419;
      - (B) lewdness involving a child under Section 76-5-420;
      - (C) voyeurism under Section 76-12-306;
      - (D) recorded or photographed voyeurism under Section 76-12-307;
      - (E) distribution of images obtained through voyeurism under Section 76-12-308; or
      - (F) loitering in a privacy space under Section 76-12-309; or
    - (iii) if a violation of Subsection (2)(d) is committed in a sex-designated privacy space, as defined
      - ↪ in Section 76-12-309, that is not designated for individuals of the actor's sex.
  - (c) A violation of Subsection (2)(c) is an infraction.
- (4) It is a defense to prosecution under this section that:
  - (a) the property was at the time open to the public; and
  - (b) the defendant complied with all lawful conditions imposed on access to or remaining on the
    - ↪ property.
- (5) In addition to an order for restitution under Section 77-38b-205, an actor who commits a violation
  - ↪ of Subsection (2) may also be liable for:
  - (a) statutory damages in the amount of three times the value of damages resulting from the violation
    - ↪ of Subsection (2) or \$500, whichever is greater; and
  - (b) reasonable attorney fees not to exceed \$250, and court costs.

(6) Civil damages under Subsection (5) may be collected in a separate action by the property owner or  
↳ the owner's assignee.

Amended by Chapter 173, 2025 General Session

Amended by Chapter 295, 2025 General Session

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STATE

SENATE

350 North State, Suite 320

PO Box 145115

Salt Lake City, Utah 84114

Telephone: (801) 538-1408

<https://senate.utah.gov>

Contact a Senator

HOUSE OF

REPRESENTATIVES

350 North State, Suite 350

PO Box 145030

Salt Lake City, Utah 84114

Telephone: (801) 538-1408

<https://house.utleg.gov>

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