

Criminal Trespassing Laws and Penalties

[W wasatchdefenselawyers.com/criminal-trespassing-laws-and-penalties](https://wasatchdefenselawyers.com/criminal-trespassing-laws-and-penalties)



[Craig R. Chlarson](#)

[Drug Crimes](#)

Q

Being discovered trespassing on someone's property can result in serious consequences, potentially including a lawsuit, and more importantly — criminal charges. To commit criminal trespassing does involve being present on another person's property without their permission. However, there is more required to meet the definition of criminal trespassing ("criminal trespass").

Topics covered on this blog:

If you have been charged with a severe trespassing crime, you will need an experienced criminal defense lawyer to protect your rights.

Add Button

What Defines Criminal Trespassing?

Legal definitions of criminal trespassing vary from state to state. For an excellent general understanding of the crime of trespassing, let's look at the essential elements that the various definitions consistently include. Generally, criminal trespassing law, in any state, is an offense that involves prohibited entry of another person's property without permission, but what *else* is necessary for that action to be a crime?

Is Criminal Trespassing a Felony?

So, more than being on someone's property without permission must occur to commit criminal trespassing. For a person's actions while on someone else's property uninvited to reach the level of criminal trespassing further requires:

Intent to Trespass

To be found guilty of criminal trespassing requires more, by definition, than simply being on a property that belongs to another person. In other words, to enter another person's property while you're hiking in a forest, for example, is not usually defined as criminal trespassing. To commit the crime of criminal trespassing also requires intent. To be a punishable offense, one of these two conditions must apply:

- You enter someone else's property *knowing* that you do not have permission to be there.
- You *remain* on someone else's property *after you become aware* that you do not have a right to be there.

No Trespassing Notice or Warning

Many states have laws demanding notification by the property owner prohibiting trespassing from *convicting* someone of trespassing. They legally require that a *warning or notice* was provided to inform the accused that he or she was prohibited from entering the property. The law in some states may allow that a person in legal possession of premises can *directly inform* an unwelcome person to leave the property.

In many states, there are ways stipulated in the law for providing a more *formal notice* that entering the property is illegal. For example, a person with legal possession of a property may post a "No Trespassing" sign or install a fence around the premises. Or, locking the door to a building can convey a notice that entering without permission is not allowed.

Specific Acts of Trespassing

In addition to having a general definition of criminal trespassing, many states name certain actions as trespassing. For example:

- Cutting down trees on someone else's property without permission
- Hunting on another person's land without permission
- Tampering with a vending machine
- Going into or staying in someone's automobile without permission

Is It Possible To Commit Trespassing in a Public Place?

If you are in a place that is made available for members of the public to access, like a retail store or restaurant, you can still be arrested for criminal trespassing. For example, if you are ordered to leave the premises but do not leave, you can be found guilty of criminal trespassing. Or, if you remain on the property after the hours during which public access is allowed, you can be guilty of trespassing.

Criminal Penalties for Trespassing

Criminal trespass is frequently charged as a misdemeanor. The related crime of burglary is typically considered to be a more *serious* crime. Illegal entry of a residence is often considered a *more* serious form of trespassing. But, even the simpler criminal trespassing, as defined above, can be a felony. How the crime of trespassing is charged and punished depends on the particular circumstances involved in an individual's case.

Criminal trespass punishment varies. Depending on the state in which the offense occurs, this form of trespassing can result in prison time and hefty fines. Actions that are considered less severe forms of trespassing carry lesser penalties. For example, illegal entry of a nonresidential building or land may result in several months of jail time and a relatively small fine. Yet other forms of trespassing may result in a small fine without imprisonment.

Civil Penalties for Trespassing

In addition to being convicted of a criminal offense, you may also face liability in a civil lawsuit for trespassing. The property owner can sue the trespasser for monetary compensation due to the violation of property rights, whether or not the offender caused any damage. The judgment could be less severe unless the trespasser caused any harm to someone or damage to the property. A property owner can further sue for a court order to stop a perpetrator from trespassing in the future.

Get Help If You Face Criminal Trespass Charges

If you have been charged with a serious trespassing crime, you will need an experienced criminal defense lawyer to protect your rights. Wasatch Defense Lawyers in Salt Lake City, Utah, have defended thousands of clients accused of trespassing crimes in Utah.

Our highly responsive criminal defense lawyers go to work immediately to get your charges reduced or dropped and prevent you from going to jail. Our team's aggressive approach has proven to get good results. We have attorneys who speak fluent Spanish and German. We offer discounts for military members. We also offer payment arrangements.

For the best criminal trespassing attorney in Utah, call Wasatch Defense Lawyers, Salt Lake City, UT at (801) 980-9965, or contact us online to schedule a free case review.
