

Stewart E. Barlow proposes the following substitute bill:

Criminal Conduct on Public Lands Amendments

2026 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Stewart E. Barlow

Senate Sponsor:

LONG TITLE

General Description:

This bill concerns criminal conduct on public lands.

Highlighted Provisions:

This bill:

- defines terms;
 - creates the Public Lands Restoration and Protection Fund (fund) to be administered by the State Historic Preservation Office;
 - amends the criminal offense of defacing by graffiti on public lands to include additional conduct involving natural and archaeological features;
 - amends penalties for certain criminal violations of the offense of antiquities alteration, removal, injury, or destruction;
 - provides that a court may order a criminal fine or restitution to be deposited into the fund for a violation of:
 - defacing by graffiti, damage, or destruction on public lands; or
 - antiquities alteration, removal, injury, or destruction, if the violation is on state lands;
- and
- makes technical and conforming changes.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

9-8a-203, as last amended by Laws of Utah 2025, Chapter 536

76-6-107.5, as last amended by Laws of Utah 2023, Chapters 111, 411

29 **76-6-902**, as last amended by Laws of Utah 2023, Chapter 111

30 ENACTS:

31 **9-8a-207**, Utah Code Annotated 1953

32

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

34 Section 1. Section **9-8a-203** is amended to read:

35 **9-8a-203 . Office duties.**

36 The office shall:

- 37 (1) secure, for the present and future benefit of the state, the protection of archaeological
38 resources and sites which are on state lands;
- 39 (2) foster increased cooperation and exchange of information between state authorities, the
40 professional archaeological community, and private individuals;
- 41 (3) in cooperation with federal and state agencies, local governments, private organizations,
42 and private individuals, direct and conduct a comprehensive statewide survey of historic
43 properties;
- 44 (4) maintain an inventory of the properties described in Subsection (3);
- 45 (5) identify and nominate eligible property to the National Register of Historic Places;
- 46 (6) administer applications for listing historic property on the National Register of Historic
47 Places;
- 48 (7) prepare and implement a comprehensive statewide historic preservation plan;
- 49 (8) administer the state program of federal assistance for historic preservation within the
50 state;
- 51 (9) advise and assist, as appropriate, state agencies, federal agencies, and local governments
52 in carrying out the state agency's, federal agency's, and local government's historic
53 preservation responsibilities;
- 54 (10) cooperate with federal agencies, state agencies, local agencies, private organizations,
55 and individuals to ensure that historic property is taken into consideration at all levels of
56 planning and development;
- 57 (11) conduct a state-wide public awareness media campaign to:
- 58 (a) educate the public regarding the protection, purpose, significance, and value of
59 preserving cultural sites, as that term is defined in Section 9-8a-205;
- 60 (b) inform the public of the law with regard to criminal acts and penalties in Title 76,
61 Chapter 6, Part 9, Cultural Sites Protection; and
- 62 (c) educate the public on how to report criminal acts;

- 63 (12) provide educational seminars and training to state agencies, local agencies, private
64 organizations, and individuals regarding the preservation and protection of state cultural
65 sites;
- 66 (13) cooperate with local governments in the development of local historic preservation
67 programs;
- 68 (14) consult with appropriate federal agencies with respect to:
- 69 (a) federal undertakings that may affect historic properties; and
70 (b) advising and assisting in the evaluation of proposals for rehabilitation projects that
71 may qualify for federal assistance;
- 72 (15)(a) create and maintain an inventory of all active and inactive cemeteries throughout
73 the state;
- 74 (b) enter into cooperative agreements with local governments and other groups and
75 organizations to collect and maintain the information needed for the inventory
76 described in Subsection (15)(a);
- 77 (c) encourage the use of volunteers to help collect the information and to maintain the
78 inventory described in Subsection (15)(a);
- 79 (d) encourage cemetery owners, or in the case of inactive or small historic cemeteries,
80 volunteers, to create and maintain geographic information systems to record burial
81 sites;
- 82 (e) publicize the information in the inventory described in Subsection (15)(a) in a variety
83 of forms and media, especially to encourage Utah citizens to participate in the care
84 and upkeep of historic cemeteries;
- 85 (f) work with public and private cemeteries, heritage organizations, genealogical groups,
86 and volunteer groups to help maintain, repair, and landscape cemeteries, grave sites,
87 and tombstones; and
- 88 (g) make the inventory described in Subsection (15)(a) available to any person upon
89 request;
- 90 (16)(a) create and maintain a public electronic record of each cemetery location and each
91 burial location;
- 92 (b) help maintain, repair, and landscape cemeteries, grave sites, and tombstones by
93 providing matching grants to:
- 94 (i) municipal cemeteries;
95 (ii) cemetery maintenance districts;
96 (iii) endowment care cemeteries;

- 97 (iv) private nonprofit cemeteries;
 98 (v) genealogical associations; or
 99 (vi) other nonprofit groups with an interest in cemeteries; and
 100 (c) make rules, in accordance with Title 63G, Chapter 3, Utah Administrative
 101 Rulemaking Act, governing the process for awarding grants under Subsection (15)(b),
 102 including rules that ensure recipients use grant money for projects that are cost
 103 effective and completed in accordance with applicable professional standards;
 104 (17) perform other duties as designated under 54 U.S.C. Sec. 302303;
 105 (18) administer the Public Lands Restoration and Protection Fund created in Section
 106 9-8a-207; and
 107 ~~[(18)]~~ (19) perform other duties as designated by the department and by statute.

108 Section 2. Section **9-8a-207** is enacted to read:

109 **9-8a-207 . Public Lands Restoration and Protection Fund.**

- 110 (1) As used in this section, "fund" means the Public Lands Restoration and Protection Fund
 111 created in Subsection (2).
 112 (2) There is created an expendable special revenue fund known as the "Public Lands
 113 Restoration and Protection Fund."
 114 (3)(a) The fund shall consist of:
 115 (i) finances and criminal restitution collected by the office as a result of an offense under
 116 Section 76-6-107.5 or 76-6-902;
 117 (ii) money appropriated by the Legislature; and
 118 (iii) interest, dividends, or other income earned on fund money.
 119 (b) Any portion of the fund may be maintained in an interest-bearing account.
 120 (4) Notwithstanding Title 63J, Chapter 1, Budgetary Procedures Act, the office may use the
 121 fund for the restoration of, and prevention of, harm to public lands and cultural sites,
 122 including:
 123 (a) repairing, restoring, or remediating harm caused by an offense described in Section
 124 76-6-107.5 or 76-6-902, which may include coordination with the agency with
 125 jurisdiction over the affected area;
 126 (b) educating the public:
 127 (i) of the criminal laws and penalties relating to public lands and cultural sites;
 128 (ii) how to report a criminal act observed on public lands or at a cultural site; and
 129 (iii) regarding the protection, purpose, significance, and value of preserving public
 130 lands and cultural sites;

- 131 (c) providing educational seminars and training to state agencies, local agencies, private
 132 organizations, and individuals regarding the preservation and protection of public
 133 lands and cultural sites; and
- 134 (d) in coordination with other state agencies, enforcement and educational activities
 135 concerning the preservation of, and protection of, public lands and cultural sites,
 136 which may include:
- 137 (i) operation and maintenance of anti-vandalism projects; and
 138 (ii) acquisition of signage and site-monitoring equipment.

139 Section 3. Section **76-6-107.5** is amended to read:

140 **76-6-107.5 . Defacing by graffiti, damage, or destruction on public lands.**

141 (1)(a) As used in this section, "public]

142 (a)

143 (i) "Archaeological feature" means a non-portable element created or used by humans
 144 that provides insights into past human activities or organization at a site.

145 (ii) "Archaeological feature" includes a petroglyph, a pictograph, a habitation cave or
 146 rock shelter, and other marks or carvings on rock or elsewhere that are of
 147 archaeological interest.

148 (b) "Natural feature" means a rock formation or feature, geological formation or feature,
 149 or another naturally occurring formation or feature, such as a hoodoo, cave, stalactite,
 150 or stalagmite.

151 (c) "Public lands" means state or federally owned property that is held substantially in
 152 the property's natural state, including canyons, parks owned or managed by the state,
 153 national parks, land managed by the Bureau of Land Management, and other lands
 154 owned or maintained by a government entity for outdoor recreational use.

155 [(b)] (d) Terms defined in Sections 76-1-101.5 and 76-6-101 apply to this section.

156 (2) An actor commits defacing by graffiti, damage, or destruction on public lands if the
 157 actor:

158 (a) creates, or assists in creating, graffiti on any public lands or state-owned object
 159 permanently located on public lands[-] ; or

160 (b) damages or destroys:

161 (i) a natural feature on public lands;

162 (ii) an archaeological feature on public lands; or

163 (iii) a state-owned object permanently located on public lands.

164 (3) A violation of Subsection (2) is[;] :

- 165 (a) a class B misdemeanor; or
 166 (b) if the individual was previously convicted of violating this section, a class A
 167 misdemeanor.
- 168 (4) If an actor is convicted of [~~defacing by graffiti on public lands, the~~] a violation of this
 169 section, in addition to any other sentence imposed by the court, the court shall sentence
 170 the actor to a term of community service as follows:
- 171 (a) for a first conviction, the court shall sentence the actor to 100 hours of community
 172 service, to be completed within 90 days after the day on which the court issues the
 173 order;
- 174 (b) for a second conviction, the court shall sentence the actor to 200 hours of community
 175 service, to be completed within 180 days after the day on which the court issues the
 176 order; or
- 177 (c) for a third or subsequent conviction, the court shall sentence the actor to 300 hours of
 178 community service, to be completed within 270 days after the day on which the court
 179 issues the order.
- 180 (5) If an actor is enrolled in school or maintains full or part-time employment, the ordered
 181 community service may not be scheduled at a time the actor is scheduled to be in school
 182 or performing the individual's employment duties.
- 183 (6) A sentence of community service described in [~~Subjection~~] Subsection (4) shall, to the
 184 greatest extent possible, be for the benefit of public lands.
- 185 (7)(a) If an actor is convicted of [~~defacing by graffiti on public lands~~] a violation of this
 186 section, the court may:
- 187 (i) [~~impose a fine up to the full amount of the estimated cost to restore the [damaged~~
 188 ~~land,] damage caused by the [actor, to the land's original state] actor's violation of~~
 189 this section; or
- 190 (ii) order the actor to pay restitution for the damage caused by the actor's violation of
 191 this section.
- 192 (b) The court may order that a fine or restitution under Subsection (7)(a) be deposited
 193 into the Public Lands Restoration and Protection Fund created in Section 9-8a-207.
- 194 (8) An actor who voluntarily, at the actor's own expense, and with the consent of the
 195 property owner, removes graffiti for which the actor is responsible shall be credited for [
 196 ~~costs] the fees or restitution ordered by the court under Subsection (7).~~
- 197 Section 4. Section **76-6-902** is amended to read:
 198 **76-6-902 . Antiquities alteration, removal, injury, or destruction.**

- 199 (1) Terms defined in Sections 76-1-101.5 and 76-6-901 apply to this section.
- 200 (2) An actor commits antiquities alteration, removal, injury, or destruction if the actor:
- 201 (a) intentionally alters, removes, injures, or destroys antiquities from state lands or
- 202 private lands without the landowner's consent; or
- 203 (b) counsels, procures, solicits, or employs another person to violate Subsection (2)(a).
- 204 (3)(a) Except as provided in Subsection (3)(b), a violation of Subsection (2) is a class B
- 205 misdemeanor.
- 206 (b) A violation of Subsection (2) is a third degree felony if:
- 207 (i) the violation is the actor's second or subsequent violation of this section, Section
- 208 76-6-902.1, or Section 76-6-902.2; or
- 209 (ii) the amount at issue, as calculated under Subsection (3)(c), exceeds \$500.
- 210 (c) The amount described in Subsection (3)(b)(ii) is calculated by adding together:
- 211 (i) the commercial or archaeological value of the antiquities involved in the violation;
- 212 and
- 213 (ii) the cost of the restoration and repair of the antiquities involved in the violation.
- 214 (d) An actor shall surrender to the landowner all articles and material discovered,
- 215 collected, excavated, or offered for sale or exchange in violation of this section.
- 216 (4)(a) For a violation of Subsection (2) on state lands, the court may:
- 217 (i) impose a fine up to the full amount described in Subsection (3)(c); or
- 218 (ii) order the actor to pay restitution for the damage caused by the actor's violation of
- 219 this section.
- 220 (b) The court may order that a fine or restitution under Subsection (4)(a) be deposited
- 221 into the Public Lands Restoration and Protection Fund created in Section 9-8a-207.

222 **Section 5. Effective Date.**

223 This bill takes effect on May 6, 2026.