

House Bill 1017

By: Representatives Seabaugh of the 34th, Reeves of the 99th, Burchett of the 176th, Crowe of the 118th, Silcox of the 53rd, and others

A BILL TO BE ENTITLED
AN ACT

1 To amend Code Section 16-7-21 of the Official Code of Georgia Annotated, relating to
2 criminal trespass, so as to include when a person enters a land or premises for purposes of
3 residing on such land or premises; to provide a short title; to provide for a definition; to
4 provide for a violation and penalty; to amend Article 2 of Chapter 11 of Title 44 of the
5 Official Code of Georgia Annotated, relating to proceedings against intruders, so as to
6 provide for the submission of a property affidavit in magistrate court; to provide that
7 proceedings regarding a writ of possession are not required to be jury trials; to provide for
8 related matters; to repeal conflicting laws; and for other purposes.

9 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

10 **SECTION 1.**

11 This Act shall be known and may be cited as the "Georgia Squatter Reform Act."

12 **SECTION 2.**

13 Code Section 16-7-21 of the Official Code of Georgia Annotated, relating to criminal
14 trespass, is amended as follows:

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15 "16-7-21.

16 (a) A person commits the offense of criminal trespass when he or she intentionally
17 damages any property of another without consent of that other person and the damage
18 thereto is \$500.00 or less or knowingly and maliciously interferes with the possession or
19 use of the property of another person without consent of that person.

20 (b) A person commits the offense of criminal trespass when he or she knowingly and
21 without authority:

22 (1) Enters upon the land or premises of another person or into any part of any vehicle,
23 railroad car, aircraft, or watercraft of another person for an unlawful purpose;

24 (2) Enters upon the land or premises of another person or into any part of any vehicle,
25 railroad car, aircraft, or watercraft of another person after receiving, prior to such entry,
26 notice from the owner, rightful occupant, or, upon proper identification, an authorized
27 representative of the owner or rightful occupant that such entry is forbidden; ~~or~~

28 (3) Remains upon the land or premises of another person or within the vehicle, railroad
29 car, aircraft, or watercraft of another person after receiving notice from the owner,
30 rightful occupant, or, upon proper identification, an authorized representative of the
31 owner or rightful occupant to depart; or

32 (4) Enters upon the land or premises and resides in such land or premises for any period
33 of time without the knowledge or consent of the owner, rightful occupant, or an
34 authorized representative of the owner. For purposes of this Code section, the term
35 'resides' means to inhabit, occupy, or live on or within any land or premises.

36 (c) For the purposes of subsection (b) of this Code section, permission to enter or
37 invitation to enter given by a minor who is or is not present on or in the property of the
38 minor's parent or guardian is not sufficient to allow lawful entry of another person upon the
39 land, premises, vehicle, railroad car, aircraft, or watercraft owned or rightfully occupied
40 by such minor's parent or guardian if such parent or guardian has previously given notice
41 that such entry is forbidden or notice to depart.

42 (d)(1) A person who commits the offense of criminal trespass shall be guilty of a
 43 misdemeanor.

44 (2) Except as provided by paragraph (1) of this subsection, any person who violates
 45 paragraph (4) of subsection (b) of this Code section shall be guilty of a misdemeanor of
 46 a high and aggravated nature, as provided in Code Section 17-10-4.

47 (e) A person commits the offense of criminal trespass when he or she intentionally
 48 defaces, mutilates, or defiles any grave marker, monument, or memorial to one or more
 49 deceased persons who served in the military service of this state, the United States of
 50 America or any of the states thereof, or the Confederate States of America or any of the
 51 states thereof, or a monument, plaque, marker, or memorial which is dedicated to, honors,
 52 or recounts the military service of any past or present military personnel of this state, the
 53 United States of America or any of the states thereof, or the Confederate States of America
 54 or any of the states thereof if such grave marker, monument, memorial, plaque, or marker
 55 is privately owned or located on land which is privately owned."

56 **SECTION 3.**

57 Article 2 of Chapter 11 of Title 44 of the Official Code of Georgia Annotated, relating to
 58 proceedings against intruders, is amended by revising Code Section 44-11-32, relating to
 59 procedure on submission of counteraffidavit and trial, as follows:

60 "44-11-32.

61 If the party in possession submits a counteraffidavit as provided in Code Section 44-11-30,
 62 the sheriff shall not turn him or her out of possession but shall leave both parties in their
 63 respective positions. In such an event, the sheriff shall return both affidavits to the office
 64 of the clerk of the superior magistrate court of the county in which the land is located for
 65 a trial ~~of the issue before a jury~~ in accordance with the laws of this state."

66 **SECTION 4.**

67 Said article is further amended by revising Code Section 44-11-33, relating to issuance of
68 writ of possession and fi.fa. for costs, as follows:

69 "44-11-33.

70 If ~~the jury, upon~~ the trial provided for in Code Section 44-11-32, finds a verdict for the
71 plaintiff, the clerk of the court shall issue a writ of possession and a fi. fa. for the costs of
72 the proceeding."

73 **SECTION 5.**

74 All laws and parts of laws in conflict with this Act are repealed.