

House Bill 1099

By: Representatives Huddleston of the 72nd, Burchett of the 176th, Cannon of the 172nd, Camp of the 135th, and Rhodes of the 124th

A BILL TO BE ENTITLED
AN ACT

1 To amend Part 1 of Article 2 of Chapter 7 of Title 16 of the Official Code of Georgia
2 Annotated, relating to general provisions relative to criminal trespass and damage to
3 property, so as to provide for the crime of criminal trespass upon the knowing entry upon
4 land or premises of another that has been marked with purple paint; to provide for related
5 matters; to repeal conflicting laws; and for other purposes.

6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

7 **SECTION 1.**

8 Part 1 of Article 2 of Chapter 7 of Title 16 of the Official Code of Georgia Annotated,
9 relating to general provisions relative to criminal trespass and damage to property, is
10 amended by revising Code Section 16-7-21, relating to criminal trespass, as follows:

11 "16-7-21.

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

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

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

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

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

28 (4) Enters upon the land or premises of another person that has been marked by the
29 placement of identifying purple paint marks on trees or posts on the property, provided
30 that such marks are:

31 (A) Vertical lines of not less than eight inches in length and not less than one inch in
32 width;

33 (B) Placed so that the bottom of the mark is not less than three feet from the ground or
34 more than five feet from the ground and, in areas of known flood zones, placed above
35 the known flood depth; and

36 (C) Placed at locations that are readily and clearly visible to any person approaching
37 the property and no more than 100 feet apart on forested land or 1,000 feet apart on
38 land that is not forested.

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

43 by such minor's parent or guardian if such parent or guardian has previously given notice
44 that such entry is forbidden or notice to depart.

45 (d) A person who commits the offense of criminal trespass shall be guilty of a
46 misdemeanor.

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 2.

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