

House Bill 1227

By: Representative Thomas of the 65th

A BILL TO BE ENTITLED
AN ACT

1 To amend Article 2 of Chapter 7 of Title 16 of the Official Code of Georgia Annotated,
2 relating to criminal trespass and damage to property, so as to include when a person enters
3 a land or premises for purposes of residing on such land or premises; to provide for violations
4 and penalties; to provide for related matters; to provide for a short title; to repeal conflicting
5 laws; and for other purposes.

6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

7 **SECTION 1.**

8 This Act shall be known and may be cited as the "Georgia Unlawful Squatting Act."

9 **SECTION 2.**

10 Article 2 of Chapter 7 of Title 16 of the Official Code of Georgia Annotated, relating to
11 criminal trespass and damage to property, is amended by revising Code Section 16-7-21,
12 relating to criminal trespass, as follows:

13 "16-7-21.

14 (a) A person commits the offense of criminal trespass when he or she intentionally
15 damages any property of another without consent of that other person and the damage

16 thereto is \$500.00 or less or knowingly and maliciously interferes with the possession or
17 use of the property of another person without consent of that person.

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

20 (1) 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 for an unlawful purpose;

22 (2) 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 after receiving, prior to such entry,
24 notice from the owner, rightful occupant, or, upon proper identification, an authorized
25 representative of the owner or rightful occupant that such entry is forbidden; ~~or~~

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

30 (4) Enters upon the land or premises of another person and resides, inhabits, occupies,
31 or lives on such land or within such premises for any period of time without the
32 knowledge or consent of the owner, rightful occupant, or an authorized representative of
33 the owner or rightful occupant.

34 (5)(A) Any person who violates paragraph (4) of this subsection shall receive a citation
35 advising that they must present documents such as a properly executed lease or rental
36 agreement, along with a secure and verifiable document as defined in Code Section
37 50-36-2, to the appropriate law enforcement agency within 14 days of receiving the
38 citation for such alleged violation that authorizes the person's entry on such land or
39 premises.

40 (B) If such person is unable to provide the documentation required by subparagraph
41 (A) of this paragraph, such person shall be subject to arrest for criminal trespass and,
42 in addition to the penalty provided in paragraph (2) of subsection (d) of this Code

43 section, shall be assessed a fine based on the fair market monthly rental rate of the land
44 or premises.

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

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

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

56 (e) A person commits the offense of criminal trespass when he or she intentionally
57 defaces, mutilates, or defiles any grave marker, monument, or memorial to one or more
58 deceased persons who served in the military service of this state, the United States of
59 America or any of the states thereof, or the Confederate States of America or any of the
60 states thereof, or a monument, plaque, marker, or memorial which is dedicated to, honors,
61 or recounts the military service of any past or present military personnel of this state, the
62 United States of America or any of the states thereof, or the Confederate States of America
63 or any of the states thereof if such grave marker, monument, memorial, plaque, or marker
64 is privately owned or located on land which is privately owned."

65 **SECTION 3.**

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