

2020 Regular Session

HOUSE BILL NO. 627

BY REPRESENTATIVE AMEDEE

TRESPASS: Provides for an affirmative defense to the crime of trespass when certain property is not properly posted

1 AN ACT

2 To amend and reenact R.S. 14:63(D) and (J), relative to trespass; to provide relative to the
3 crime of trespass; to provide for an affirmative defense to the crime when certain
4 property is not properly posted; to provide for the methods by which certain property
5 is properly posted; and to provide for related matters.

6 Be it enacted by the Legislature of Louisiana:

7 Section 1. R.S. 14:63(D) and (J) are hereby amended and reenacted to read as
8 follows:

9 §63. Criminal trespass

10 * * *

11 D.(1) It shall be an affirmative defense to a prosecution for a violation of
12 Subsection A, B, or C of this Section, that the accused had express, legal, or implied
13 authority to be in the movable or on the immovable property.

14 (2) When the criminal trespass defined in Subsection B of this Section is
15 upon marsh land or upon any river, stream, canal, bayou, bay, lake, or any waters
16 that are navigable in fact or subject to the ebb and flow of the tide, but the beds and
17 bottoms of which are claimed to be privately owned, it shall be an affirmative
18 defense to prosecution that the property was not adequately posted in accordance
19 with the provisions of Subsection J of this Section.

20 * * *

1 J. ~~Although not required by this Section, notice that entrance upon any~~
2 ~~structure, watercraft, movable, or immovable property owned by another is~~
3 ~~prohibited may be indicated by either of the following:~~ For purposes of this Section,
4 property is adequately posted if the owner, lessee, or person having the written
5 permission of the owner or lessee posts the property by any one of the following
6 methods:

7 (1) ~~A sign or signs posted on or in the property at a place or places where~~
8 ~~such sign or signs may be reasonably expected to be seen.~~

9 (2) ~~The placement of identifying purple paint marks on the trees or posts on~~
10 ~~the property, provided that such marks are:~~

11 (a) ~~Vertical lines of not less than eight inches in length and not less than one~~
12 ~~inch in width.~~

13 (b) ~~Placed so that the bottom of the mark is not less than three feet from the~~
14 ~~ground nor more than five feet from the ground.~~

15 (c) ~~Placed at locations that are readily visible to any person approaching the~~
16 ~~property and no more than one hundred feet apart on forest land, as defined in R.S.~~
17 ~~3:3622, or one thousand feet apart on land other than forest land.~~

18 (1) Placing identifying paint marks on trees or posts around the boundaries
19 of the property or the area to be posted. Each paint mark shall be a vertical line of
20 at least eight inches in length, and the bottom of the mark shall be no less than three
21 feet nor more than five feet high. Such paint marks shall be placed no more than one
22 thousand feet apart and at normal points of ingress and egress and shall be readily
23 visible to any person approaching the property.

24 (2) Placing signs around the boundaries of the property or the areas to be
25 posted at points no more than one thousand feet apart and at each normal point of
26 ingress and egress. The signs shall bear the words "Posted", "No Trespassing", or
27 "No" in letters at least three and one-half inches high and shall be so placed as to be
28 readily visible to any person approaching the property.

- 1 (3) Constructing a fence around the area to be posted of not less than three
2 strand wire, or its equivalent, and placing signs that bear the words "Posted", "No
3 trespassing", or "No" in letters at least three and one-half inches high at normal
4 points of ingress and egress.
-

DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

HB 627 Original

2020 Regular Session

Amedee

Abstract: Provides for an affirmative defense to the crime of trespass when certain property is not properly posted.

Present law prohibits any person from entering upon immovable property owned by another without express, legal, or implied authorization.

Proposed law provides that when the criminal trespass is upon marsh land or upon any river, stream, canal, bayou, bay, lake, or any waters that are navigable in fact or subject to the ebb and flow of the tide, but the beds and bottoms of which are claimed to be privately owned, it shall be an affirmative defense to prosecution that the property was not adequately posted in accordance with the provisions proposed law.

Proposed law provides that property is adequately posted if the owner, lessee, or person having the written permission of the owner or lessee posts the property by any one of the following methods:

- (1) Placing specific identifying paint marks on trees or posts around the boundaries of the property or the area to be posted.
- (2) Placing signs which bear the words "Posted", "No Trespassing", or "No" around the boundaries of the property or the areas to be posted at points no more than 1,000 feet apart and at each normal point of ingress and egress.
- (3) Constructing a fence around the area to be posted of not less than three strand wire, or its equivalent, and placing signs that bear the words "Posted", "No trespassing", or "No".

(Amends R.S. 14:63(D) and (J))