

# HOUSE BILL 818

E1

(0lr2806)

## *ENROLLED BILL*

— *Judiciary/Judicial Proceedings* —

Introduced by **Delegates Dumais, Simmons, and Sophocleus**

Read and Examined by Proofreaders:

\_\_\_\_\_  
Proofreader.

\_\_\_\_\_  
Proofreader.

Sealed with the Great Seal and presented to the Governor, for his approval this

\_\_\_\_\_ day of \_\_\_\_\_ at \_\_\_\_\_ o'clock, \_\_\_\_\_ M.

\_\_\_\_\_  
Speaker.

CHAPTER \_\_\_\_\_

1 AN ACT concerning

2 **Criminal Law – Trespass on Posted Property and Wanton Trespass on**  
3 **Private Property – Penalties**

4 FOR the purpose of increasing the penalties for *certain* subsequent violations of the  
5 crime of trespass on posted property; increasing the penalties for *certain*  
6 subsequent violations of the crime of wanton trespass on private property; and  
7 generally relating to penalties for the trespass crimes.

8 BY repealing and reenacting, with amendments,  
9 Article – Criminal Law  
10 Section 6–402 and 6–403  
11 Annotated Code of Maryland  
12 (2002 Volume and 2009 Supplement)

---

**EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.**

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.

*Italics* indicate opposite chamber/conference committee amendments.



1 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF  
2 MARYLAND, That the Laws of Maryland read as follows:

3 **Article – Criminal Law**

4 6–402.

5 (a) A person may not enter or trespass on property that is posted  
6 conspicuously against trespass by:

7 (1) signs placed where they reasonably may be seen; or

8 (2) paint marks that:

9 (i) conform with regulations that the Department of Natural  
10 Resources adopts under § 5–209 of the Natural Resources Article; and

11 (ii) are made on trees or posts that are located:

12 1. at each road entrance to the property; and

13 2. adjacent to public roadways, public waterways, and  
14 other land adjoining the property.

15 (b) A person who violates this section is guilty of a misdemeanor and on  
16 conviction is subject to:

17 **(1) FOR A FIRST VIOLATION, imprisonment not exceeding 90 days or**  
18 **a fine not exceeding \$500 or both;**

19 **(2) FOR A SECOND VIOLATION OCCURRING WITHIN 2 YEARS**  
20 **AFTER THE FIRST VIOLATION, IMPRISONMENT NOT EXCEEDING 6 MONTHS OR A**  
21 **FINE NOT EXCEEDING \$1,000 OR BOTH; AND**

22 **(3) FOR EACH SUBSEQUENT VIOLATION OCCURRING WITHIN 2**  
23 **YEARS AFTER THE PRECEDING VIOLATION, IMPRISONMENT NOT EXCEEDING 1**  
24 **YEAR OR A FINE NOT EXCEEDING \$2,500 OR BOTH.**

25 6–403.

26 (a) A person may not enter or cross over private property or board the boat or  
27 other marine vessel of another, after having been notified by the owner or the owner's  
28 agent not to do so, unless entering or crossing under a good faith claim of right or  
29 ownership.

1 (b) A person may not remain on private property including the boat or other  
2 marine vessel of another, after having been notified by the owner or the owner's agent  
3 not to do so.

4 (c) A person who violates this section is guilty of a misdemeanor and on  
5 conviction is subject to:

6 (1) FOR A FIRST VIOLATION, imprisonment not exceeding 90 days or  
7 a fine not exceeding \$500 or both;

8 (2) FOR A SECOND VIOLATION OCCURRING WITHIN 2 YEARS  
9 AFTER THE FIRST VIOLATION, IMPRISONMENT NOT EXCEEDING 6 MONTHS OR A  
10 FINE NOT EXCEEDING \$1,000 OR BOTH; AND

11 (3) FOR EACH SUBSEQUENT VIOLATION OCCURRING WITHIN 2  
12 YEARS AFTER THE PRECEDING VIOLATION, IMPRISONMENT NOT EXCEEDING 1  
13 YEAR OR A FINE NOT EXCEEDING \$2,500 OR BOTH.

14 (d) This section prohibits only wanton entry on private property.

15 (e) This section also applies to property that is used as a housing project and  
16 operated by a housing authority or State public body, as those terms are defined in  
17 Division II of the Housing and Community Development Article, if an authorized  
18 agent of the housing authority or State public body gives the required notice specified  
19 in subsection (a) or (b) of this section.

20 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
21 October 1, 2010.

Approved:

\_\_\_\_\_  
Governor.

\_\_\_\_\_  
Speaker of the House of Delegates.

\_\_\_\_\_  
President of the Senate.