

HOUSE BILL 874

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9lr1594

By: **Delegates Sophocleus, Beidle, Boteler, Costa, DeBoy, Dwyer, Elmore, Holmes, Krebs, Love, McComas, Riley, Robinson, Sossi, Stocksdale, Walkup, and Weldon**

Introduced and read first time: February 12, 2009

Assigned to: Judiciary

A BILL ENTITLED

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 subsequent violations of the crime of
5 trespass on posted property; increasing the penalties for subsequent violations
6 of the crime of wanton trespass on private property; and generally relating to
7 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 2008 Supplement)

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

15 **Article – Criminal Law**

16 6–402.

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

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

20 (2) paint marks that:

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



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

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

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

5 2. adjacent to public roadways, public waterways, and
6 other land adjoining the property.

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

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

11 **(2) FOR A SECOND VIOLATION, IMPRISONMENT NOT EXCEEDING 6**
12 **MONTHS OR A FINE NOT EXCEEDING \$1,000 OR BOTH; AND**

13 **(3) FOR A THIRD OR SUBSEQUENT VIOLATION, IMPRISONMENT**
14 **NOT EXCEEDING 1 YEAR OR A FINE NOT EXCEEDING \$2,500 OR BOTH.**

15 6–403.

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

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

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

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

27 **(2) FOR A SECOND VIOLATION, IMPRISONMENT NOT EXCEEDING 6**
28 **MONTHS OR A FINE NOT EXCEEDING \$1,000 OR BOTH; AND**

29 **(3) FOR A THIRD OR SUBSEQUENT VIOLATION, IMPRISONMENT**
30 **NOT EXCEEDING 1 YEAR OR A FINE NOT EXCEEDING \$2,500 OR BOTH.**

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

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

6 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
7 October 1, 2009.