

SENATE BILL 670

E1
HB 874/09 – JUD

0lr2810
CF HB 818

By: **Senators Simonaire, Haines, Jacobs, Mooney, and Stone**

Introduced and read first time: February 5, 2010

Assigned to: Judicial Proceedings

Committee Report: Favorable with amendments

Senate action: Adopted

Read second time: March 26, 2010

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)

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

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.



1 (2) paint marks that:

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

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

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

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

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

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

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

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

18 6–403.

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

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

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

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

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

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

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

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

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

Approved:

Governor.

President of the Senate.

Speaker of the House of Delegates.