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## DIGEST

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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))