

2024 Regular Session

SENATE BILL NO. 448

BY SENATOR MORRIS

TRESPASS. Provides relative to criminal trespass. (8/1/24)

1 AN ACT

2 To amend and reenact R.S. 14:63(C)(2) and to enact R.S. 14:63(K), relative to criminal
3 trespass; to provide that occupants who fail to obey an order to vacate within five
4 days commit criminal trespass; to provide that a squatter commits criminal trespass
5 if he fails to vacate after being directed to do so by a lawful possessor; to provide for
6 injunctive relief; and to provide for related matters.

7 Be it enacted by the Legislature of Louisiana:

8 Section 1. R.S. 14:63(C)(2) is hereby amended and reenacted and R.S. 14:63(K) is
9 hereby enacted to read as follows:

10 §63. Criminal trespass; squatters

11 * * *

12 C. * * *

13 (2) For purposes of this Subsection, ~~the phrase:~~

14 (a) "remain **Remain** in or upon property" ~~as used in this Subsection~~, in
15 addition to its common meaning, signification, and connotation, ~~shall include~~
16 **includes:**

17 (i) **The continued presence of an occupant, as defined by Code of Civil**

1 Procedure Article 4704, for longer than five days after being served with written
2 notice to vacate in accordance with Code of Civil Procedure Articles. 4702 or
3 4703.

4 (ii) The continued presence of a squatter who has been directed to vacate
5 by a lawful possessor either verbally, by written notice, or by posting of
6 conspicuous signage advising that the property is privately owned and unlawful
7 trespass is prohibited.

8 (iii) the ~~The~~ operation of an unmanned aircraft system as defined by R.S.
9 14:337 in the air space over immovable property owned by another with the intent
10 to conduct surveillance of the property or of any individual lawfully on the property.

11 ~~(3) The provisions of This Subparagraph (1) of this Subsection shall not~~
12 ~~apply to any person operating an unmanned aircraft system in compliance with~~
13 ~~federal law or Federal Aviation Administration regulations or authorization.~~

14 (b) "Squatter" means any person who remains in or upon property to
15 which he lacks a right of possession, ownership, occupancy, or a valid lease
16 interest.

17 * * *

18 K.(1) An owner or good faith possessor of immovable property may
19 petition a court of competent jurisdiction for a temporary restraining order and
20 preliminary or permanent injunction to enjoin a trespass committed under
21 Subsection C of this Section.

22 (2) To prevail under this Subsection, the petitioner must demonstrate,
23 by a preponderance of the evidence, that he is the rightful owner or possessor
24 of the immovable property and has directed the alleged trespasser to vacate.

25 (3) Any person who violates an injunction issued pursuant to this
26 Subsection shall be found in contempt of court and punished in accordance with
27 R.S. 13:4611.

The original instrument and the following digest, which constitutes no part of the legislative instrument, were prepared by Jonathon Wagner.

DIGEST

SB 448 Engrossed

2024 Regular Session

Morris

Present law provides that criminal trespass occurs when a person enters or remains on immovable property, or in a structure, watercraft, or movable owned by another without express, legal, or implied authorization.

Proposed law provides that an occupant commits criminal trespass when he remains on immovable property for more than five days after being served with a written notice to vacate in accordance with present law relative eviction of tenants and occupants. Proposed law also provides that a squatter commits the crime of criminal trespass when he fails to vacate immovable property after being directed to do so by the rightful possessor. Proposed law defines "squatter".

Proposed law otherwise retains present law.

Proposed law provides that an owner or good faith possessor of immovable property may petition the court for a temporary restraining order and injunction to enjoin a trespass committed by certain persons. Proposed law also provides that a person who violates an injunction issued pursuant to proposed law will be subject to contempt of court.

Effective August 1, 2024.

(Amends R.S. 14:63(C)(2); adds R.S. 14:63(K))