

CONFERENCE COMMITTEE REPORT

SB 466

2024 Regular Session

Edmonds

May 31, 2024

To the Honorable President and Members of the Senate and to the Honorable Speaker and Members of the House of Representatives.

Ladies and Gentlemen:

We, the conferees appointed to confer over the disagreement between the two houses concerning Senate Bill No. 466 by Senator Edmonds, recommend the following concerning the Engrossed bill:

1. That all House Floor Amendments proposed by Representative Muscarello and adopted by the House of Representatives on May 22, 2024, be rejected.
2. That all House Floor Amendments proposed by Representative Bacala and adopted by the House of Representatives on May 22, 2024, be adopted.
3. That the following amendments to the engrossed bill be adopted:

AMENDMENT NO. 1

On page 1, line 2, after "14:63(C)(2)" delete the remainder of the line and insert:

"and Code of Civil Procedure Art. 3601(E) and to enact Code of Civil Procedure Art. 3601(F) and 3603(D), relative to criminal"

AMENDMENT NO. 2

On page 1, line 8, after "reenacted" delete the remainder of the line

AMENDMENT NO. 3

On page 1, line 9, delete "hereby enacted"

AMENDMENT NO. 4

On page 2, between lines 7 and 8, insert:

"(iii) The continued presence of a person in violation of a temporary restraining order, preliminary injunction, or a permanent injunction."

AMENDMENT NO. 5

On page 2, line 8, change "**(iii)**" to "**(iv)**"

AMENDMENT NO. 6

On page 2, line 15, delete "**valid**"

AMENDMENT NO. 7

On page 2, delete lines 18 through 27 and insert:

"Section 2. Code of Civil Procedure Art. 3601(E) is hereby amended and reenacted and Code of Civil Procedure Art. 3601(F) and 3603(D) are hereby enacted to read as follows:

Art. 3601. Injunction, grounds for issuance; preliminary injunction; temporary restraining order

* * *

E. The irreparable injury, loss, or damage enumerated in Paragraph A of this Article may result from:

(1) ~~the~~ The isolation of an individual over the age of eighteen years by any other individual, curator, or mandatary, including but not limited to violations of Civil Code Article 2995 or Code of Civil Procedure Article 4566(J).

(2) A person being denied the use or enjoyment of immovable property in which he has an ownership, possessory, or lease interest by a person who does not have a legal interest in the property.

F. (1) Notwithstanding the provisions of Code of Civil Procedure Article 3610, security shall not be required for a temporary restraining order or preliminary injunction seeking removal of a person from immovable property in which he does not have a legal interest.

(2) Nothing in this Section shall prohibit a petitioner from pursuing any other remedy provided by law.

* * *

Art. 3603. Temporary restraining order; affidavit or affirmation of irreparable injury and notification efforts

* * *

D. The plaintiff's assertion by affidavit that he is being denied the use or enjoyment of immovable property in which he has an ownership, possessory, or lease interest by a person without a legal interest in the property shall be sufficient to justify the issuance of a temporary restraining order without notice."

Respectfully submitted,

Senators:

Representatives:

Senator Rick Edmonds

Representative Dixon McMakin

Senator John C. "Jay" Morris III

Representative Debbie Villio

Senator Kirk Talbot

Representative Nicholas Muscarello, Jr.

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

CONFERENCE COMMITTEE REPORT DIGEST

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Keyword and summary of the bill as proposed by the Conference Committee

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

Report adopts House amendments to:

1. Make technical change.

Report rejects House amendments which would have:

1. Deleted proposed law pertaining to temporary restraining orders and injunctions against squatters.
2. Required a property owner to obtain a court order to evict an occupant instead of issuing written notice.
3. Applied criminal trespass to certain occupants.

Report amends the bill to:

1. Make present law relative to temporary restraining orders and injunctions applicable to squatters.

Digest of the bill as proposed by the Conference Committee

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 to eviction of tenants and occupants. Proposed law also provides that a squatter commits 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.

Present law provides that, for purposes of an injunction, an irreparable injury, loss, or damage can result from the isolation of an individual in certain circumstances.

Proposed law provides that an irreparable injury, loss, or damage may result when a person remains on immovable property to which they do not have an ownership, possessory, or lease interest.

Proposed law otherwise retains present law.

Present law provides that a temporary restraining order will be granted without notice in certain circumstances.

Proposed law provides that a plaintiff's assertion by affidavit that he is being denied use of his property by a squatter is sufficient to justify the issuance of a temporary restraining order without notice.

Proposed law provides that security is not required for a temporary restraining order or preliminary injunction when the plaintiff is seeking to remove squatters from immovable property.

Proposed law further provides that all other present law remedies remain available to a petitioner for a temporary restraining order or injunction.

Proposed law otherwise retains present law.

Effective August 1, 2024.

(Amends R.S. 14:63(C)(2) and C.C.P Art. 3601(E); adds C.C.P Art. 3601(F) and 3603(D))