

2019 Regular Session

HOUSE BILL NO. 270

BY REPRESENTATIVE AMEDEE

Prefiled pursuant to Article III, Section 2(A)(4)(b)(i) of the Constitution of Louisiana.

CRIME: Requires proof of private ownership of immovable property when criminal trespass is upon a river, stream, lake, or other waterway

1 AN ACT

2 To enact R.S. 14:63(K), relative to criminal trespass; to provide relative to criminal trespass
3 upon a river, stream, lake, or other waterway; to require proof of private ownership
4 of the bed or bottom of the river, stream, lake, or waterway as an element of the
5 offense; and to provide for related matters.

6 Be it enacted by the Legislature of Louisiana:

7 Section 1. R.S. 14:63(K) is hereby enacted to read as follows:

8 §63. Criminal trespass

9 * * *

10 K. When a person is accused of trespass in violation of Subsection B or C
11 of this Section by entering or remaining in or upon a river, stream, lake, or other
12 waterway, and the bed or bottom of such river, stream, lake, or other waterway is
13 claimed to be privately owned, such private ownership of the bed or bottom shall be
14 proven as a required element of the offense.

DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

HB 270 Original

2019 Regular Session

Amedee

Abstract: Requires proof of private ownership of immovable property when criminal trespass is upon a river, stream, lake, or other waterway.

Present law prohibits any person from entering upon, or remaining in or upon, immovable property owned by another without express, legal, or implied authorization, and further provides for criminal penalties and exceptions to the offense.

Proposed law retains present law and further provides that when a person is accused of trespass by entering or remaining in or upon a river, stream, lake, or other waterway, and the bed or bottom of such river, stream, lake, or other waterway is claimed to be privately owned, such private ownership of the bed or bottom shall be proven as a required element of the offense.

(Adds R.S. 14:63(K))