

2024 Regular Session

HOUSE BILL NO. 91

BY REPRESENTATIVE BACALA

TRESPASS: Provides relative to the crime of criminal trespass on running waters of the state

1 AN ACT

2 To amend and reenact R.S. 14:63(D), relative to trespass; to provide relative to the crime of  
3 trespass; to provide relative to an affirmative defense for the crime of trespass; and  
4 to provide for related matters.

5 Be it enacted by the Legislature of Louisiana:

6 Section 1. R.S. 14:63(D) is hereby amended and reenacted to read as follows:

7 §63. Criminal trespass

8 \* \* \*

9 D. It shall be an affirmative defense to a prosecution for a violation of  
10 Subsection A, B, or C of this Section, that the accused had express, legal, or implied  
11 authority to be in the movable or on the immovable property or was authorized to  
12 operate his watercraft on running waters of the state in accordance with Civil Code  
13 Article 450, 452, 455, or 456.

14 \* \* \*

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**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)]

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HB 91 Original

2024 Regular Session

Bacala

**Abstract:** Provides for an affirmative defense to the crime of criminal trespass if a person was authorized to operate his watercraft on running waters of the state.

Present law (R.S. 14:63) prohibits any person from entering upon, or remaining in or upon, immovable or movable property owned by another without express, legal, or implied authorization.

Proposed law retains present law.

Present law (R.S. 14:63(D)) provides for an affirmative defense to a prosecution for a violation of present law if the accused had express, legal, or implied authority to be in the movable or on the immovable property.

Proposed law retains present law and further provides that the affirmative defense contained in present law shall also apply if the accused was authorized to operate his watercraft on running waters of the state in accordance with present law (Civil Code Article 450, 452, 455, or 456).

(Amends R.S. 14:63(D))