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

CONFERENCE COMMITTEE REPORT DIGEST

SB 466

2024 Regular Session

Edmonds

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))