

SENATE BILL NO. 466

BY SENATORS EDMONDS, ABRAHAM, CLOUD, CONNICK, FESI, HENRY, KLEINPETER, MIGUEZ, MORRIS, SEABAUGH, STINE, TALBOT AND WOMACK AND REPRESENTATIVES BAYHAM, KNOX, LAFLEUR, ROMERO AND WILDER

1 AN ACT

2 To amend and reenact R.S. 14:63(C)(2) and Code of Civil Procedure Art. 3601(E) and to
3 enact Code of Civil Procedure Art. 3601(F) and 3603(D), relative to criminal
4 trespass; to provide that occupants who fail to obey an order to vacate within five
5 days commit criminal trespass; to provide that a squatter commits criminal trespass
6 if he fails to vacate after being directed to do so by a lawful possessor; to provide for
7 injunctive relief; and to provide for related matters.

8 Be it enacted by the Legislature of Louisiana:

9 Section 1. R.S. 14:63(C)(2) is hereby amended and reenacted 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**
18 **Procedure Article 4704, for longer than five days after being served with written**
19 **notice to vacate in accordance with Code of Civil Procedure Articles 4702 or**
20 **4703.**

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

25 **(iii) The continued presence of a person in violation of a temporary**

1 restraining order, preliminary injunction, or a permanent injunction.

2 (iv) ~~the~~ The operation of an unmanned aircraft system as defined by R.S.
3 14:337 in the air space over immovable property owned by another with the intent
4 to conduct surveillance of the property or of any individual lawfully on the property.

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

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

10 * * *

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

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

16 * * *

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

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

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

25 F.(1) Notwithstanding the provisions of Code of Civil Procedure Article
26 3610, security shall not be required for a temporary restraining order or
27 preliminary injunction seeking removal of a person from immovable property
28 in which he does not have a legal interest.

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

1
2
3
4
5
6
7
8

* * *

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.**

PRESIDENT OF THE SENATE

SPEAKER OF THE HOUSE OF REPRESENTATIVES

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____