

RÉSUMÉ DIGEST

ACT 652 (SB 466)

2024 Regular Session

Edmonds

Existing 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.

New 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 existing law relative to eviction of tenants and occupants.

New law provides that a squatter commits criminal trespass when he fails to vacate immovable property after being directed to do so by the rightful possessor. New law defines "squatter" as any person who remains in or upon property to which he lacks a right of possession, ownership, occupancy, or a lease interest.

New law otherwise retains existing law.

Existing 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.

New 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.

New law otherwise retains existing law.

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

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

New law otherwise retains existing 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))