

2025 Regular Session

HOUSE BILL NO. 262

BY REPRESENTATIVE PHELPS

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

TRESPASS: Provides relative to the removal of unauthorized persons from immovable property

1 AN ACT

2 To amend and reenact R.S. 14:63(C)(2)(a)(ii) and (b) and to enact Code of Criminal  
3 Procedure Article 215.3, relative to the removal of unauthorized persons from  
4 immovable property; to provide for a definition; to provide for duties of peace  
5 officers; to provide for reasonable suspicion; to provide relative to the crime of  
6 trespass; and to provide for related matters.

7 Be it enacted by the Legislature of Louisiana:

8 Section 1. Code of Criminal Procedure Article 215.3 is hereby enacted to read as  
9 follows:

10 Art. 215.3. Reasonable suspicion; arrest of adverse possessors

11 A. For the purposes of this Article, "adverse possessor" shall mean any  
12 person who remains in or upon property to which the person lacks a right of  
13 possession, ownership, occupancy, or a lease interest.

14 B. A peace officer may, without a warrant, arrest an adverse possessor when  
15 the peace officer has reasonable suspicion to believe that the adverse possessor has  
16 violated any provision of Title 14 of the Louisiana Revised Statutes of 1950. A  
17 complaint made to a peace officer by a neighbor, witness, or other interested party  
18 shall constitute reasonable suspicion for the officer making the arrest.

19 C. Reasonable suspicion shall be presumed based upon preliminary evidence  
20 that an adverse possessor has engaged in criminal activity based on specific objective

1 and articulable facts and reasonable inferences drawn from those facts in light of  
2 experience. For purposes of this Article, facts and inferences may be based upon but  
3 not limited to any of the following:

- 4 (1) Signs of forcible entry.
- 5 (2) The conditions of the property.
- 6 (3) Observations of neighbors.

7 Section 2. R.S. 14:63(C)(2)(a)(ii) and (b) are hereby amended and reenacted to read  
8 as follows:

9 §63. Criminal trespass; ~~squatters~~ adverse possessors

10 \* \* \*

11 C.

12 \* \* \*

13 (2) For purposes of this Subsection:

14 (a) "Remain in or upon property", in addition to its common meaning,  
15 signification, and connotation, includes:

16 \* \* \*

17 (ii) The continued presence of a ~~squatter~~ an adverse possessor who has been  
18 directed to vacate by a lawful possessor either verbally, by written notice, or by  
19 posting of conspicuous signage advising that the property is privately owned and  
20 unlawful trespass is prohibited.

21 \* \* \*

22 (b) ~~"Squatter"~~ "Adverse possessor" means any person who remains in or  
23 upon property to which the person lacks a right of possession, ownership, occupancy,  
24 or a lease interest.

25 \* \* \*

26 Section 3. The Louisiana State Law Institute is hereby authorized and directed to  
27 alphabetize and renumber the definitions contained in R.S. 14:63(C)(2) and to correct any  
28 cross-references to the renumbered paragraphs if necessary, consistent with the provisions  
29 of this Act.

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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 262 Original

2025 Regular Session

Phelps

**Abstract:** Provides relative to the removal of unauthorized persons from immovable property.

Proposed law defines the term "adverse possessor".

Proposed law provides that a peace officer may, without a warrant, arrest an adverse possessor when the peace officer has reasonable suspicion to believe that the adverse possessor has violated any provision of present law (Title 14 of the La. Revised Statutes of 1950).

Proposed law provides that a complaint made to a peace officer by a neighbor, witness, or other interested party shall constitute reasonable suspicion for the officer making the arrest.

Proposed law provides that reasonable suspicion shall be presumed based upon preliminary evidence that an adverse possessor has engaged in criminal activity based on specific objective and articulable facts and reasonable inferences drawn from those facts in light of experience.

Proposed law provides that facts and inferences may be based upon but not limited to any of the following:

- (1) Signs of forcible entry.
- (2) The conditions of the property.
- (3) Observations of neighbors.

Present law (R.S. 14:63) provides for criminal trespass.

Proposed law retains present law generally.

Present law defines the term "squatter".

Proposed law changes the term "squatter" to "adverse possessor" throughout present law.

Directs the La. State Law Institute to alphabetize and renumber the definitions contained in R.S. 14:63(C)(2) and to correct any cross-references that may need to be changed as a result of this renumbering.

(Amends R.S. 14:63(C)(2)(a)(ii) and (b); Adds C.Cr.P. Art. 215.3)