

1 TO THE HONORABLE SENATE:

2 The Committee on Judiciary to which was referred House Bill No. 563  
3 entitled “An act relating to criminal motor vehicle offenses involving unlawful  
4 trespass, theft, or unauthorized operation” respectfully reports that it has  
5 considered the same and recommends that the Senate propose to the House that  
6 the bill be amended by striking out all after the enacting clause and inserting in  
7 lieu thereof the following:

8 Sec. 1. 13 V.S.A. § 3705 is amended to read:

9 § 3705. UNLAWFUL TRESPASS

10 (a)(1) A person shall be imprisoned for not more than three months or fined  
11 not more than \$500.00, or both, if, without legal authority or the consent of the  
12 person in lawful possession, ~~he or she~~ the person enters or remains on any land  
13 or in any place as to which notice against trespass is given by:

14 (A) actual communication by the person in lawful possession or ~~his~~  
15 ~~or her~~ the person's agent or by a law enforcement officer acting on behalf of  
16 such person or ~~his or her~~ the person's agent;

17 (B) signs or placards so designed and situated as to give reasonable  
18 notice; or

19 (C) in the case of abandoned property:

1 (i) signs or placards, posted by the owner, the owner’s agent, or a  
2 law enforcement officer, and so designed and situated as to give reasonable  
3 notice; or

4 (ii) actual communication by a law enforcement officer.

5 (2) As used in this subsection, “abandoned property” means:

6 (A) real property on which there is a vacant structure that for the  
7 previous 60 days has been continuously unoccupied by a person with the legal  
8 right to occupy it and with respect to which the municipality has by first-class  
9 mail to the owner’s last known address provided the owner with notice and an  
10 opportunity to be heard; and

11 (i) property taxes have been delinquent for six months or more; or

12 (ii) one or more utility services have been disconnected; or

13 (B) a railroad car that for the previous 60 days has been unmoved and  
14 unoccupied by a person with the legal right to occupy it.

15 (b) Prosecutions for offenses under subsection (a) of this section shall be  
16 commenced within 60 days following the commission of the offense and not  
17 thereafter.

18 (c) A person who enters the motor vehicle of another and knows that the  
19 person does not have legal authority or the consent of the person in lawful  
20 possession of the motor vehicle to do so shall be imprisoned not more than  
21 three months or fined not more than \$500.00, or both. For a second or

1 subsequent offense, a person who violates this subsection shall be imprisoned  
2 not more than one year or fined not more than \$500.00, or both. Notice against  
3 trespass shall not be required under this subsection.

4 (d) A person who enters a building other than a residence, whose access is  
5 normally locked, whether or not the access is actually locked, or a residence in  
6 violation of an order of any court of competent jurisdiction in this State shall  
7 be imprisoned for not more than one year or fined not more than \$500.00, or  
8 both.

9 ~~(d)~~(e) A person who enters a dwelling house, whether or not a person is  
10 actually present, knowing that ~~he or she~~ the person is not licensed or privileged  
11 to do so shall be imprisoned for not more than three years or fined not more  
12 than \$2,000.00, or both.

13 ~~(e)~~(f) A law enforcement officer shall not be prosecuted under subsection  
14 (a) of this section if ~~he or she~~ the law enforcement officer is authorized to serve  
15 civil or criminal process, including citations, summons, subpoenas, warrants,  
16 and other court orders, and the scope of ~~his or her~~ the law enforcement  
17 officer's entrance onto the land or place of another is ~~no~~ not more than  
18 necessary to effectuate the service of process.

19 Sec. 2. EFFECTIVE DATE

20 This act shall take effect on July 1, 2024.

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7 (Committee vote: \_\_\_\_\_)

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Senator \_\_\_\_\_

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FOR THE COMMITTEE