

1

H.563

2 An act relating to criminal motor vehicle offenses involving unlawful  
3 trespass, theft, or unauthorized operation

4 The Senate proposes to the House to amend the bill by striking out all after  
5 the enacting clause and inserting in lieu thereof the following:

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

7 § 3705. UNLAWFUL TRESPASS

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

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

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

17 (C) in the case of abandoned property:

18 (i) signs or placards, posted by the owner, the owner's agent, or a  
19 law enforcement officer, and so designed and situated as to give reasonable  
20 notice; or

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

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

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

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

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

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

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

14 (c) A person who enters the motor vehicle of another and knows that the  
15 person does not have legal authority or the consent of the person in lawful  
16 possession of the motor vehicle to do so shall be imprisoned not more than  
17 three months or fined not more than \$500.00, or both. For a second or  
18 subsequent offense, a person who violates this subsection shall be imprisoned  
19 not more than one year or fined not more than \$500.00, or both. Notice against  
20 trespass shall not be required under this subsection.

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

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

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

16        Sec. 2. EFFECTIVE DATE

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