

1 H.103

2 Introduced by Representatives Fagan of Rutland City, Burditt of West

3 Rutland, Cupoli of Rutland City, Gage of Rutland City, Russell

4 of Rutland City, and Terenzini of Rutland Town

5 Referred to Committee on

6 Date:

7 Subject: Trespass; sale or use of drugs in abandoned property

8 Statement of purpose of bill as introduced: This bill proposes to permit  
9 criminal trespass procedures to be brought against a person who uses or sells  
10 drugs on abandoned property.

11 An act relating to the use or sale of drugs on abandoned property

12 It is hereby enacted by the General Assembly of the State of Vermont:

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

14 § 3705. UNLAWFUL TRESPASS

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

1           (1) ~~Actual~~ actual communication by the person in lawful possession or  
2 his or her agent or by a law enforcement officer acting on behalf of such  
3 person or his or her agent; ~~or~~

4           (2) ~~Signs~~ signs or placards so designed and situated as to give  
5 reasonable notice; or

6           (3) in the case of abandoned property on which a person is engaged in  
7 the unlawful use or sale of drugs, actual communication by a law enforcement  
8 officer.

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

12           (c) A person who enters a building other than a residence, whose normal  
13 access is locked, or a residence in violation of an order of any court of  
14 competent jurisdiction in this state shall be imprisoned for not more than one  
15 year or fined not more than \$500.00, or both.

16           (d) A person who enters a dwelling house, whether or not a person is  
17 actually present, knowing that he or she is not licensed or privileged to do so  
18 shall be imprisoned for not more than three years or fined not more than  
19 \$2,000.00, or both.

1        (e) As used in this section, “abandoned property” means real estate which  
2        for the previous 60 days has been continuously unoccupied by a person with  
3        the legal right to occupy it.

4        Sec. 2. EFFECTIVE DATE

5        This act shall take effect on July 1, 2013.