

1 H.756

2 Introduced by Representative French of Randolph

3 Referred to Committee on

4 Date:

5 Subject: Crimes; unlawful trespass; retrieval of hunting dogs

6 Statement of purpose of bill as introduced: This bill proposes to allow a
7 person to enter property posted against trespass or hunting in order to retrieve
8 hunting dogs that entered the posted property from nonposted land.

9 An act relating to the retrieval of hunting dogs from posted property

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

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

12 § 3705. UNLAWFUL TRESPASS

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

17 (A) actual communication by the person in lawful possession or his
18 or her agent or by a law enforcement officer acting on behalf of such person or
19 his or her agent;

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

3 (C) in the case of abandoned property:

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

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

8 (2) As used in this subsection, "abandoned property" means:

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

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

15 (ii) one or more utility services have been disconnected.

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

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

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

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

15 (f)(1) Subsection (a) of this section shall not apply to a person who enters
16 any land or place where notice against trespass or notice under 10 V.S.A.
17 § 4205 is posted if the person:

18 (A) is a hunter licensed under 10 V.S.A. § 4255;

19 (B) enters while on foot, without a rifle, shotgun, bow and arrow, or
20 crossbow, and with the sole purpose of retrieving a hunting dog that entered
21 the posted land from nonposted land; and

1 (C) immediately leaves the posted property after retrieving the
2 hunting dog.

3 (2) A person may use a motor vehicle or snowmobile to retrieve a
4 hunting dog on land where a notice against trespass or notice under 10 V.S.A.
5 § 4205 is posted only with the permission of the owner of the property to be
6 entered.

7 Sec. 2. EFFECTIVE DATE

8 This act shall take effect on July 1, 2014.