

1 S.30

2 Senator Baruth moves that the bill be amended the bill be amended by
3 striking out all after the enacting clause and inserting in lieu thereof the
4 following:

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

6 § 3705. UNLAWFUL TRESPASS

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

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

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

16 (C) in the case of abandoned property:

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

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

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

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

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

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

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

10 (3) It shall be a trespass in violation of this subsection if:

11 (A) a person enters or remains on any land or in any place while
12 carrying a firearm; and

13 (B) signs or placards prohibiting the possession of firearms on the
14 land or in the place, so designed and situated as to give reasonable notice, are
15 posted on the land or in the place.

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

19 (c) A person who enters a building other than a residence, whose access is
20 normally locked, whether or not the access is actually locked, or a residence in
21 violation of an order of any court of competent jurisdiction in this State shall

1 be imprisoned for not more than one year or fined not more than \$500.00, or
2 both.

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

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

12 Sec. 2. EFFECTIVE DATE

13 This act shall take effect on July 1, 2021.