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HOUSE BILL 56

56TH LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 2024

INTRODUCED BY

Cathrynn N. Brown and Randall T. Pettigrew and Harlan Vincent

AN ACT

RELATING TO CRIME; CLARIFYING THAT TRESPASS INCLUDES PERSONS WHO KNOWINGLY ENTER WITHOUT PRIOR PERMISSION OR REMAIN ON THE LANDS OF ANOTHER KNOWING THAT THE OWNER OR LAWFUL OCCUPANT DID NOT PROVIDE PERMISSION; INCREASING THE PENALTY FOR TRESPASS IN CERTAIN CIRCUMSTANCES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

SECTION 1. Section 30-14-1 NMSA 1978 (being Laws 1963, Chapter 303, Section 14-1, as amended) is amended to read:

"30-14-1. CRIMINAL TRESPASS.--

A. Criminal trespass consists of knowingly entering or remaining upon posted private property without possessing written permission from the owner or person in control of the land. The provisions of this subsection do not apply if:

- (1) the owner or person in control of the land

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1 has entered into an agreement with the department of game and
2 fish granting access to the land to the general public for the
3 purpose of taking any game animals, birds or fish by hunting or
4 fishing; or

5 (2) a person is in possession of a landowner
6 license given to ~~him~~ the person by the owner or person in
7 control of the land that grants access to that particular
8 private land for the purpose of taking any game animals, birds
9 or fish by hunting or fishing.

10 B. Criminal trespass also consists of knowingly
11 entering without prior permission or remaining upon the
12 unposted lands of another knowing that ~~such consent~~ the owner
13 or the lawful occupant did not provide permission to enter or
14 remain ~~is~~ or knowing that the owner or lawful occupant denied
15 or [withdrawn by the owner or occupant thereof] withdrew
16 permission. Notice of no consent to enter shall be deemed
17 sufficient notice to the public and evidence to the courts by
18 the posting of the property at all vehicular access ~~entry~~
19 ways entryways.

20 C. Criminal trespass also consists of knowingly
21 entering without prior permission or remaining upon lands
22 owned, operated or controlled by the state or any of its
23 political subdivisions knowing that ~~consent~~ the custodian of
24 the lands did not provide permission to enter or remain ~~is~~ or
25 knowing that the custodian denied or ~~withdrawn by the~~

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1 ~~custodian thereof]~~ withdrew permission.

2 D. Any person who enters upon the lands of another
3 without prior permission and injures, damages or destroys any
4 part of the realty or its improvements, including buildings,
5 structures, trees, shrubs or other natural features, is guilty
6 of a misdemeanor and [he] shall be liable to the owner, lessee
7 or person in lawful possession for civil damages in an amount
8 equal to double the value of the damage to the property injured
9 or destroyed.

10 E. [~~Whoever~~] A person who commits criminal trespass
11 is guilty of a [~~misdemeanor~~] fourth degree felony and shall be
12 sentenced in accordance with the provisions provided pursuant
13 to Section 31-18-15 NMSA 1978. Additionally, any person who
14 violates the provisions of Subsection A, B or C of this
15 section, when in connection with hunting, fishing or trapping
16 activity, shall have [his] the person's hunting or fishing
17 license revoked by the state game commission for a period of
18 not less than three years, pursuant to the provisions of
19 Section 17-3-34 NMSA 1978.

20 F. [~~Whoever~~] A person who knowingly removes,
21 tampers with or destroys any "no trespass" sign is guilty of a
22 petty misdemeanor; except when the damage to the sign amounts
23 to more than one thousand dollars (\$1,000), [~~he or she~~] the
24 person is guilty of a [~~misdemeanor~~] fourth degree felony and
25 shall be subject to imprisonment [~~in the county jail~~] for a

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1 definite term of no less than [~~one year or~~] eighteen months and
2 a fine not more than one thousand dollars (\$1,000) [~~or to both~~
3 ~~such imprisonment and fine in~~] at the discretion of the judge.

4 G. This section, as amended, shall be published in
5 all issues of "Big Game Hunt Proclamation" as published by the
6 department of game and fish."

7 SECTION 2. Section 30-14-1.1 NMSA 1978 (being Laws 1979,
8 Chapter 186, Section 2, as amended) is amended to read:

9 "30-14-1.1. TYPES OF TRESPASS--INJURY TO REALTY--CIVIL
10 DAMAGES.--

11 A. Any person who enters and remains on the lands
12 of another after having been requested to leave is guilty of a
13 [~~misdemeanor~~] fourth degree felony.

14 B. Any person who enters upon the lands of another
15 when such lands are posted against trespass at every roadway or
16 apparent way of access is guilty of a misdemeanor.

17 C. Any person who drives a vehicle upon the lands
18 of another except through a roadway or other apparent way of
19 access, when such lands are fenced in any manner, is guilty of
20 a misdemeanor.

21 D. In the event any person enters upon the lands of
22 another without prior permission and injures, damages or
23 destroys any part of the realty or its improvements, including
24 buildings, structures, trees, shrubs or other natural features,
25 [~~he~~] the person shall be liable to the owner, lessee or person

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1 in lawful possession for damages in an amount equal to double
2 the amount of the appraised value of the damage of the property
3 injured or destroyed."

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