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SENATE BILL 358

55TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2021

INTRODUCED BY

George K. Munoz

AN ACT

RELATING TO CRIME; INCREASING PENALTIES FOR TRESPASS.

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

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

6 B. Criminal trespass also consists of knowingly
7 entering or remaining upon the unposted lands of another
8 knowing that such consent to enter or remain is denied or
9 withdrawn by the owner or occupant ~~thereof~~ of the lands.
10 Notice of no consent to enter shall be deemed sufficient notice
11 to the public and evidence to the courts, by the posting of the
12 property at all vehicular access entry ways.

13 C. Criminal trespass also consists of knowingly
14 entering or remaining upon lands owned, operated or controlled
15 by the state or any of its political subdivisions knowing that
16 consent to enter or remain is denied or withdrawn by the
17 custodian ~~thereof~~ of the lands.

18 D. Any person who enters upon the lands of another
19 without prior permission and injures, damages or destroys any
20 part of the realty or its improvements, including buildings,
21 structures, trees, shrubs or other natural features, is guilty
22 of a misdemeanor and ~~he~~ shall be liable to the owner, lessee
23 or person in lawful possession for civil damages in an amount
24 equal to double the value of the damage to the property injured
25 or destroyed.

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1 E. ~~[Whoever]~~ Any person who commits criminal
2 trespass is guilty of a misdemeanor and notwithstanding the
3 provisions of Section 31-19-1 NMSA 1978, shall be subject to
4 imprisonment in the county jail for a definite term of less
5 than one year or a fine of not more than two thousand five
6 hundred dollars (\$2,500) or to both such imprisonment and fine
7 in the discretion of the judge. Additionally, any person who
8 violates the provisions of Subsection A, B or C of this
9 section, when in connection with hunting, fishing or trapping
10 activity, shall have ~~[his]~~ the person's hunting or fishing
11 license revoked by the state game commission for a period of
12 not less than three years, pursuant to the provisions of
13 Section 17-3-34 NMSA 1978.

14 F. ~~[Whoever]~~ Any person who knowingly removes,
15 tampers with or destroys any "no trespass" sign is guilty of a
16 petty misdemeanor; except when the damage to the sign amounts
17 to more than one thousand dollars (\$1,000), ~~[he or she]~~ the
18 person is guilty of a misdemeanor and shall be subject to
19 imprisonment in the county jail for a definite term less than
20 one year or a fine not more than one thousand dollars (\$1,000)
21 or to both such imprisonment and fine in the discretion of the
22 judge.

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

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

3 "30-14-1.1. TYPES OF TRESPASS--INJURY TO REALTY--CIVIL
4 DAMAGES.--

5 A. Any person who enters and remains on the lands
6 of another after having been requested to leave is guilty of a
7 misdemeanor.

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

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

15 D. Notwithstanding the provisions of Section
16 31-19-1 NMSA 1978, a person who is guilty of a misdemeanor
17 pursuant to this section shall be subject to imprisonment in
18 the county jail for a definite term of less than one year or a
19 fine of not more than two thousand five hundred dollars
20 (\$2,500) or to both such imprisonment and fine in the
21 discretion of the judge.

22 [~~D.~~] E. In the event any person enters upon the
23 lands of another without prior permission and injures, damages
24 or destroys any part of the realty or its improvements,
25 including buildings, structures, trees, shrubs or other natural

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1 features, ~~[he]~~ the person shall be liable to the owner, lessee
2 or person in lawful possession for damages in an amount equal
3 to double the amount of the appraised value of the damage of
4 the property injured or destroyed."

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