

FIRST REGULAR SESSION

# HOUSE BILL NO. 883

## 91ST GENERAL ASSEMBLY

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INTRODUCED BY REPRESENTATIVES BARNITZ, RANSALL, BOATRIGHT, TOWNLEY,  
COLEMAN, MERIDETH, LEGAN (Co-sponsors), LAWSON, KOLLER, BYRD, HOLT, FOLEY,  
BERKOWITZ, MYERS, VILLA, HAMPTON, SHOEMYER, WIGGINS, DAVIS AND KELLY (144).

Read 1<sup>st</sup> time February 27, 2001, and 1000 copies ordered printed.

TED WEDEL, Chief Clerk

13531.031

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### AN ACT

To repeal sections 569.140, 569.145 and 569.150, RSMo 2000, relating to trespass, and to enact  
in lieu thereof one new section relating to the same subject, with penalty provisions.

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*Be it enacted by the General Assembly of the state of Missouri, as follows:*

Section A. Sections 569.140, 569.145 and 569.150, RSMo 2000, are repealed and one  
2 new section enacted in lieu thereof, to be known as section 569.140, to read as follows:

569.140. 1. A person commits the crime of trespass [in the first degree] if [he  
2 knowingly] **such person** enters unlawfully or knowingly remains unlawfully in a building or  
3 inhabitable structure or upon real property.

4 2. [A person does not commit the crime of trespass in the first degree by entering or  
5 remaining upon real property unless the real property is fenced or otherwise enclosed in a manner  
6 designed to exclude intruders or as to which notice against trespass is given by:

7 (1) actual communication to the actor; or

8 (2) Posting in a manner reasonably likely to come to the attention of intruders.

9 3.] Trespass [in the first degree] is a class [B] **A** misdemeanor.

10 **3. A person convicted of trespass may be held strictly liable for damages in a civil**  
11 **action by the owner of the property upon which such person was convicted of trespassing.**

12 **4. In no case shall any owner of property be liable to any trespasser on said**  
13 **property for any injury, loss or damages suffered by such trespasser.**

2 [569.145. In addition to the posting of real property as set forth in section  
569.140, the owner or lessee of any real property may post the property by placing

**EXPLANATION — Matter enclosed in bold faced brackets [thus] in this bill is not enacted and is intended  
to be omitted in the law.**

3 identifying purple paint marks on trees or posts around the area to be posted. Each  
4 paint mark shall be a vertical line of at least eight inches in length and the bottom of  
5 the mark shall be no less than three feet nor more than five feet high. Such paint  
6 marks shall be placed no more than one hundred feet apart and shall be readily visible  
7 to any person approaching the property. Property so posted is to be considered  
8 posted for all purposes, and any unauthorized entry upon the property is trespass in  
9 the first degree, and a class B misdemeanor.]

2 [569.150. 1. A person commits the offense of trespass in the second degree  
3 if he enters unlawfully upon real property of another. This is an offense of absolute  
4 liability.

2. Trespass in the second degree is an infraction.]