

By: Senator(s) Hill

To: Judiciary, Division B

SENATE BILL NO. 2128

1 AN ACT TO CREATE THE CRIME OF TRESPASS ON PROPERTY OTHER THAN
2 A STRUCTURE OR CONVEYANCE; TO PROVIDE PENALTIES FOR THE CRIME; TO
3 DEFINE TERMS; AND FOR RELATED PURPOSES.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

5 **SECTION 1.** (1) As used in this section, the following terms
6 shall have the meaning herein ascribed unless the context clearly
7 requires otherwise:

8 (a) "Authorized person" or "person authorized" means
9 any owner, his or her agent, a community association authorized as
10 an agent for the owner or any law enforcement officer whose
11 department has received written authorization from the owner, his
12 or her agent or a community association authorized as an agent for
13 the owner, to communicate an order to leave the property in the
14 case of a threat to public safety or welfare.

15 (b) "Unenclosed curtilage" means the unenclosed land or
16 grounds, and any outbuildings, that are directly and intimately
17 adjacent to and connected with the dwelling and necessary,
18 convenient, and habitually used in connection with that dwelling.



19 (2) A person commits the offense of trespass on property
20 other than a structure or conveyance who, without being
21 authorized, licensed, or invited, willfully enters upon or remains
22 in any property other than a structure or conveyance:

23 (a) As to which notice against entering or remaining is
24 given, either by actual communication to the offender or by
25 posting, fencing or cultivation; or

26 (b) If the property is the unenclosed curtilage of a
27 dwelling and the offender enters or remains with the intent to
28 commit an offense thereon, other than the offense of trespass.

29 (3) (a) Except as provided in this subsection, trespass on
30 property other than a structure or conveyance is a misdemeanor
31 punishable by a fine of not more than Two Hundred Fifty Dollars
32 (\$250.00) or by a term in the county jail of no more than sixty
33 (60) days, or both.

34 (b) If the offender defies an order to leave,
35 personally communicated to the offender by the owner of the
36 premises or by an authorized person, or if the offender willfully
37 opens any door, fence or gate, or does any act that exposes
38 animals, crops or other property to waste, destruction or freedom;
39 unlawfully dumps litter on property; or trespasses on property
40 other than a structure or conveyance, the offender commits a
41 misdemeanor punishable by a fine of not more than Five Hundred
42 Dollars (\$500.00) or by a term in the county jail of no more than
43 six (6) months, or both.



44 (c) If the offender is armed with a firearm or other
45 dangerous weapon during the commission of the offense of trespass
46 on property other than a structure or conveyance, he or she is
47 guilty of a felony punishable by a fine of not more than Two
48 Thousand Dollars (\$2,000.00) or by a term of no more than five (5)
49 years in the custody of the Mississippi Department of Corrections,
50 or both. Any owner or person authorized by the owner may, for
51 prosecution purposes, take into custody and detain, in a
52 reasonable manner, for a reasonable length of time, any person
53 when he or she reasonably believes that a violation of this
54 paragraph (c) has been or is being committed, and that the person
55 to be taken into custody and detained has committed or is
56 committing the violation. If a person is taken into custody, a
57 law enforcement officer shall be called as soon as is practicable
58 after the person has been taken into custody. The taking into
59 custody and detention in compliance with the requirements of this
60 paragraph does not result in criminal or civil liability for false
61 arrest, false imprisonment, or unlawful detention.

62 (d) The offender commits a felony punishable by a fine
63 of not more than Two Thousand Dollars (\$2,000.00) or by a term of
64 no more than five (5) years in the custody of the Mississippi
65 Department of Corrections, or both, if the property trespassed is
66 a construction site that is:

67 (i) Greater than one (1) acre in area and is
68 legally posted and identified in substantially the following



69 manner: "THIS AREA IS A DESIGNATED CONSTRUCTION SITE, AND ANYONE
70 WHO TRESPASSES ON THIS PROPERTY COMMITS A FELONY"; or

71 (ii) One (1) acre or less in area and is
72 identified as such with a sign that appears prominently, in
73 letters of not less than two (2) inches in height, and reads in
74 substantially the following manner: "THIS AREA IS A DESIGNATED
75 CONSTRUCTION SITE, AND ANYONE WHO TRESPASSES ON THIS PROPERTY
76 COMMITS A FELONY." The sign shall be placed at the location on
77 the property where the permits for construction are located. For
78 construction sites of one (1) acre or less as provided in this
79 subparagraph (ii), it shall not be necessary to give notice by
80 posting.

81 (e) The offender commits a felony punishable by a fine
82 of not more than Two Thousand Dollars (\$2,000.00) or by a term of
83 no more than five (5) years in the custody of the Mississippi
84 Department of Corrections, or both, if the property trespassed
85 upon is commercial horticulture property and the property is
86 legally posted and identified in substantially the following
87 manner: "THIS AREA IS DESIGNATED COMMERCIAL PROPERTY FOR
88 HORTICULTURE PRODUCTS, AND ANYONE WHO TRESPASSES ON THIS PROPERTY
89 COMMITS A FELONY."

90 (f) The offender commits a felony punishable by a fine
91 of not more than Two Thousand Dollars (\$2,000.00) or by a term of
92 no more than five (5) years in the custody of the Mississippi
93 Department of Corrections, or both, if the property trespassed



94 upon is an agricultural site for testing or research purposes that
95 is legally posted and identified in substantially the following
96 manner: "THIS AREA IS A DESIGNATED AGRICULTURAL SITE FOR TESTING
97 OR RESEARCH PURPOSES, AND ANYONE WHO TRESPASSES ON THIS PROPERTY
98 COMMITS A FELONY."

99 (g) Any person who in taking or attempting to take any
100 animal or in killing, attempting to kill, or endangering any
101 livestock or knowingly propels or causes to be propelled any
102 potentially lethal projectile over or across private land without
103 authorization commits a felony punishable by a fine of not more
104 than Two Thousand Dollars (\$2,000.00) or by a term of no more than
105 five (5) years in the custody of the Mississippi Department of
106 Corrections, or both. For purposes of this paragraph:

107 (i) "Potentially lethal projectile" includes any
108 projectile launched from any firearm, bow, crossbow, or similar
109 tensile device;

110 (ii) "Animal" means muskrat, mink, raccoon, otter,
111 civet cat, skunk, red and gray fox, opossum, deer, bear, squirrel,
112 rabbits, wild hogs, ducks, geese, rails, coots, gallinules, snipe,
113 woodcock, wild turkeys, grouse, pheasants, quail and doves; and

114 (iii) "Livestock" means grazing animals, such as
115 cattle, horses, sheep, swine, goats, other hoofed animals,
116 ostriches, emus and rheas, which are raised for private use or
117 commercial purposes.



118 (4) This section does not apply to any governmental agent or
119 employee acting within the scope of his or her official duties.

120 **SECTION 2.** This act shall take effect and be in force from
121 and after July 1, 2023.

