HB 1527-FN - AS INTRODUCED

2024 SESSION

24-2561
09/10

HOUSE BILL ***1527-FN***

AN ACT relative to criminal trespass.

SPONSORS: Rep. Read, Rock. 10; Rep. Kenney, Straf. 10; Rep. Phillips, Rock. 7; Sen. Watters, Dist 4

COMMITTEE: Criminal Justice and Public Safety

ANALYSIS

This bill:

I. Amends the manner in which a property owner may post on his or her property to protect against trespass to include purple paint markings;

II. Establishes criminal penalties with respect to trespass on land so marked; and

III. Prohibits the removing, defacing, or destroying of purple paint markings.

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Explanation: Matter added to current law appears in ***bold italics.***
Matter removed from current law appears [~~in brackets and struckthrough.~~]
Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

24-2561
09/10

STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Twenty Four

AN ACT relative to criminal trespass.

Be it Enacted by the Senate and House of Representatives in General Court convened:

1 Criminal Code; Unauthorized Entries; Prescribed Manner of Posting. Amend RSA 635:4 to read as follows:

635:4 Prescribed Manner of Posting.

I. A person may post his ***or her*** land to prohibit criminal trespass and physical activities by ***either or both of the following:***

(a) Posting signs of durable material with any words describing the physical activity prohibited, such as "No Hunting or Trespassing", printed with block letters no less than 2 inches in height, and with the name and address of the owner or lessee of such land. Such signs shall be posted not more than 100 yards apart on all sides and shall also be posted at gates, bars and commonly used entrances. This section shall not prevent any owner from adding to the language required by this section.

(b) For purposes of posting against all trespass only, purple paint markings shall be made on trees, rocks, or posts in vertical lines of not less than 8 inches in length and not less than one inch in width, placed so that the mark is between 3 and 5 feet from the ground, and placed at locations no more than 100 yards apart.

II. From January 1, 2025 through December 31, 2025, a property owner posting in accordance with paragraph I(b) shall also post signs in accordance with paragraph I(a) at all commonly used entrances. Any person trespassing on such posted land from January 1, 2025 through December 31, 2025 shall be guilty of a violation for the first offense. Beginning January 1, 2026, trespass on property posted according to paragraph I(a) or I(b) shall be punishable pursuant to RSA 635:2.

2 New Subparagraph; Criminal Code; Unauthorized Entires; Criminal Trespass. Amend RSA 635:2 III(b) by inserting after subparagraph (4) the following new subparagraph:

(5) A second or subsequent offense in violation of RSA 635:4, II.

3 Prospective Repeal. RSA 635:4, III(b)(5), relative to misdemeanor penalty for violation of 635:4 II, is repealed.

4 Criminal Code; Unauthorized Entries; Penalty. Amend RSA 635:5 to read as follows:

635:5 Penalty. Any person who is found removing, defacing**,** or destroying any sign, poster***, purple paint markings,*** or property of another shall be guilty of a class B misdemeanor.

5 Effective Date.

I. Section 3 of this act shall take effect January 1, 2026.

II. The remainder of this act shall take effect January 1, 2025.

LBA
24-2561
11/24/23

HB 1527-FN- FISCAL NOTE
AS INTRODUCED

AN ACT relative to criminal trespass.

FISCAL IMPACT: [X] State [X] County [X] Local [ ] None

Estimated State Impact - Increase / (Decrease)				
	FY 2024	**FY 2025**	**FY 2026**	**FY 2027**
Revenue	$0	$0	$0	$0
Revenue Fund	None			
Expenditures	Indeterminable			
Funding Source	General Fund			
Appropriations	$0	$0	$0	$0
Funding Source	None			

Estimated Political Subdivision Impact - Increase / (Decrease)				
	FY 2024	**FY 2025**	**FY 2026**	**FY 2027**
County Revenue	$0	$0	$0	$0
County Expenditures	Indeterminable			
Local Revenue	$0	$0	$0	$0
Local Expenditures	Indeterminable			

METHODOLOGY:

This bill adds, deletes, or modifies a criminal penalty, or changes statute to which there is a penalty for violation. Therefore, this bill may have an impact on the judicial and correctional systems, which could affect prosecution, incarceration, probation, and parole costs, for the state, as well as county and local governments. A summary of such costs can be found at: https://gencourt.state.nh.us/lba/Budget/FiscalNotes/JudicialCorrectionalCosts.pdf.

AGENCIES CONTACTED:

Judicial Branch, Judicial Council, Department of Justice, Department of Corrections, New Hampshire Association of Counties, and New Hampshire Municipal Association