

2016 -- H 7418

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LC003761
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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2016

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A N A C T

RELATING TO CRIMINAL OFFENSES - WILLFUL TRESPASS

Introduced By: Representatives Almeida, Regunberg, Ajello, Williams, and Abney

Date Introduced: January 29, 2016

Referred To: House Judiciary

(Public Defender)

It is enacted by the General Assembly as follows:

1 SECTION 1. Section 11-44-26 of the General Laws in Chapter 11-44 entitled "Trespass
2 and Vandalism" is hereby amended to read as follows:

3 **11-44-26. Willful trespass -- Remaining on land after warning -- Exemption for**
4 **tenants holding over. --** (a) Every person who willfully trespasses or, having no legitimate
5 purpose for his or her presence, remains upon the land of another or upon the premises or
6 curtilage of the domicile of any person legally entitled to the possession of that domicile, after
7 having been forbidden to do so by the owner of the land or the owner's duly authorized agent or a
8 person legally entitled to the possession of the premises, shall for a first or second adjudication be
9 punished by a fine not exceeding five hundred dollars (\$500) and for a third or subsequent
10 violation a fine not exceeding one thousand dollars (\$1,000), or imprisonment for a term not
11 exceeding one year, or both.

12 (b) This section shall not apply to tenants or occupants of residential premises who,
13 having rightfully entered the premises at the commencement of the tenancy or occupancy, remain
14 after that tenancy or occupancy has been or is alleged to have been terminated. The owner or
15 landlord of the premises may recover possession only through appropriate civil proceedings.

16 (c) Where the provisions of The Domestic Violence Prevention Act, chapter 29 of title
17 12, are applicable, the penalties for violation of this section shall also include the penalties as
18 provided in § 12-29-5.

1 SECTION 2. This act shall take effect upon passage.

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EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF

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1 This act would provide for a five hundred dollar (\$500) fine for first and second
2 convictions for willful trespass, in addition to fines of one thousand dollars (\$1,000) for third or
3 subsequent convictions.

4 This act would take effect upon passage.

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