

2021 -- H 5469

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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2021

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A N A C T

RELATING TO CRIMINAL OFFENSES -- TRESPASS AND VANDALISM

Introduced By: Representatives Cortvriend, Handy, Tanzi, Fogarty, McGaw, McEntee,
Carson, and Craven

Date Introduced: February 10, 2021

Referred To: House Judiciary

It is enacted by the General Assembly as follows:

1 SECTION 1. Sections 11-44-26 and 11-44-28 of the General Laws in Chapter 11-44
2 entitled "Trespass and Vandalism" are hereby amended to read as follows:

3 **11-44-26. Willful trespass -- Remaining on land after warning -- Exemption for**
4 **tenants holding over.**

5 (a) Every person who willfully trespasses or, having no legitimate purpose for his or her
6 presence, remains upon the land of another or upon the premises or curtilage of the domicile of any
7 person legally entitled to the possession of that domicile, after having been forbidden to do so by
8 the owner of the land or the owner's duly authorized agent or a person legally entitled to the
9 possession of the premises, shall be punished by a fine not exceeding one thousand dollars (\$1,000),
10 or imprisonment for a term not exceeding one year, or both.

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

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

18 (d) No person shall be prosecuted, punished or subject to any penalty or forfeiture for or
19 on account of conduct or an attempt to engage in conduct protected in the Rhode Island

1 [Constitution, Art. 1 § 17, when the conduct or attempted conduct occurs on a sandy or rocky shore](#)
2 [and within ten feet \(10'\) of the most recent high tide line. Protected conduct shall include, but not](#)
3 [be limited to, fishing, gathering seaweed, swimming, and passage along the shore.](#)

4 **11-44-28. Trespass upon premises of private recreational facilities.**

5 (a) Every person who willfully trespasses and remains upon the land or premises of private
6 recreational facilities, after having been forbidden to do so by the owner or the person having
7 control over the facility, shall be punished by a fine not exceeding five hundred dollars (\$500);
8 provided, the existing rights of fishers shall not be infringed. "Facilities" as used in this section
9 means private property used for games, sports, or entertainment, including, without limitation, golf
10 courses, beaches, and bathing facilities.

11 (b) [No person shall be prosecuted, punished or subject to any penalty or forfeiture for or](#)
12 [on account of conduct or an attempt to engage in conduct protected in the Rhode Island](#)
13 [Constitution, Art. 1 § 17, when the conduct or attempted conduct occurs on a sandy or rocky shore](#)
14 [and within ten feet \(10'\) of the most recent high tide line. Protected conduct shall include, but not](#)
15 [be limited to, fishing, gathering seaweed, swimming, and passage along the shore.](#)

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

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EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF

A N A C T
RELATING TO CRIMINAL OFFENSES -- TRESPASS AND VANDALISM

1 This act would prevent a person from being prosecuted for fishing, gathering seaweed,
2 swimming or passage along the sandy or rocky shoreline within ten feet (10') of the most recent
3 high tide line.

4 This act would take effect upon passage.

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