

This Document can be made available in alternative formats upon request

State of Minnesota
HOUSE OF REPRESENTATIVES

EIGHTY-SIXTH
SESSION

HOUSE FILE No. **1264**

March 2, 2009

Authored by Hilstrom, Cornish, Bigham and Davnie

The bill was read for the first time and referred to the Committee on Public Safety Policy and Oversight

1.1 A bill for an act
1.2 relating to public safety; expanding the trespass crime to prohibit entry into
1.3 areas cordoned off by peace officers; amending Minnesota Statutes 2008, section
1.4 609.605, subdivision 1.

1.5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

1.6 Section 1. Minnesota Statutes 2008, section 609.605, subdivision 1, is amended to read:

1.7 Subdivision 1. **Misdemeanor.** (a) The following terms have the meanings given
1.8 them for purposes of this section.

1.9 (1) "Premises" means real property and any appurtenant building or structure.

1.10 (2) "Dwelling" means the building or part of a building used by an individual as a
1.11 place of residence on either a full-time or a part-time basis. A dwelling may be part of a
1.12 multidwelling or multipurpose building, or a manufactured home as defined in section
1.13 168.002, subdivision 16.

1.14 (3) "Construction site" means the site of the construction, alteration, painting, or
1.15 repair of a building or structure.

1.16 (4) "Owner or lawful possessor," as used in paragraph (b), clause (9), means the
1.17 person on whose behalf a building or dwelling is being constructed, altered, painted, or
1.18 repaired and the general contractor or subcontractor engaged in that work.

1.19 (5) "Posted," as used:

1.20 (i) in paragraph (b), clause (9), means the placement of a sign at least 11 inches
1.21 square in a conspicuous place on the exterior of the building that is under construction,
1.22 alteration, or repair, and additional signs in at least two conspicuous places for each ten
1.23 acres being protected. The sign must carry an appropriate notice and the name of the
1.24 person giving the notice, followed by the word "owner" if the person giving the notice

2.1 is the holder of legal title to the land on which the construction site is located or by the
2.2 word "occupant" if the person giving the notice is not the holder of legal title but is a
2.3 lawful occupant of the land; and

2.4 (ii) in paragraph (b), clause (10), means the placement of signs that:

2.5 (A) state "no trespassing" or similar terms;

2.6 (B) display letters at least two inches high;

2.7 (C) state that Minnesota law prohibits trespassing on the property; and

2.8 (D) are posted in a conspicuous place and at intervals of 500 feet or less.

2.9 (6) "Business licensee," as used in paragraph (b), clause (9), includes a representative
2.10 of a building trades labor or management organization.

2.11 (7) "Building" has the meaning given in section 609.581, subdivision 2.

2.12 (b) A person is guilty of a misdemeanor if the person intentionally:

2.13 (1) permits domestic animals or fowls under the actor's control to go on the land
2.14 of another within a city;

2.15 (2) interferes unlawfully with a monument, sign, or pointer erected or marked to
2.16 designate a point of a boundary, line or a political subdivision, or of a tract of land;

2.17 (3) trespasses on the premises of another and, without claim of right, refuses to
2.18 depart from the premises on demand of the lawful possessor;

2.19 (4) occupies or enters the dwelling or locked or posted building of another, without
2.20 claim of right or consent of the owner or the consent of one who has the right to give
2.21 consent, except in an emergency situation;

2.22 (5) enters the premises of another with intent to take or injure any fruit, fruit trees, or
2.23 vegetables growing on the premises, without the permission of the owner or occupant;

2.24 (6) enters or is found on the premises of a public or private cemetery without
2.25 authorization during hours the cemetery is posted as closed to the public;

2.26 (7) returns to the property of another with the intent to abuse, disturb, or cause
2.27 distress in or threaten another, after being told to leave the property and not to return, if the
2.28 actor is without claim of right to the property or consent of one with authority to consent;

2.29 (8) returns to the property of another within one year after being told to leave the
2.30 property and not to return, if the actor is without claim of right to the property or consent
2.31 of one with authority to consent;

2.32 (9) enters the locked or posted construction site of another without the consent of the
2.33 owner or lawful possessor, unless the person is a business licensee; ~~or~~

2.34 (10) enters the locked or posted aggregate mining site of another without the consent
2.35 of the owner or lawful possessor, unless the person is a business licensee; or

3.1 (11) crosses into or enters any public or private area lawfully cordoned off by or at
3.2 the direction of a peace officer engaged in the performance of official duties. As used in
3.3 this clause: (i) an area may be "cordoned off" through the use of tape, barriers, or other
3.4 means conspicuously placed and identifying the area as being restricted by the police;
3.5 and (ii) "peace officer" has the meaning given in section 626.84, subdivision 2. It is an
3.6 affirmative defense to a charge under this clause that a peace officer permitted entry into
3.7 the restricted area.