

House Bill 567

By: Representatives Cheokas of the 151st, Collins of the 71st, Hitchens of the 161st, Yeara of the 152nd, and Washburn of the 144th

A BILL TO BE ENTITLED
AN ACT

1 To amend Part 1 of Article 2 of Chapter 7 of Title 16 and Chapter 60 of Title 36 of the
2 Official Code of Georgia Annotated, relating to general provisions relative to criminal
3 trespass and damage to property and general provisions relative to provisions applicable to
4 counties and municipal corporations, respectively, so as to provide for peace officers to serve
5 as authorized representatives of a property owner or rightful occupant in certain instances
6 relating to the enforcement of criminal trespass; to authorize the establishment of trespass
7 enforcement programs by governing authorities of counties and municipal corporations; to
8 provide for program standards; to provide for related matters; to repeal conflicting laws; and
9 for other purposes.

10 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

11 **SECTION 1.**

12 Part 1 of Article 2 of Chapter 7 of Title 16 of the Official Code of Georgia Annotated,
13 relating to general provisions relative to criminal trespass and damage to property, is
14 amended in Code Section 16-7-21, relating to criminal trespass, by revising subsection (c)
15 as follows:

16 "(c) For the purposes of subsection (b) of this Code section, ~~permission:~~

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17 (1) Permission to enter or invitation to enter given by a minor who is or is not present on
 18 or in the property of the minor's parent or guardian is not sufficient to allow lawful entry
 19 of another person upon the land, premises, vehicle, railroad car, aircraft, or watercraft
 20 owned or rightfully occupied by such minor's parent or guardian if such parent or
 21 guardian has previously given notice that such entry is forbidden or notice to depart; and
 22 (2) An authorized representative shall include a peace officer with authority to enforce
 23 this Code section when the owner or rightful occupant has executed proper
 24 documentation for participation in a local trespass enforcement program pursuant to Code
 25 Section 36-60-30 and a 'no trespassing' sign is displayed prominently on the property."

26

SECTION 2.

27 Chapter 60 of Title 36 of the Official Code of Georgia Annotated, relating to general
 28 provisions relative to provisions applicable to counties and municipal corporations, is
 29 amended by adding a new Code section to read as follows:

30 "36-60-30.

31 The governing authority of any county and municipal corporation shall be authorized to
 32 establish a trespass enforcement program on behalf of any law enforcement agency under
 33 the control of such governing authority. Such program shall provide any participating
 34 owner or rightful occupant of property with a method for designating any peace officer
 35 with the local law enforcement agency as his or her authorized representative for purposes
 36 of enforcing criminal trespass in violation of Code Section 16-7-21. Any governing
 37 authority that establishes a trespass enforcement program shall require submission of an
 38 attestation by the applicant that he or she is the owner or rightful occupant of the property
 39 and that such person will cooperate with such local law enforcement agency for purposes
 40 of the prosecution of persons arrested upon the participating property. Such authorization
 41 shall be limited to one-year increments. Participation in any trespass enforcement program
 42 shall be limited to owners or rightful occupants of commercial property; provided,

43 however, that participation by owners of residential property with multiple units shall be
44 authorized for common use areas of such property."

45 **SECTION 3.**

46 All laws and parts of laws in conflict with this Act are repealed.