

SECOND REGULAR SESSION

# SENATE BILL NO. 908

96TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR KEHOE.

Read 1st time March 1, 2012, and ordered printed.

TERRY L. SPIELER, Secretary.

5830S.011

## AN ACT

To repeal sections 569.140, 569.145, and 569.150, RSMo, and to enact in lieu thereof two new sections relating to the crime of trespass, with existing penalty provisions.

*Be it enacted by the General Assembly of the State of Missouri, as follows:*

Section A. Sections 569.140, 569.145, and 569.150, RSMo, are repealed  
2 and two new sections enacted in lieu thereof, to be known as sections 569.140 and  
3 569.145, to read as follows:

569.140. 1. A person commits the crime of trespass [in the first degree]  
2 if he **or she** knowingly enters unlawfully or knowingly remains unlawfully in a  
3 building or inhabitable structure or upon real property.

4 2. [A person does not commit the crime of trespass in the first degree by  
5 entering or remaining upon real property unless the real property is fenced or  
6 otherwise enclosed in a manner designed to exclude intruders or as to which  
7 notice against trespass is given by:

8 (1) Actual communication to the actor; or

9 (2) Posting in a manner reasonably likely to come to the attention of  
10 intruders.

11 3.] Trespass [in the first degree] is a class B misdemeanor.

569.145. [In addition to the posting of real property as set forth in section  
2 569.140,] 1. The owner or lessee of any real property may post the property by  
3 placing identifying purple marks on trees or posts around the area to be  
4 posted. Each purple mark shall be:

5 (1) A vertical line of at least eight inches in length and the bottom of the  
6 mark shall be no less than three feet nor more than five feet high. Such marks

**EXPLANATION—Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.**

7 shall be placed no more than one hundred feet apart and shall be readily visible  
8 to any person approaching the property; or

9 (2) A post capped or otherwise marked on at least its top two inches. The  
10 bottom of the cap or mark shall be not less than three feet but not more than five  
11 feet six inches high. Posts so marked shall be placed not more than thirty-six  
12 feet apart and shall be readily visible to any person approaching the  
13 property. Prior to applying a cap or mark which is visible from both sides of a  
14 fence shared by different property owners or lessees, all such owners or lessees  
15 shall concur in the decision to post their own property. [Property so posted is to  
16 be considered posted for all purposes, and]

17 2. Any unauthorized entry upon [the] property **posted pursuant to**  
18 **subsection 1 of this section** is trespass, [in the first degree, and] **which is a**  
19 class B misdemeanor.

[569.150. 1. A person commits the offense of trespass in  
2 the second degree if he enters unlawfully upon real property of  
3 another. This is an offense of absolute liability.

4 2. Trespass in the second degree is an infraction.]

Bill  
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