

SENATE BILL NO. 299

INTRODUCED BY F. MOORE

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A BILL FOR AN ACT ENTITLED: "AN ACT CREATING A CIVIL PENALTY FOR TRESPASS TO PROPERTY; PROVIDING THAT A CRIMINAL CONVICTION FOR TRESPASS TO PROPERTY IS NOT REQUIRED IN ORDER TO ESTABLISH AN ACTION FOR A CIVIL TRESPASS PENALTY; PROVIDING THAT PHOTOGRAPHIC EVIDENCE IS PRIMA FACIE EVIDENCE OF A CIVIL TRESPASS; AND PROVIDING AN APPLICABILITY DATE."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

NEW SECTION. Section 1. Civil trespass -- penalties. (1) A person who without permission knowingly enters or remains unlawfully in an occupied structure or enters or remains in or upon the land or premises of another is liable to the owner for a civil penalty of not less than \$1,500.

(2) A conviction under 45-6-203 is not required in order to establish an action under this section.

(3) Photographic evidence of the actions provided for in subsection (1) is prima facie evidence as defined in 26-1-102 that the person has violated subsection (1).

(4) For purposes of this section, "enters or remains unlawfully" has the meaning provided in 45-6-201.

(5) THIS SECTION DOES NOT APPLY TO EMPLOYEES, AGENTS, OR REPRESENTATIVES OF COOPERATIVES ORGANIZED UNDER 35-18-101 OR PUBLIC UTILITIES ACTING IN THE COURSE AND SCOPE OF THEIR EMPLOYMENT.

NEW SECTION. Section 2. Codification instruction. [Section 1] is intended to be codified as an integral part of Title 27, chapter 1, part 7, and the provisions of Title 27, chapter 1, part 7, apply to [section 1].

NEW SECTION. Section 3. Applicability. [This act] applies to acts committed on or after [the effective date of this act].

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