

February 2, 2017

PROPOSED AMENDMENTS TO HOUSE BILL NO. 1293

Page 1, line 2, replace "criminal trespass" with "trespassing on posted property"

Page 1, line 6, after "**trespass**" insert "**- Noncriminal offense on posted property**"

Page 1, line 15, overstrike "is guilty of a class B misdemeanor if, knowing that that individual is not"

Page 1, line 16, overstrike "licensed or privileged to do so, the individual enters or remains in"

Page 1, line 16, remove "a"

Page 1, line 16, overstrike "place as to"

Page 1, overstrike lines 17 through 19

page 1, line 20, overstrike "posting the premises must appear on each sign in legible characters" and insert immediately thereafter ", knowing the individual is not licensed or privileged to do so, may not enter or remain in a place as to which notice against trespass is given by posting in a manner reasonably likely to come to the attention of intruders. The name of the person posting the premises must appear on each sign in legible characters. A violation of this subsection is a noncriminal offense.

- a. A peace officer shall cite an individual who violates this subsection with a fine of two hundred fifty dollars for each violation.
- b. The peace officer citing the individual shall:
 - (1) Take the name and address of the individual; and
 - (2) Notify the individual of the right to request a hearing if posting bond by mail.
- c. The peace officer may not take the individual into custody or require the individual to proceed with the peace officer to any other location for the purpose of posting bond. The officer shall provide the individual with an envelope for use in mailing the bond.
- d. An individual cited may appear before the designated official and pay the statutory fine for the violation at or before the time scheduled for hearing.
- e. If the individual has posted bond, the individual may forfeit bond by not appearing at the designated time.
- f. If the individual posts bond by mail, the bond must be submitted within fourteen days of the date of the citation and the individual cited shall indicate on the envelope or citation whether a hearing is requested. If the individual does not request a hearing within fourteen days of the date of the citation, the bond is deemed forfeited and the violation admitted. If the individual requests a hearing, the court for the county in which the citation is issued shall issue a summons to the individual

requesting the hearing notifying the individual of the date of the hearing before the designated official.

g. Upon appearing at the hearing scheduled in the citation or otherwise scheduled at the individual's request, the individual may make a statement in explanation of the individual's action. The official may at that time waive or suspend the statutory fine or bond. If the individual cited follows the foregoing procedures, the individual is deemed to have admitted the violation and to have waived the right to a hearing on the issue of commission of the violation.

h. A citing peace officer may not receive the statutory fine or bond"

Page 1, line 21, remove "a."

Page 1, line 21, overstrike "An individual who violates this subsection is guilty of a class A misdemeanor for"

Pave 1, overstrike line 22

Page 2, remove lines 1 and 2

Renumber accordingly