



Substitute House Bill No. 5750

Public Act No. 05-234

**AN ACT CONCERNING TRESPASS, LITTERING AND VANDALISM
ON PUBLIC LANDS.**

Be it enacted by the Senate and House of Representatives in General Assembly convened:

Section 1. Section 53a-107 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective January 1, 2006*):

(a) A person is guilty of criminal trespass in the first degree when: (1) Knowing that such person is not licensed or privileged to do so, such person enters or remains in a building or any other premises after an order to leave or not to enter personally communicated to such person by the owner of the premises or other authorized person; or (2) such person enters or remains in a building or any other premises in violation of a restraining order issued pursuant to section 46b-15 or a protective order issued pursuant to section 46b-38c, 54-1k or 54-82r by the Superior Court; or (3) such person enters or remains in a building or any other premises in violation of a foreign order of protection, as defined in section 46b-15a, that has been issued against such person, after notice and an opportunity to be heard has been provided to such person, in a case involving the use, attempted use or threatened use of physical force against another person; or (4) knowing that such person is not licensed or privileged to do so, such person enters or remains on public land after an order to leave or not to enter personally

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communicated to such person by an authorized official of the state or a municipality, as the case may be.

(b) Criminal trespass in the first degree is a class A misdemeanor.

Sec. 2. Section 53a-108 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective January 1, 2006*):

(a) A person is guilty of criminal trespass in the second degree when, knowing that [he] such person is not licensed or privileged to do so, [he] (1) such person enters or remains in a building, or (2) such person enters or remains on public land.

(b) Criminal trespass in the second degree is a class B misdemeanor.

Sec. 3. Section 53a-109 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective January 1, 2006*):

(a) A person is guilty of criminal trespass in the third degree when, knowing that [he] such person is not licensed or privileged to do so: (1) [He] Such person enters or remains in premises which are posted in a manner prescribed by law or reasonably likely to come to the attention of intruders [,] or are fenced or otherwise enclosed in a manner designed to exclude intruders, or which belong to the state and are appurtenant to any state institution; or (2) [he] such person enters or remains in any premises for the purpose of hunting, trapping or fishing; or (3) such person enters or remains on public land which is posted in a manner prescribed by law or reasonably likely to come to the attention of intruders or is fenced or otherwise enclosed in a manner designed to exclude intruders.

(b) Criminal trespass in the third degree is a class C misdemeanor.

Sec. 4. Section 53a-115 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective January 1, 2006*):

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(a) A person is guilty of criminal mischief in the first degree when: (1) With intent to cause damage to tangible property of another and having no reasonable ground to believe that such person has a right to do so, such person damages tangible property of another in an amount exceeding one thousand five hundred dollars, or (2) with intent to cause an interruption or impairment of service rendered to the public and having no reasonable ground to believe that such person has a right to do so, such person damages or tampers with tangible property of a utility or mode of public transportation, power or communication, and thereby causes an interruption or impairment of service rendered to the public, or (3) with intent to cause damage to any electronic monitoring equipment owned or leased by the state or its agent and required as a condition of probation or conditional discharge pursuant to section 53a-30, as a condition of release pursuant to section 54-64a or as a condition of community release pursuant to section 18-100c, and having no reasonable ground to believe that such person has a right to do so, such person damages such electronic monitoring equipment and thereby causes an interruption in its ability to function, or (4) with intent to cause an interruption or impairment of service rendered to the public and having no reasonable ground to believe that such person has a right to do so, such person damages or tampers with (A) any tangible property owned by the state, a municipality or a person for fire alarm or police alarm purposes, (B) any telecommunication system operated by the state police or a municipal police department, (C) any emergency medical or fire service dispatching system, (D) any fire suppression equipment owned by the state, a municipality, a person or a fire district, or (E) any fire hydrant or hydrant system owned by the state or a municipality, a person, a fire district or a private water company, or (5) with intent to cause damage to tangible property owned by the state or a municipality that is located on public land and having no reasonable ground to believe that such person has a right to do so, such person damages such tangible property in an amount exceeding one thousand five hundred dollars.

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(b) Criminal mischief in the first degree is a class D felony.

Sec. 5. Section 53a-116 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective January 1, 2006*):

(a) A person is guilty of criminal mischief in the second degree when: (1) With intent to cause damage to tangible property of another and having no reasonable ground to believe that [he] such person has a right to do so, [he] such person damages tangible property of another in an amount exceeding two hundred fifty dollars; or (2) with intent to cause an interruption or impairment of service rendered to the public and having no reasonable ground to believe that [he] such person has a right to do so, [he] such person damages or tampers with tangible property of a public utility or mode of public transportation, power or communication, and thereby causes a risk of interruption or impairment of service rendered to the public; or (3) with intent to cause damage to tangible property owned by the state or a municipality that is located on public land and having no reasonable ground to believe that such person has a right to do so, such person damages such tangible property in an amount exceeding two hundred fifty dollars.

(b) Criminal mischief in the second degree is a class A misdemeanor.

Sec. 6. Section 53a-117 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective January 1, 2006*):

(a) A person is guilty of criminal mischief in the third degree when, having no reasonable ground to believe that [he] such person has a right to do so, [he] such person: (1) Intentionally or recklessly (A) damages tangible property of another, or (B) tampers with tangible property of another and thereby causes such property to be placed in danger of damage; or (2) damages tangible property of another by

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negligence involving the use of any potentially harmful or destructive force or substance, [such as] including, but not limited to, fire, explosives, flood, avalanche, collapse of building, poison gas or radioactive material; or (3) intentionally or recklessly (A) damages tangible property owned by the state or a municipality that is located on public land, or (B) tampers with tangible property owned by the state or a municipality that is located on public land and thereby causes such property to be placed in danger of damage; or (4) damages tangible property owned by the state or a municipality that is located on public land by negligence involving the use of any potentially harmful or destructive force or substance, including, but not limited to, fire, explosives, flood, avalanche, collapse of building, poison gas or radioactive material.

(b) Criminal mischief in the third degree is a class B misdemeanor.

Sec. 7. Section 53a-117a of the general statutes is repealed and the following is substituted in lieu thereof (*Effective January 1, 2006*):

(a) A person is guilty of criminal mischief in the fourth degree when, having no reasonable ground to believe [he] such person has a right to do so, [he] such person intentionally or recklessly (1) damages or tampers with any fire hydrant or hydrant system owned by the state or a municipality, fire district or private water company; [,] or (2) damages, tampers with or removes any tangible property owned by the state, a municipality or a person for fire alarm, smoke detection and alarm, fire suppressant or police alarm purposes; or (3) damages or tampers with any fire hydrant or hydrant system owned by the state or a municipality that is located on public land; or (4) damages, tampers with or removes any tangible property owned by the state or a municipality that is located on public land for fire alarm, smoke detection and alarm, fire suppressant or police alarm purposes.

(b) Criminal mischief in the fourth degree is a class C misdemeanor.

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Sec. 8. Subsection (a) of section 53a-100 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective January 1, 2006*):

(a) The following definitions are applicable to this part: (1) "Building" in addition to its ordinary meaning, includes any watercraft, aircraft, trailer, sleeping car, railroad car or other structure or vehicle or any building with a valid certificate of occupancy. Where a building consists of separate units, such as, but not limited to separate apartments, offices or rented rooms, any unit not occupied by the actor is, in addition to being a part of such building, a separate building; (2) "dwelling" means a building which is usually occupied by a person lodging therein at night, whether or not a person is actually present; (3) "night" means the period between thirty minutes after sunset and thirty minutes before sunrise; and (4) "public land" means a state park, state forest or municipal park or any other publicly-owned land that is open to the public for active or passive recreation.

Sec. 9. (NEW) (*Effective January 1, 2006*) Whenever any person is convicted of a violation of subdivision (4) of subsection (a) of section 53a-107, subdivision (2) of subsection (a) of section 53a-108, subdivision (3) of subsection (a) of section 53a-109, subdivision (5) of subsection (a) of section 53a-115, subdivision (3) of subsection (a) of section 53a-116, subdivision (3) or (4) of subsection (a) of section 53a-117 or subdivision (3) or (4) of subsection (a) of section 53a-117a of the general statutes, as amended by this act, the court, in addition to imposing any fine authorized by section 53a-41 or 53a-42 of the general statutes for such violation, shall impose a surcharge in an amount equal to fifty per cent of such fine. Any such surcharge collected shall be payable to the municipality in which the arrest was made unless the arresting law enforcement authority was a conservation officer, special conservation officer or patrolman appointed by the Commissioner of Environmental Protection under authority of section 26-5 of the

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general statutes, in which case such surcharge shall be payable to the Department of Environmental Protection.

Sec. 10. Subsections (a) and (b) of section 22a-250 of the general statutes are repealed and the following is substituted in lieu thereof (*Effective January 1, 2006*):

(a) No person shall throw, scatter, spill or place or cause to be blown, scattered, spilled, thrown or placed, or otherwise dispose of any litter (1) upon any public property in the state, [or] (2) upon any public land in the state, (3) upon any private property in this state not owned by [him] such person, or (4) in the waters of this state, including, but not limited to, any public highway, public park, beach, campground, forest land, recreational area, mobile manufactured home park, highway, road, street or alley except: ~~[(1)] (A)~~ When such property is designated by the state or any political subdivision thereof for the disposal of garbage and refuse, and such person is authorized to use such property for such purpose; ~~[(2)] or (B)~~ into a litter receptacle in such a manner that the litter will be prevented from being carried away or deposited by the elements upon any part of said private or public property or waters. For the purposes of this subsection, "public land" means a state park, state forest or municipal park or any other publicly-owned land that is open to the public for active or passive recreation.

(b) (1) Any person who violates any provision of subsection (a) of this section shall be fined not more than one hundred ninety-nine dollars. One-half of any fine collected pursuant to this subsection shall be payable to the state and [the other half] one-half of such fine shall be payable to the [enforcing] municipality in which the arrest was made unless the arrest was made by a conservation officer, special conservation officer or patrolman appointed by the Commissioner of Environmental Protection under authority of section 26-5, in which case one-half of such fine shall be payable to the Department of

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Environmental Protection.

(2) Whenever any person is convicted of a violation of subdivision (2) of subsection (a) of this section, the court shall, in addition to imposing the fine authorized by subdivision (1) of this subsection, impose a surcharge in an amount equal to fifty per cent of such fine. Any such surcharge collected pursuant to this subdivision shall be payable to the municipality in which the arrest was made unless the arrest was made by a conservation officer, special conservation officer or patrolman appointed by the Commissioner of Environmental Protection under authority of section 26-5, in which case such surcharge shall be payable to the Department of Environmental Protection.

(3) When any such material or substances are thrown, blown, scattered or spilled from a vehicle, the operator thereof shall be deemed prima facie to have committed such offense.

Sec. 11. Subsection (a) of section 26-6 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective January 1, 2006*):

(a) Conservation officers, special conservation officers and patrolmen appointed by the commissioner under authority of section 26-5, shall enforce the provisions of title 23 and this title and chapters 246, 247, 248, 255 and 268 and regulations adopted pursuant to such titles and chapters and sections 15-180, 22a-250, as amended by this act, 26-192c to 26-192h, inclusive, 29-28, 29-35, 29-38, 53-134, 53-190, 53-191, 53-194, 53-203, 53-204, 53-205, 53a-59 to 53a-64, inclusive, 53a-100 to [53a-117] 53a-117a, inclusive, as amended by this act, subsection (b) of section 53a-119b, 53a-122 to 53a-125, inclusive, 53a-130, 53a-133 to 53a-136, inclusive, 53a-147 to 53a-149, inclusive, 53a-157b, 53a-165 to 53a-167c, inclusive, 53a-171, 53a-181 to 53a-183a, inclusive, 54-33d and 54-33e.

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Approved July 8, 2005