



General Assembly

**Amendment**

January Session, 2005

LCO No. 7443

**\*HB0575007443HDO\***

Offered by:

REP. SPALLONE, 36<sup>th</sup> Dist.  
REP. LAWLOR, 99<sup>th</sup> Dist.  
REP. O'ROURKE, 32<sup>nd</sup> Dist.

REP. WIDLITZ, 98<sup>th</sup> Dist.  
REP. WINKLER, 41<sup>st</sup> Dist.  
REP. ALBERTS, 50<sup>th</sup> Dist.

To: Subst. House Bill No. 5750

File No. 796

Cal. No. 445

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

1 Strike everything after the enacting clause and substitute the  
2 following in lieu thereof:

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 Section 53a-107 of the general statutes is repealed and the  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

5 (a) A person is guilty of criminal trespass in the first degree when:  
6 (1) Knowing that such person is not licensed or privileged to do so,  
7 such person enters or remains in a building or any other premises after  
8 an order to leave or not to enter personally communicated to such  
9 person by the owner of the premises or other authorized person; or (2)  
10 such person enters or remains in a building or any other premises in  
11 violation of a restraining order issued pursuant to section 46b-15 or a  
12 protective order issued pursuant to section 46b-38c, 54-1k or 54-82r by  
13 the Superior Court; or (3) such person enters or remains in a building

14 or any other premises in violation of a foreign order of protection, as  
15 defined in section 46b-15a, that has been issued against such person,  
16 after notice and an opportunity to be heard has been provided to such  
17 person, in a case involving the use, attempted use or threatened use of  
18 physical force against another person; or (4) knowing that such person  
19 is not licensed or privileged to do so, such person enters or remains on  
20 public land after an order to leave or not to enter personally  
21 communicated to such person by an authorized official of the state or a  
22 municipality, as the case may be.

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

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 Section 53a-108 of the general statutes is repealed and the  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

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

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

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

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

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

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

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

79 a right to do so, such person damages such tangible property in an  
80 amount exceeding one thousand five hundred dollars.

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

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

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

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

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

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

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

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

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

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

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

140 Sec. 8. Subsection (a) of section 53a-100 of the general statutes is  
141 repealed and the following is substituted in lieu thereof (*Effective*

142 *January 1, 2006*):

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

156 Sec. 9. (NEW) (*Effective January 1, 2006*) Whenever any person is  
157 convicted of a violation of subdivision (4) of subsection (a) of section  
158 53a-107, subdivision (2) of subsection (a) of section 53a-108,  
159 subdivision (3) of subsection (a) of section 53a-109, subdivision (5) of  
160 subsection (a) of section 53a-115, subdivision (3) of subsection (a) of  
161 section 53a-116, subdivision (3) or (4) of subsection (a) of section 53a-  
162 117 or subdivision (3) or (4) of subsection (a) of section 53a-117a of the  
163 general statutes, as amended by this act, the court, in addition to  
164 imposing any fine authorized by section 53a-41 or 53a-42 of the general  
165 statutes for such violation, shall impose a surcharge in an amount  
166 equal to fifty per cent of such fine. Any such surcharge collected shall  
167 be payable to the municipality in which the arrest was made unless the  
168 arresting law enforcement authority was a conservation officer, special  
169 conservation officer or patrolman appointed by the Commissioner of  
170 Environmental Protection under authority of section 26-5 of the  
171 general statutes, in which case such surcharge shall be payable to the  
172 Department of Environmental Protection.

173 Sec. 10. Subsections (a) and (b) of section 22a-250 of the general  
174 statutes are repealed and the following is substituted in lieu thereof

175 (Effective January 1, 2006):

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

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

203 (2) Whenever any person is convicted of a violation of subdivision  
204 (2) of subsection (a) of this section, the court shall, in addition to  
205 imposing the fine authorized by subdivision (1) of this subsection,  
206 impose a surcharge in an amount equal to fifty per cent of such fine.  
207 Any such surcharge collected pursuant to this subdivision shall be

208 payable to the municipality in which the arrest was made unless the  
 209 arrest was made by a conservation officer, special conservation officer  
 210 or patrolman appointed by the Commissioner of Environmental  
 211 Protection under authority of section 26-5, in which case such  
 212 surchage shall be payable to the Department of Environmental  
 213 Protection.

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

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

220 (a) Conservation officers, special conservation officers and  
 221 patrolmen appointed by the commissioner under authority of section  
 222 26-5, shall enforce the provisions of title 23 and this title and chapters  
 223 246, 247, 248, 255 and 268 and regulations adopted pursuant to such  
 224 titles and chapters and sections 15-180, 22a-250, as amended by this  
 225 act, 26-192c to 26-192h, inclusive, 29-28, 29-35, 29-38, 53-134, 53-190, 53-  
 226 191, 53-194, 53-203, 53-204, 53-205, 53a-59 to 53a-64, inclusive, 53a-100  
 227 to [53a-117] 53a-117a, inclusive, as amended by this act, subsection (b)  
 228 of section 53a-119b, 53a-122 to 53a-125, inclusive, 53a-130, 53a-133 to  
 229 53a-136, inclusive, 53a-147 to 53a-149, inclusive, 53a-157b, 53a-165 to  
 230 53a-167c, inclusive, 53a-171, 53a-181 to 53a-183a, inclusive, 54-33d and  
 231 54-33e."

|   |                 |         |
|---|-----------------|---------|
| This act shall take effect as follows and shall amend the following sections: |                 |         |
| Section 1   | January 1, 2006 | 53a-107 |
| Sec. 2  | January 1, 2006 | 53a-108 |
| Sec. 3  | January 1, 2006 | 53a-109 |
| Sec. 4  | January 1, 2006 | 53a-115 |
| Sec. 5  | January 1, 2006 | 53a-116 |
| Sec. 6  | January 1, 2006 | 53a-117 |

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|---------|------------------------|--------------------|
| Sec. 7  | <i>January 1, 2006</i> | 53a-117a           |
| Sec. 8  | <i>January 1, 2006</i> | 53a-100(a)         |
| Sec. 9  | <i>January 1, 2006</i> | New section        |
| Sec. 10 | <i>January 1, 2006</i> | 22a-250(a) and (b) |
| Sec. 11 | <i>January 1, 2006</i> | 26-6(a)            |