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SENATE BILL NO. 1120

Offered January 10, 2007

Prefiled January 9, 2007

A BILL to amend and reenact §§ 18.2-23 and 18.2-119 of the Code of Virginia, relating to trespass; knowledge that entry was forbidden.

Patron—Cuccinelli

Referred to Committee for Courts of Justice

Be it enacted by the General Assembly of Virginia:

1. That §§ 18.2-23 and 18.2-119 of the Code of Virginia are amended and reenacted as follows:

§ 18.2-23. Conspiring to trespass or commit larceny.

A. If any person shall conspire, confederate or combine with another or others in the Commonwealth to go upon or remain upon the lands, buildings or premises of another, or any part, portion or area thereof, having knowledge that any of them have been forbidden, either orally or in writing, to do so by the owner, lessee, custodian or other person lawfully in charge thereof, or having knowledge that any of them have been forbidden to do so by a sign or signs posted on such lands, buildings, premises or part, portion or area thereof at a place or places where it or they may reasonably be seen, he shall be deemed is guilty of a Class 3 misdemeanor. *For purposes of this section, a person who knows or reasonably should have known that at least one resident of a residential property suffered a substantial personal, physical, mental, or emotional loss, injury, or trauma within the week preceding the entry upon the property shall be considered to have knowledge that he was forbidden to go or remain upon such property even though such information was not directly communicated to him. "Residential property" means real property used or occupied for residential purposes and, in the case of multifamily or multipurpose residential property, is limited to the actual dwelling or unit occupied by the person suffering the loss, injury, or trauma.*

B. If any person shall conspire, confederate or combine with another or others in the Commonwealth to commit larceny or counsel, assist, aid or abet another in the performance of a larceny, where the aggregate value of the goods or merchandise involved is more than \$200, he is guilty of a felony punishable by confinement in a state correctional facility for not less than one year nor more than 20 years. The willful concealment of goods or merchandise of any store or other mercantile establishment, while still on the premises thereof, shall be prima facie evidence of an intent to convert and defraud the owner thereof out of the value of the goods or merchandise. A violation of this subsection constitutes a separate and distinct felony.

C. Jurisdiction for the trial of any person charged under this section shall be in the county or city wherein any part of such conspiracy is planned, or in the county or city wherein any act is done toward the consummation of such plan or conspiracy.

§ 18.2-119. Trespass after having been forbidden to do so; penalties.

If any person without authority of law goes upon or remains upon the lands, buildings or premises of another, or any portion or area thereof, after having been forbidden to do so, either orally or in writing, by the owner, lessee, custodian or other person lawfully in charge thereof, or after having been forbidden to do so by a sign or signs posted by such persons or by the holder of any easement or other right-of-way authorized by the instrument creating such interest to post such signs on such lands, structures, premises or portion or area thereof at a place or places where it or they may be reasonably seen, or if any person, whether he is the owner, tenant or otherwise entitled to the use of such land, building or premises, goes upon, or remains upon such land, building or premises after having been prohibited from doing so by a court of competent jurisdiction by an order issued pursuant to §§ 16.1-253, 16.1-253.1, 16.1-253.4, 16.1-278.2 through 16.1-278.6, 16.1-278.8, 16.1-278.14, 16.1-278.15, 16.1-279.1, 19.2-152.8, 19.2-152.9 or § 19.2-152.10 or an ex parte order issued pursuant to § 20-103, and after having been served with such order, he shall be is guilty of a Class 1 misdemeanor. *For purposes of this section, a person who knows or reasonably should have known that at least one resident of a residential property suffered a substantial personal, physical, mental, or emotional loss, injury, or trauma within the week preceding the entry upon the property shall be considered to have knowledge that he was forbidden to go or remain upon such property even though such information was not directly communicated to him. "Residential property" means real property used or occupied for residential purposes and, in the case of multifamily or multipurpose residential property, is limited to the actual dwelling or unit occupied by the person suffering the loss, injury, or trauma.* This section shall not be construed to affect in any way the provisions of §§ 18.2-132 through 18.2-136.

INTRODUCED

SB1120