

House Bill 1426

By: Representatives Reeves of the 99th, Carson of the 46th, Panitch of the 51st, Cox of the 28th,
and McDonald of the 26th

A BILL TO BE ENTITLED
AN ACT

1 To amend Part 1 of Article 2 of Chapter 7 of Title 16 of the Official Code of Georgia
2 Annotated, relating to general provisions relative to criminal trespass and damage to
3 property, so as to provide for additional acts committed with the intent of threatening safety
4 or provoking violence to constitute the offense of criminal trespass; to provide for a short
5 title; to provide for related matters; to repeal conflicting laws; and for other purposes.

6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

7 **SECTION 1.**

8 This Act shall be known and may be cited as the "House of Worship Protection and Religious
9 Persecution Trespass Prevention Act."

10 **SECTION 2.**

11 Part 1 of Article 2 of Chapter 7 of Title 16 of the Official Code of Georgia Annotated,
12 relating to general provisions relative to criminal trespass and damage to property, is
13 amended by revising Code Section 16-7-21, relating to criminal trespass, as follows:

14 "16-7-21.

15 (a) A person commits the offense of criminal trespass when he or she intentionally
16 damages any property of another without consent of that other person and the damage
17 thereto is \$500.00 or less or knowingly and maliciously interferes with the possession or
18 use of the property of another person without consent of that person.

19 (b) A person commits the offense of criminal trespass when he or she knowingly and
20 without authority:

21 (1) Enters upon the land or premises of another person or into any part of any vehicle,
22 railroad car, aircraft, or watercraft of another person for an unlawful purpose;

23 (2) Enters upon the land or premises of another person or into any part of any vehicle,
24 railroad car, aircraft, or watercraft of another person after receiving, prior to such entry,
25 notice from the owner, rightful occupant, or, upon proper identification, an authorized
26 representative of the owner or rightful occupant that such entry is forbidden; or

27 (3) Remains upon the land or premises of another person or within the vehicle, railroad
28 car, aircraft, or watercraft of another person after receiving notice from the owner,
29 rightful occupant, or, upon proper identification, an authorized representative of the
30 owner or rightful occupant to depart;

31 (4) Enters upon the land or premises of another person for the purpose of threatening the
32 safety of or provoking violence against the owner or any rightful occupant of such land
33 or premises;

34 (5) Dumps, places, throws, or otherwise causes a book, notice, handbill, poster, sign, bill,
35 circular, pamphlet, letter, photograph, or other material object to enter and remain upon
36 the land or premises of another person with reckless disregard for the substantial risk that
37 a reasonable person would conclude that the person or persons who commit such an act
38 are a threat to the safety of any occupant of such land or premises; or

39 (6) Enters and remains upon the land or premises of another person with the intent to
40 impede, disrupt, disturb, or interfere with an assembly of people convening for religious

41 worship or observance or to engage in disorderly or disruptive conduct at a funeral or
42 memorial service in violation of Code Section 16-11-34.2 for the purpose of threatening
43 the safety of or provoking violence against those in attendance at such religious worship
44 or observance or funeral or memorial service.

45 (c) For the purposes of subsection (b) of this Code section, permission to enter or
46 invitation to enter given by a minor who is or is not present on or in the property of the
47 minor's parent or guardian is not sufficient to allow lawful entry of another person upon the
48 land, premises, vehicle, railroad car, aircraft, or watercraft owned or rightfully occupied
49 by such minor's parent or guardian if such parent or guardian has previously given notice
50 that such entry is forbidden or notice to depart.

51 (d) A person who commits the offense of criminal trespass shall be guilty of a
52 misdemeanor.

53 (e) A person commits the offense of criminal trespass when he or she intentionally
54 defaces, mutilates, or defiles any grave marker, monument, or memorial to one or more
55 deceased persons who served in the military service of this state, the United States of
56 America or any of the states thereof, or the Confederate States of America or any of the
57 states thereof, or a monument, plaque, marker, or memorial which is dedicated to, honors,
58 or recounts the military service of any past or present military personnel of this state, the
59 United States of America or any of the states thereof, or the Confederate States of America
60 or any of the states thereof if such grave marker, monument, memorial, plaque, or marker
61 is privately owned or located on land which is privately owned."

62 **SECTION 3.**

63 All laws and parts of laws in conflict with this Act are repealed.