

2013 -- H 5685

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LC01343  
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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2013

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A N A C T

RELATING TO CRIMINAL OFFENSES -- TRESPASS AND VANDALISM

Introduced By: Representatives Keable, Kazarian, Winfield, and Silva

Date Introduced: February 27, 2013

Referred To: House Judiciary

It is enacted by the General Assembly as follows:

1           SECTION 1. Sections 11-44-4, 11-44-5, 11-44-11, 11-44-12, 11-44-16, 11-44-19, 11-44-  
2   21, 11-44-22, 11-44-24 and 11-44-29 of the General Laws in Chapter 11-44 entitled "Trespass  
3   and Vandalism" are hereby amended to read as follows:

4           **11-44-4. Shooting, trapping or fishing on posted lands -- Destruction of signs. --**

5   Whoever shall enter upon the land of another without the owner's permission for the purpose of  
6   either shooting, trapping, or fishing when that land shall be conspicuously posted with clear and  
7   legible signs stating that shooting, trapping or fishing, as the case may be, is prohibited, or  
8   whoever shall remain upon the premises of another for the purpose of shooting, trapping, or  
9   fishing after having been forbidden to do so by the owner of the premises or the owner's  
10  authorized agent, or whoever shall without right mutilate, destroy, or remove any sign stating that  
11  shooting, trapping or fishing, as the case may be, is prohibited, shall be fined not exceeding  
12  ~~twenty dollars (\$20.00)~~ one hundred dollars (\$100).

13           **11-44-5. Willful damage while hunting, trapping or fishing. --** Whoever shall enter  
14  upon land of another for the purpose of hunting, trapping or fishing, and while upon the land shall  
15  do any willful damage to the property of the owner of the land, shall be fined not exceeding  
16  ~~twenty dollars (\$20.00)~~ one hundred dollars (\$100). The owner of the property may recover from  
17  any person convicted of a violation of the provisions of this section, in an action of the case, twice  
18  the amount of the damages so sustained; and the license to pursue, hunt, and kill game in the state  
19  of Rhode Island during the open season issued under the provisions of chapter 13 of title 20 to

1 any persons who shall thereafter be convicted of a violation of the provisions of this section shall  
2 be forfeited and no license shall be issued to him or her under the provisions of title 20 for a  
3 period of one year after that conviction.

4 **11-44-11. Injury to boundary or line markers.** -- Every person who shall willfully  
5 break down, remove, injure, obscure, or destroy any monument erected for the purpose of  
6 designating the boundaries of any town or city or any tract or lot of land, or any tree marked for  
7 that purpose, or any stake set up to mark the line or grade of any railroad, or any marker erected  
8 for the purpose of designating a public right-of-way to water areas of the state, shall be  
9 imprisoned not exceeding ~~one year~~ [six \(6\) months](#) or be fined not exceeding five hundred dollars  
10 (\$500).

11 **11-44-12. Injury to public property.** -- Every person who shall willfully cut or deface or  
12 otherwise injure any public building or fence or other property shall be fined not less than one  
13 hundred dollars (\$100) unless the amount of damage exceeds one hundred dollars (\$100). If that  
14 amount shall exceed one hundred dollars (\$100), then he or she shall be punished by a fine which  
15 is not less than three (3) times the amount of the damage nor more than five hundred dollars  
16 (\$500), or imprisonment not exceeding ~~one year~~ [six \(6\) months](#), or both, and, in addition to any  
17 sentence, shall be ordered to make restitution in the full amount of damage done.

18 **11-44-16. Removal of gravel from or deposit of debris on Easton's Beach.** -- Every  
19 person who shall [intentionally](#) remove any sand or any gravel [for an unlawful purpose](#) from any  
20 part of Easton's Beach, as defined in section 11-44-18, shall be fined ~~twenty dollars (\$20.00)~~ [one](#)  
21 [hundred dollars \(\\$100\)](#) for every offense. Every person who shall deposit or leave on the beach  
22 any dead animal, offal, filth, rubbish, or refuse matter, shall be fined ~~twenty dollars (\$20.00)~~ [one](#)  
23 [hundred dollars \(\\$100\)](#) for every offense.

24 **11-44-19. Deposit of debris on Middletown beaches.** -- Every person who shall deposit  
25 or leave on any beach in the town of Middletown, any dead animal, offal, filth, rubbish, waste, or  
26 refuse matter, shall be fined ~~twenty dollars (\$20.00)~~ [one hundred dollars \(\\$100\)](#) for every offense.

27 **11-44-21. Vandalizing alarms or call boxes -- False alarms.** -- Whoever opens a signal  
28 box connected with a police, fire, or motorist aid call system for the purpose of giving or causing  
29 to be given a false alarm, or interferes in any way with a signal box by breaking, cutting, injuring,  
30 or defacing it; or, without authority, opens, tampers, or meddles with a signal box, or with any  
31 part or parts of it, or with the police signal wires, or with anything connected with it, or, with that  
32 purpose, willfully or knowingly tampers or meddles with a signal box connected with a fire signal  
33 system or with any part or thing connected with it, or, with that purpose, willfully or knowingly  
34 tampers or meddles with a motorist aid call box, or by any means gives or aids or abets in the

1 giving of a false alarm of fire or emergency or falsely summons an ambulance or rescue  
2 apparatus, shall be subject to punishment by imprisonment for up to ~~one year~~ six (6) months, or  
3 fined not more than five hundred dollars (\$500), or both. Upon conviction for any offense  
4 referred to in this section, the court shall, in addition to imposing a fine and/or imprisonment,  
5 order the offender to make restitution to the appropriate state, city, or town authority or agency  
6 for any expenditures necessitated by the commission of the offense.

7 **11-44-22. Throwing articles at moving vehicles.** -- Every person who shall willfully  
8 throw, shoot, or in any other manner propel a snowball or any other object at any moving motor  
9 or other vehicle in use upon the roads or highways of this state shall, upon conviction, be  
10 punished by a fine not exceeding five hundred dollars (\$500), or by imprisonment not exceeding  
11 ~~one year~~ six (6) months, or both.

12 **11-44-24. Blocking or obstructing public rights-of-way to water.** -- Every person who  
13 shall obstruct or block or cause any obstruction of any public rights-of-way to water areas of the  
14 state shall be imprisoned not exceeding ~~one year~~ six (6) months or be fined not exceeding five  
15 hundred dollars (\$500).

16 **11-44-29. Willful breaking of glass.** -- Every person who shall willfully break glass on  
17 any public highway, public property, or public building within this state shall be ~~guilty of a~~  
18 ~~misdemeanor and, upon conviction, shall be~~ punished by a fine not exceeding five hundred  
19 dollars (\$500).

20 SECTION 2. Sections 11-44-6, 11-44-8, 11-44-9, 11-44-10 and 11-44-27 of the General  
21 Laws in Chapter 11-44 entitled "Trespass and Vandalism" are hereby repealed.

22 ~~**11-44-6. Defacement of bank bills and notes.** -- Every person who shall willfully and~~  
23 ~~mischievously tear, cut, burn, or in any other manner damage and impair the integrity, strength, or~~  
24 ~~usefulness for circulation of any bank bill or note issued by any corporation which is established~~  
25 ~~as a bank in this state, or shall willfully and mischievously write, print, blot, or stamp any~~  
26 ~~impression on a bill or note, or shall aid and abet in any of the offenses provided in this section,~~  
27 ~~shall be imprisoned not exceeding one year nor less than one month.~~

28 ~~**11-44-8. Injury to or interference with water control structures.** -- Every person who~~  
29 ~~shall willfully and maliciously break down, injure, remove, or destroy any dam, reservoir, canal,~~  
30 ~~or trench, or any gate, flume, flash board, or other appurtenance, or any of the wheels, mill gear,~~  
31 ~~or machinery of a water mill, or willfully or wantonly, without color of right, draw off the water~~  
32 ~~contained in a millpond, reservoir, canal, or trench, or willfully and maliciously, without color of~~  
33 ~~right, obstruct the water of a mill pond, reservoir, canal, or trench from flowing out of it, shall be~~  
34 ~~imprisoned not exceeding five (5) years or be fined not exceeding two thousand dollars (\$2,000).~~

1           ~~**11-44-9. Firing of weapon near baiting place.** -- Every person who, between the first~~  
2 ~~day of April and the first day of November in any year, shall maliciously fire any gun, musket,~~  
3 ~~blunderbuss, or pistol, within eighty (80) rods of any baiting place, not his or her own property,~~  
4 ~~and actually used in the proper season for the baiting and netting of wild pigeons, shall be fined~~  
5 ~~not exceeding twenty dollars (\$20.00), nor less than five dollars (\$5.00).~~

6           ~~**11-44-10. Injurious substances on baiting places.** -- Every person who shall strew or~~  
7 ~~place any powder or brimstone or other sulfurous substance upon any baiting place not his or her~~  
8 ~~own property, or shall burn upon that place any of those substances saturated with tar or~~  
9 ~~turpentine, shall be fined not less than five dollars (\$5.00) nor more than twenty dollars (\$20.00).~~

10           ~~**11-44-27. Fishing from Jamestown Bridge prohibited.** -- No person shall take or~~  
11 ~~attempt to take any fish from the waters of Narragansett Bay while the person is on any part of~~  
12 ~~the roadway, walkway, or railings of the Jamestown Bridge, except a special walkway as may be~~  
13 ~~constructed exclusively for the purpose of fishing. Any person violating any provision of this~~  
14 ~~section shall, upon conviction, be fined twenty five dollars (\$25.00) or imprisoned for not more~~  
15 ~~than thirty (30) days, or both.~~

16           SECTION 3. This act shall take effect upon passage.

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EXPLANATION  
BY THE LEGISLATIVE COUNCIL  
OF

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1           This act would increase the amount of the specified fines contained in the applicable  
2 provisions of the general laws. It would also decrease the current maximum periods of  
3 incarceration.

4           This act would take effect upon passage.

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