



128th MAINE LEGISLATURE

FIRST REGULAR SESSION-2017

Legislative Document

No. 321

H.P. 235

House of Representatives, January 31, 2017

An Act To Enhance Safety on School Property

Reference to the Committee on Criminal Justice and Public Safety suggested and ordered printed.

A handwritten signature in cursive script that reads "R B. Hunt".

ROBERT B. HUNT
Clerk

Presented by Representative COREY of Windham.
Cosponsored by Senator VOLK of Cumberland and
Representatives: BATTLE of South Portland, BICKFORD of Auburn, GERRISH of Lebanon,
HARRINGTON of Sanford, HERRICK of Paris, PICKETT of Dixfield, STEARNS of
Guilford, Senator: DIAMOND of Cumberland.

1 **Be it enacted by the People of the State of Maine as follows:**

2 **Sec. 1. 17-A MRSA §406** is enacted to read:

3 **§406. Criminal trespass on school property**

4 **1.** As used in this section, the following terms have the following meanings:

5 **A. "Authorized person" means:**

6 (1) A student enrolled at a school and who is not suspended or expelled from the
7 school and is on school property between 30 minutes before and 30 minutes after
8 school hours or engaged in a school-sponsored or school-sanctioned activity;

9 (2) A student enrolled at a school and who is not suspended or expelled from the
10 school and is attending an athletic or other extracurricular event sponsored or
11 sanctioned by the school between 30 minutes before and 45 minutes after the
12 close of the event;

13 (3) A parent or guardian of a student enrolled at a school, or a person with
14 permission from a parent or guardian of a student, delivering the student to or
15 picking up the student from school or an athletic or other extracurricular event
16 sponsored or sanctioned by the school and who is on school property for no more
17 than 30 minutes;

18 (4) A person attending a curricular, athletic or extracurricular event sponsored or
19 sanctioned by a school, is in actual attendance of the curricular, athletic or
20 extracurricular event and is on school property between 30 minutes before and 30
21 minutes after the event; or

22 (5) A member of the school staff or a vendor, contractor, subcontractor or
23 volunteer of the school in the performance of official duties for or legitimate
24 business with the school.

25 **B. "School property" means a building or motor vehicle used or occupied by a public**
26 **or private kindergarten as defined in Title 20-A, section 1, subsection 15, public or**
27 **private elementary school as defined in Title 20-A, section 1, subsection 10 or public**
28 **or private secondary school as defined in Title 20-A, section 1, subsection 32.**

29 **2.** A person is guilty of criminal trespass on school property if the person is not an
30 **authorized person and:**

31 A. Enters or remains on school property after being asked to not enter or being asked
32 to leave school property by the principal, the principal's designee, a member of the
33 school staff or a law enforcement officer; or

34 B. Enters or remains on school property that is posted with clearly marked signs at
35 all entrances stating "Any person on these premises without authorization is guilty of
36 trespassing."

37 **Violation of this subsection is a Class E crime.**

3. A principal, principal's designee or member of the school staff who has probable cause to believe a person is committing criminal trespass on school property as described in subsection 1, paragraph A may take the person into custody and detain the person in a reasonable manner for a reasonable time pending arrival of a law enforcement officer. A principal, principal's designee or member of the school staff who detains a person under this subsection shall immediately contact law enforcement personnel. The detention of a person under this subsection does not render the principal, principal's designee or member of the school staff who detained the person liable for false arrest, false imprisonment or unlawful detention.

4. If the school property is posted as described in subsection 1, paragraph B, it is a permissible inference under the Maine Rules of Evidence, Rule 303 that such posted sign is posted in a manner reasonably likely to come to the attention of trespassers.

SUMMARY

This bill creates the Class E crime of criminal trespass on school property if a person who is not authorized to be in or on school property enters or remains in or on the property that is posted. The bill also prohibits a person from staying on school property after being asked not to enter or being asked to leave the property by the principal, principal's designee, member of the school staff or law enforcement officer.