

The Law . . .

And its use



30-14-6 NMSA 1978

No trespassing notice; sign contents; posting; requirement; prescribing a penalty for wrongful posting of public lands.

A. The owner, lessee or person lawfully in possession of real property in New Mexico, except property owned by the state or federal government, desiring to prevent trespass or entry onto the real property shall post notices parallel to and along the exterior boundaries of the property to be posted, at each roadway or other way of access in conspicuous places, and if the property is not fenced, such notices shall be posted every five hundred feet along the exterior boundaries of such land.

B. The notices posted shall prohibit all persons from trespassing or entering upon the property, without permission of the owner, lessee, person in lawful possession or his agent. The notices shall:

- (1) be printed legibly in English;
- (2) be at least one hundred forty-four square inches in size;
- (3) contain the name and address of the person under whose authority the property is posted or the name and address of the person who is authorized to grant permission to enter the property;
- (4) be placed at each roadway or apparent way of access onto the property, in addition to the posting of the boundaries; and
- (5) where applicable, state any specific prohibition that the posting is directed against, such as "no trespassing," "no hunting," "no fishing," "no digging" or any other specific prohibition.

C. Any person who posts public lands contrary to state or federal law or regulation [regulation] is guilty of a petty misdemeanor.

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The Law . . .

19.31.10.18

Unlawful taking or killing of game animals, furbearers, game birds, or game fish on private land:

A. It shall be unlawful to hunt, capture, take, attempt to take, or kill any game animal, furbearer, game bird, or game fish on any private property that is in compliance with 30-14-1 and 30-14-6 NMSA 1978 posting requirements without possessing written permission from the landowner or person in control of the land or trespass rights, unless otherwise permitted in rule or statute.

B. It shall be unlawful to hunt, capture, take, attempt to take, or kill any game animal, furbearer, game bird, or game fish on private property if the consent to enter or remain has been denied or withdrawn by the owner or person in control of the land or trespass rights, per 30-14-1 NMSA 1978, unless otherwise permitted in rule or statute.

C. It shall be unlawful to knowingly enter upon any private property to hunt, capture, take, attempt to take, or kill any game animal, furbearer, game bird, or game fish without possessing written permission from the landowner or person in control of the land or trespass rights unless otherwise permitted in rule or statute.

D. Any game animals, furbearers, game birds, or game fish taken in violation of this section shall be subject to seizure.

(5) have required wording on each sign (sample sign on the front of brochure).

See Paragraph C of the law on page 3.

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New Mexico Department of Game and Fish
Conserving New Mexico's Wildlife for Future Generations

Criminal Trespass

NO TRESPASSING

Access by written permission only

Granting Authority Name: _____
 Address: _____
 Telephone (optional): _____
Operation Game Thief
1-800-432-GAME (4263)
 New Mexico Department of Game and Fish
Conserving New Mexico's Wildlife for Future Generations

To report a violation call
Operation Game Thief (OGT)
1-800-432-GAME
or New Mexico State Police or Sheriff

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New Mexico Department of Game and Fish
P.O. Box 25112, Santa Fe, NM 87504
1-888-248-6866 • www.wildlife.state.nm.us



30-14-1 NMSA 1978 Criminal Trespass

A. Criminal trespass consists of knowingly entering or remaining upon posted private property without possessing written permission from the owner or person in control of the land. The provisions of this subsection do not apply if:

(1) the owner or person in control of the land has entered into an agreement with the department of game and fish granting access to the land to the general public for the purpose of taking any game animals, birds or fish by hunting or fishing; or

(2) a person is in possession of a landowner license given to him by the owner or person in control of the land that grants access to that particular private land for the purpose of taking any game animals, birds or fish by hunting or fishing.

B. Criminal trespass also consists of knowingly entering or remaining upon the unposted lands of another knowing that such consent to enter or remain is denied or withdrawn by the owner or occupant thereof. Notice of no consent to enter shall be deemed sufficient notice to the public and evidence to the courts, by the posting of the property at all vehicular access entry ways.

C. Criminal trespass also consists of knowingly entering or remaining upon lands owned, operated or controlled by the state or any of its political subdivisions knowing that consent to enter or remain is denied or withdrawn by the custodian thereof.

Paragraph A applies to posted property. The posting law will be discussed later in this brochure. The key here is one must have written permission when on posted private property.

Exception (1): Game & Fish may have an agreement with the landowner allowing hunting or fishing without the written permission.

Exception (2): Game & Fish provides elk or antelope authorizations to landowners who can give or sell them to hunters. The authorization, with license, serves as the hunter's written permission.

The key to Paragraph B is "knowingly." A person obtains the knowledge of no consent to enter in two ways. First, with regard to unposted lands, a person "knows" when he/she is told not to enter or when told to leave. Second, a person "knows" of no consent to enter, if the property is legally posted. Again, there is a law just on posting, we will explore it in full later in this brochure.

A person can be guilty of criminal trespass on state-owned or operated property if he/she is told by the proper authority not to enter or told to leave.

D. Any person who enters upon the lands of another without prior permission and injures, damages or destroys any part of the realty or its improvements, including buildings, structures, trees, shrubs or other natural features, is guilty of a misdemeanor, and he shall be liable to the owner, lessee or person in lawful possession for civil damages in an amount equal to double the value of the damage to the property injured or destroyed.

E. Whoever commits criminal trespass is guilty of a misdemeanor. Additionally, any person who violates the provisions of Subsection A, B or C of this section, when in connection with hunting, fishing or trapping activity, shall have his hunting or fishing license revoked by the state game commission for a period of not less than three years, pursuant to the provisions of Section 17-3-34 NMSA 1978.

F. Whoever knowingly removes, tampers with or destroys any "no trespass" sign is guilty of a petty misdemeanor, except when the damage to the sign amounts to more than one thousand dollars (\$1,000), he or she is guilty of a misdemeanor and shall be subject to imprisonment in the county jail for a definite term less than one year or a fine not more than one thousand dollars (\$1,000) or to both such imprisonment and fine in the discretion of the judge.

G. This section, as amended, shall be published in all issues of "Big Game Hunt Proclamation" as published by the department of game and fish.

Paragraph D makes it clear if a person is found guilty of criminal trespass, they are also liable for any property damage they cause.

A misdemeanor offense can mean up to 1 year in jail and \$1,000 fine.

Individuals who trespass while hunting, fishing or trapping face loss of his/her license privileges for at least three years. Also, any game taken while committing trespass may be seized.

Tearing down signs is a petty misdemeanor offense which can mean up to a \$500 fine and the possibility of six months in jail.

In cases of greater damage to signs, the penalty is increased and more severe.

The Department of Game and Fish annually publishes big game rule and information booklets (aka: Big Game Hunt Proclamation).

This brochure is informational, and for use and interpretation of trespass laws in your area consult your local district attorney.