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entering or remaining upon the unposted lands of another knowing that such consent to enter or remain is denied or withdrawn by the owner or occupant thereof.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or controlled by the state or any of its political subdivisions knowing that consent to enter or remain is denied or withdrawn by the custodian thereof.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.