

Criminal Trespass

Licenses, applications, harvest reporting and general information: **1-888-248-6866**

Criminal Trespass 30-14-1 NMSA 1978

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entering or remaining upon the unposted lands of another, knowing that such consent to enter or remain is denied or withdrawn by the owner or occupant thereof.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or controlled by the state or any of its political subdivisions, knowing that consent to enter or remain is denied or withdrawn by the custodian thereof.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

Posting Requirements for Trespass 30-14-6 NMSA 1978

- 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.

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Posting Requirements — continued.

- 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 is guilty of a petty misdemeanor.

Hunting on Private Property without Written Permission

- A. It is 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.
- B. Any game animal, furbearer, or game bird taken in violation of this section or section 30-14-1 NMSA 1978 is unlawfully killed and shall be subject to seizure.
- C. All shed antlers collected in violation of any New Mexico State Game Commission, state or federal land closure, in violation of section 30-14-1 NMSA 1978 or in violation of any of the provisions of Chapter 17 or state game commission rule remain property of the State of New Mexico and shall be seized.
- D. EXCEPTION: Written permission is not required on any property which is participating in a unitization, receives compensation for allowing public access, receives unit-wide authorizations, or has agreed to a ranch-wide agreement when species being harvested is part of any of these agreements.

Written Permission shall mean a document (which may include a valid hunting, trapping, or fishing license) that asserts the holder has permission from the private landowner or their designee to hunt, fish, trap, or drive off road on the landowner's property. The information on the document must be verifiable and include the name of the person(s) receiving permission, activity permitted, property's location and name (if applicable), name of person granting permission, date and length of time the permission is granted, and phone number or e-mail of the person granting the permission. Licenses issued for private land which have the ranch name printed on them constitute written permission for that property and no other permission is required except for private-land elk licenses in the secondary management zone pursuant to 19.30.5 and 19.31.14 NMAC.