

## Trespassing: NC General Statute

### Statute

§14-159.13. Second degree trespass.(a) Offense.—A person commits the offense of second degree trespass if, without authorization, he enters or remains on premises of another:(1) After he has been notified not to enter or remain there by the owner, by a person in charge of the premises, by a lawful occupant, or by another authorized person; or (2) That are posted, in a manner reasonably likely to come to the attention of intruders, with notice not to enter the premises.(b) Classification.—Second degree trespass is a Class 3 misdemeanor.

### Elements

A person guilty of this offense(1) without authorization(2) (a) enters or(b) remains(3) on premises of another(4) (a) after having been notified not to enter or remain there by the owner, a person in charge of the premises, a lawful occupant, or another authorized person or (b) that are posted in a manner reasonably likely to come to the attention of intruders, with notice not to enter the premises.

### Punishment

Class 3 misdemeanor. G.S. 14-159.13(b).

### Notes

Generally. With the exception of the notes on Elements (3)(a) and (3)(b), all of the notes to “First-Degree Trespass,” above, apply here as well.

Element (3). “Premises” include the entire piece of real estate—not just the building, but the land as well. With this offense, and unlike with first-degree trespass, the premises need not be enclosed so as to demonstrate an intent to keep intruders out. Thus, premises for this offense would include, for example, an unfenced front yard.

Element (4)(a). This element would be satisfied if a homeowner tells a defendant to leave the homeowner’s front yard and the defendant refuses, or if a homeowner tells a defendant never to come back onto the homeowner’s property but the defendant re-enters the property. However, if the unauthorized entering or remaining occurs in a building, first-degree trespass should be charged.

“Another authorized person” could include the owner’s agent, such as a security guard.

The defendants committed trespass when they refused to leave the publicly accessible lobby of a private building after being ordered to leave and when they did not have a legitimate purpose to be there. *State v. Marcoplos*, 154 N.C. App. 581 (2002).

Element (4)(b). This element may be satisfied by posting “No trespassing” or similar signs in a manner reasonably likely to come to an intruder’s attention. Proof that the intruder actually saw the signs is not required.

A sign reading “Girl’s Locker Room” on a school locker room door was reasonably likely to give the male juvenile respondent notice that he was not authorized to be in the room. *In re S.M.S.*, 196 N.C. App. 170, 172–73 (2009).

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