

**PART**

**13-620. BURGLARY AND CRIMINAL TRESPASS.**

**13-621. DEFINITIONS.** For purposes of this part:

- A. A person "enters or remains unlawfully" in or upon premises when the premises or any portion thereof at the time of the entry or remaining are not open to the public and when the actor is not otherwise licensed or privileged to enter or remain on the premises or such portion thereof.

**13-622 through 13-624. Reserved.**

**13-625. MANUFACTURE OR POSSESSION OF INSTRUMENT FOR BURGLARY OR THEFT.** Any person who manufactures or possesses any instrument, tool, device, article or other thing adapted, designed, or commonly used in advancing or facilitating the commission of any offense under circumstances manifesting an intent to use or knowledge that some person intends to use the same in the commission of a burglary or theft is guilty of a class B misdemeanor.

**13-626. CRIMINAL TRESPASS.**

- A. For purposes of this section "enter" means intrusion of the entire body.
- B. A person is guilty of criminal trespass if:
1. He enters or remains unlawfully on property; and
    - (a) intends to cause annoyance or injury to any person thereon or damage to any property thereon; or
    - (b) intends to commit any crime, other than theft or a felony;
    - (c) is reckless as to whether his presence will cause fear for the safety of another.
  2. Knowing his entry or presence is unlawful, he enters or remains on property as to which notice against entering is given by:
    - (a) personal communication to the actor by the owner or someone with apparent authority to act for the owner; or
    - (b) fencing or other enclosure obviously designed to exclude intruders; or
    - (c) posting of signs reasonably likely to come to the attention of intruders.
- C. A violation of subsection B-1 is a class C misdemeanor unless it was committed in a dwelling, in which event it is a class B misdemeanor. A violation of subsection B-2 is an infraction.
- D. It is a defense to prosecution under this section:
1. That the property was open to the public when the actor entered or remained; and
  2. The actor's conduct did not substantially interfere with the owner's use of the property.

**PART**

**13-630. Reserved.**