

Revised Statutes of Missouri

Title XXXVIII CRIMES AND PUNISHMENT; PEACE OFFICERS AND PUBLIC DEFENDERS

[Chapter 569](#)

569.140. Trespass in the first degree — penalty. — 1. A person commits the offense of trespass in the first degree if he or she knowingly enters unlawfully or knowingly remains unlawfully in a building or inhabitable structure or upon real property.

2. A person does not commit the offense of trespass in the first degree by entering or remaining upon real property unless the real property is fenced or otherwise enclosed in a manner designed to exclude intruders or as to which notice against trespass is given by:

- (1) Actual communication to the actor; or
- (2) Posting in a manner reasonably likely to come to the attention of intruders.

3. The offense of trespass in the first degree is a class B misdemeanor, unless the victim is intentionally targeted as a law enforcement officer, as defined in section 556.061, or the victim is targeted because he or she is a relative within the second degree of consanguinity or affinity to a law enforcement officer, in which case it is a class A misdemeanor. If the building or real property is part of a nuclear power plant, the offense of trespass in the first degree is a class E felony.

(L. 1977 S.B. 60, A.L. 2014 S.B. 491, A.L. 2017 S.B. 34, A.L. 2018 H.B. 1797)

<https://revisor.mo.gov/main/OneSection.aspx?section=569.140>

Title XXXVIII CRIMES AND PUNISHMENT; PEACE OFFICERS AND PUBLIC DEFENDERS

[Chapter 569](#)

569.150. Trespass in the second degree — penalty. — 1. A person commits trespass in the second degree if he or she enters unlawfully upon real property of another. This is an offense of absolute liability.

2. Trespass in the second degree is an infraction.

(L. 1977 S.B. 60, A.L. 2014 S.B. 491)

Effective 1-01-17

CROSS REFERENCE:

Streams and rivers, no civil liability for adjoining landowners, when, 258.200

(1980) Trespass in the second degree is not a lesser included offense of burglary, as it does not require unlawful entering of a building. *State v. Neighbors (A.)*, 613 S.W.2d 143.

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