

ORDER TO STAY OFF PROPERTY

Date

(Name of Unwanted Person)

(Date of Birth)

This is to inform you that you are no longer allowed on the property at:

This order is written by the owner of the property, and is in effect starting at _____ am/pm on today's date of _____.

If you are found on said property in violation of this order you will be subject to arrest and prosecution for Criminal Trespass under New Hampshire law (RSA 635:2).

Sincerely,

Type or Print Name of Property Owner

Signature authorized person (if a business, include person's title)

RETURN OF SERVICE

I HEREBY CERTIFY that I have given in-hand a copy of this notice to:

_____ on the _____ day of _____ 20__ at

_____ am/pm Location of Service _____

Served By:

Print Name & Title

Signature

RSA 635:2 Criminal Trespass.

- I. A person is guilty of criminal trespass if, knowing that he is not licensed or privileged to do so, he enters or remains in any place.
- II. Criminal trespass is a misdemeanor for the first offense and a class B felony for any subsequent offense if the person knowingly or recklessly causes damage in excess of \$1,000 to the value of the property of another.
- III. Criminal trespass is a misdemeanor if:
 - (a) The trespass takes place in an occupied structure as defined in RSA 635:1, III or
 - (b) The person knowingly enters or remains:
 - (1) In any secured premises;
 - (2) In any place in defiance of an order to leave or not to enter which was personally communicated to him by the owner or other authorized person;
or
 - (3) In any place in defiance of any court order restraining him from entering such place so long as he has been properly notified of such order.
- IV. All other criminal trespass is a violation.
- V. In this section, "secured premises" means any place which is posted in a manner prescribed by law or in a manner reasonably likely to come to the attention of intruders, or which is fenced or otherwise enclosed in a manner designed to exclude intruders.
- VI. In this section, "property," "property of another," and "value" shall be as defined in RSA 637:2, I, IV, and V, respectively.

Instructions:

1. Fill out two (2) copies of the trespass notice using the format provided.
2. Give one copy to the unwanted person either in hand or by certified mail.
 - A. If served in hand, the person who gives the form to the unwanted person should fill out the return of service portion on the bottom of the form.
 - B. If sent by mail, be sure to send the letter Certified Mail with a Return Receipt Requested.
3. Bring the other original trespass letter to the Henniker Police Department with either the original, signed, return of service completed for “in hand” service **OR** the original, USPS return receipt for notices that have been issued by mail.
4. You may wish to retain a copy of the notice for your records. HPD will need the original documents.
5. If an unwanted person returns to the property after having been served with a trespass notice call the Henniker Police immediately at 603-428-3212. If it is an emergency please call 911. The unwanted person would then be subject to arrest for criminal trespass.