

# Stewardship Notes

Indiana Division of Forestry

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## TRESPASSING AND LIABILITY

One of the privileges of owning property in the United States is the right to control access to the land. As a landowner, you can allow others to come onto the property to hunt, hike, fish, etc. You can also prohibit people from being on the property without permission.

One of the most common complaints that landowners have is trespassing. Trespassing occurs when people enter property without permission of the landowner. Oftentimes, the trespassers collect items such as mushrooms, ginseng, fossils, etc. This is actually stealing, and some of these items can be quite valuable. Not only are these people trespassing and possibly stealing, they could actually sue the landowner if they are injured on the property, even because of their own negligence. Generally, the law protects the liability of the landowner, but not in all cases.

So how can landowners reduce trespassing and limit their liability?

- The first step is to post "No Trespassing" signs. These signs can be vandalized, so repairing or replacing them is a must. Posting is the primary way to reduce liability.
- Allow only a few, trusted individuals access to the property. Access should be granted only by written permission which the individuals should keep with them when visiting the property. These individuals can act as "watchdogs" and inform others of the special conditions regarding access.
- Enforcement is key to reducing trespassing problems. Trespassing is a crime; notify your local law enforcement if there are trespassers on the property. If the trespassers are caught illegally collecting ginseng or other items, they can be arrested and prosecuted on criminal theft charges.

Approaching trespassers, especially trespassing hunters, can be very dangerous. It is much safer to notify your conservation officer or other local law enforcement. If trespassing is a serious problem, perhaps an arrangement can be made to increase patrols of law enforcement officers.