

ASSEMBLY BILL NO. 190—ASSEMBLYMEN PERKINS, CONKLIN, HORNE, ATKINSON, BUCKLEY, GERHARDT, GIUNCHIGLIANI, GRADY, HETRICK, KIRKPATRICK, LESLIE, OCEGUERA, PARKS, PIERCE, SHERER AND SIBLEY

MARCH 9, 2005

JOINT SPONSORS: SENATORS CARLTON, COFFIN AND HECK

Referred to Committee on Judiciary

SUMMARY—Prohibits person from entering upon certain property, with intent to surreptitiously conceal himself on property and peer, peep or spy through opening in building or other structure used as dwelling. (BDR 15-631)

FISCAL NOTE: Effect on Local Government: Increases or Newly Provides for Term of Imprisonment in County or City Jail or Detention Facility.
Effect on the State: Yes.

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EXPLANATION – Matter in ***bolded italics*** is new; matter between brackets ~~omitted material~~ is material to be omitted.

AN ACT relating to crimes; prohibiting a person from entering upon certain property with the intent to surreptitiously conceal himself and peer, peep or spy through an opening in a building or other structure used as a dwelling; exempting law enforcement officers conducting criminal investigations or surveillance from the prohibition; providing penalties; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

- 1 Existing law creates various crimes to protect a person on his property and in
- 2 his home, including the crimes of burglary, entering property with the intent to
- 3 damage or destroy property and trespassing. (NRS 205.060, 206.040, 207.200)
- 4 This bill creates a new crime to prohibit a person from entering upon the
- 5 property of another person or upon his own property which is leased or rented to



another, with the intent to surreptitiously conceal himself on the property and peer, peep or spy through a window, door or other opening of a dwelling on the property.

A person who violates these provisions is guilty of: (1) a category B felony if the person possesses a deadly weapon at the time of the violation; (2) a gross misdemeanor if the person possesses a photographic, digital or video camera or any other image-recording or sound-recording device at the time of the violation; or (3) a misdemeanor if the person does not possess a deadly weapon or any image-recording or sound-recording device at the time of the violation.

This bill provides that a law enforcement officer conducting a criminal investigation or surveillance is exempt from these provisions.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN
SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 200 of NRS is hereby amended by adding thereto a new section to read as follows:

1. A person shall not knowingly enter upon the property or premises of another or upon the property or premises owned by him and leased or rented to another with the intent to surreptitiously conceal himself on the property or premises and peer, peep or spy through a window, door or other opening of a building or structure that is used as a dwelling on the property or premises.

2. A person who violates subsection 1 is guilty of:

(a) If the person is in possession of a deadly weapon at the time of the violation, a category B felony and shall be punished by imprisonment in the state prison for a minimum term of not less than 1 year and a maximum term of not more than 6 years, and may be further punished by a fine of not more than \$5,000.

(b) If the person is not in possession of a deadly weapon at the time of the violation, but is in possession of a photographic or digital camera, video camera or other device capable of recording images or sound at the time of the violation, a gross misdemeanor.

(c) If the person is not in possession of a deadly weapon or a photographic or digital camera, video camera or other device capable of recording images or sound at the time of the violation, a misdemeanor.

3. This section does not apply to a law enforcement officer conducting a criminal investigation or surveillance.

Sec. 2. NRS 207.200 is hereby amended to read as follows:

207.200 1. ~~{Any}~~ *Unless a greater penalty is provided pursuant to section 1 of this act, any* person who, under circumstances not amounting to a burglary:

(a) Goes upon the land or into any building of another with intent to vex or annoy the owner or occupant thereof, or to commit any unlawful act; or



1 (b) Willfully goes or remains upon any land or in any building
2 after having been warned by the owner or occupant thereof not to
3 trespass,

4 ➤ is guilty of a misdemeanor. The meaning of this subsection is not
5 limited by subsections 2 and 4.

6 2. A sufficient warning against trespassing, within the meaning
7 of this section, is given by either of the following methods:

8 (a) Painting, at intervals of not more than 200 feet on each side
9 of the land, upon or near the boundary, a post, structure or natural
10 object with not less than 50 square inches of fluorescent orange
11 paint or, if the post is a metal fence post, painting the entire post
12 with such paint.

13 (b) Fencing the area.

14 3. It is prima facie evidence of trespass for any person to be
15 found on private or public property which is posted or fenced as
16 provided in subsection 2 without lawful business with the owner or
17 occupant of the property.

18 4. An entryman on land under the laws of the United States is
19 an owner within the meaning of this section.

20 5. As used in this section, "fence" means a barrier sufficient to
21 indicate an intent to restrict the area to human ingress, including, but
22 not limited to, a wall, hedge or chain link or wire mesh fence.



