

Assembly Bill No. 227–Assemblymen Carpenter, Mabey, Claborn,
Goedhart, Goicoechea, Grady, Marvel and Settlemeyer

Joint Sponsors: Senators Rhoads and McGinness

CHAPTER.....

AN ACT relating to trespassing; revising the provisions governing the posting of warnings against trespassing; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Under existing law, a person commits the crime of trespassing if the person willfully goes or remains upon any land or in any building after having been warned not to trespass. (NRS 207.200) For the purposes of determining whether a person has been given sufficient warning not to trespass, the owner of land may choose to fence the area or may paint the area in a specific manner.

This bill changes the interval between posts, structures or natural objects that must be painted with fluorescent orange paint from 200 feet to such a distance as is necessary to ensure that a person has a clear line of vision from one such post, structure or natural object to the next, but not less than every 1,000 feet if the land is used for agricultural purposes or for herding or grazing livestock, or not less than every 200 feet if the land is used for other purposes. In addition, each corner of the land must be similarly marked. This bill also changes existing law, which requires that a post must be painted with not less than 50 square inches of paint and which requires that if the post is a metal fence post, the entire post must be painted, to provide that only the top 12 inches of any post must be painted, regardless of whether the post is made of wood, metal or other material. Furthermore, this bill requires that each side of all gates, cattle guards and openings that are designed for entry must be painted with fluorescent orange paint.

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

Section 1. NRS 207.200 is hereby amended to read as follows:
207.200 1. Unless a greater penalty is provided pursuant to NRS 200.603, 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

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

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

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



(a) ~~[Painting, at]~~ *If the land is used for agricultural purposes or for herding or grazing livestock, by painting with fluorescent orange paint:*

~~(1) [intervals of not more than 200 feet on each side of the land, upon or near the boundary,]~~ *Not less than 50 square inches of the exterior portion of a [post,] structure or natural object [with not less than 50 square inches of fluorescent orange paint or, if the post is a metal fence post, painting the entire post with such paint.] or the top 12 inches of the exterior portion of a post, whether made of wood, metal or other material, at:*

(I) Intervals of such a distance as is necessary to ensure that at least one such structure, natural object or post would be within the direct line of sight of a person standing next to another such structure, natural object or post, but at intervals of not more than 1,000 feet; and

(II) Each corner of the land, upon or near the boundary; and

(2) Each side of all gates, cattle guards and openings that are designed to allow human ingress to the area;

(b) *If the land is not used in the manner specified in paragraph (a), by painting with fluorescent orange paint not less than 50 square inches of the exterior portion of a structure or natural object or the top 12 inches of the exterior portion of a post, whether made of wood, metal or other material, at:*

(1) Intervals of such a distance as is necessary to ensure that at least one such structure, natural object or post would be within the direct line of sight of a person standing next to another such structure, natural object or post, but at intervals of not more than 200 feet; and

(2) Each corner of the land, upon or near the boundary; or

(c) *Fencing the area.*

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

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

5. As used in this section, "fence" means a barrier sufficient to indicate an intent to restrict the area to human ingress, including, but not limited to, a wall, hedge or chain link or wire mesh fence. *The term does not include a barrier made of barbed wire.*

