

ASSEMBLY BILL NO. 227—ASSEMBLYMEN CARPENTER, MABEY,
CLABORN, GOEDHART, GOICOECHEA, GRADY, MARVEL
AND SETTELMEYER

MARCH 1, 2007

JOINT SPONSORS: SENATORS RHOADS AND MCGINNESS

Referred to Committee on Judiciary

SUMMARY—Revises the provisions governing the posting of
warnings against trespassing. (BDR 15-702)

FISCAL NOTE: Effect on Local Government: No.
Effect on the State: No.

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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 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 every 1,000 feet and at each corner of the land if the land is used for agricultural purposes or for herding or grazing livestock. 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) At intervals of not more than ~~[200 feet on each side]~~
1,000 feet and at each corner** 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; and**

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

**(b) If the land is not used in the manner specified in
paragraph (a), by painting with fluorescent orange paint, at
intervals of not more than 200 feet and at each corner of the land,
upon or near the boundary, 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; 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.



* A B 2 2 7 R 1 *

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

