

Assembly Bill No. 286—Assemblymen Christensen, Arberry, Anderson; Gansert, Hambrick, Hardy, Kirkpatrick, Manendo, McArthur, Settlemeyer and Stewart

Joint Sponsors: Senators Hardy; Cegavske and Lee

CHAPTER.....

AN ACT relating to trespassing; revising the provisions governing the crime of 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 by the owner or occupant of the land or building. (NRS 207.200) The Nevada Supreme Court has held that when an owner of premises asks a guest who was originally invited to the premises to leave, the owner has given a sufficient warning not to trespass, and the disinvented guest commits trespassing if the guest then refuses to leave. (*Scott v. Just. Ct.*, 84 Nev. 9 (1968))

This bill codifies the holding in *Scott* and provides that an owner or occupant of any land or premises shall be deemed to have given a sufficient warning to a guest not to trespass if the owner or occupant makes an oral or written demand to the guest to vacate the land or building.

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 any of the following methods:

(a) If the land is used for agricultural purposes or for herding or grazing livestock, by painting with fluorescent orange paint:

(1) 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:



(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; ~~for~~

(c) Fencing the area ~~H~~; or

(d) By the owner or occupant of the land or building making an oral or written demand to any guest to vacate the land or building.

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 ~~H~~, "fence":

(a) "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.

(b) "Guest" means any person entertained or to whom hospitality is extended, including, but not limited to, any person who stays overnight. The term does not include a tenant as defined in NRS 118A.170.

