

ASSEMBLY BILL NO. 161—ASSEMBLYMAN ANDERSON

FEBRUARY 16, 2011

Referred to Committee on Judiciary

SUMMARY—Revises provisions governing the crime of trespassing. (BDR 15-729)

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 crimes; revising provisions governing the crime of trespassing; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Under existing law, unless a greater penalty is provided by NRS 200.603, which governs the crime of peering, peeping or spying through an opening of the dwelling of another person, a person who commits the crime of trespassing is guilty of a misdemeanor. (NRS 207.200) A person who is convicted of a misdemeanor generally must be punished by: (1) imprisonment in the county jail for not more than 6 months; (2) a fine of not more than \$1,000; or (3) both imprisonment and a fine. Alternatively, instead of all or a portion of such punishment, a person may be sentenced to perform community service. (NRS 193.150)

This bill requires that unless a greater penalty is provided by NRS 200.603, a person who is convicted of trespassing on the premises of a licensed gaming establishment for the third or subsequent time within 5 years must be punished by: (1) a fine of \$1,000; or (2) a fine of \$1,000 and imprisonment in the county jail for not more than 6 months. A person may also be sentenced to perform community service instead of all or a portion of such punishment.

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
subsection 2 or NRS 200.603, any person who, under circumstances
not amounting to a burglary:



* A B 1 6 1 *

(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~~ 3 and ~~4~~ 5.

2. *Unless a greater penalty is provided pursuant to NRS 200.603, any person who has previously been convicted of two or more violations of subsection 1 by trespassing on the premises of a licensed gaming establishment and who commits a third or subsequent violation of subsection 1 within 5 years by trespassing on the premises of a licensed gaming establishment is guilty of a misdemeanor and shall be punished by:*

(a) *A fine of \$1,000; or*

(b) *A fine of \$1,000 and imprisonment in the county jail for not more than 6 months.*

↳ *In lieu of all or a part of the punishment which may be imposed pursuant to this subsection, the person may be sentenced to perform a fixed period of community service pursuant to the conditions prescribed in NRS 176.087.*

3. 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



1 direct line of sight of a person standing next to another such
2 structure, natural object or post, but at intervals of not more than
3 200 feet; and

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

5 (c) Fencing the area; or

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

8 ~~§ 4.~~ 4. It is prima facie evidence of trespass for any person to
9 be found on private or public property which is posted or fenced as
10 provided in subsection ~~§ 3~~ 3 without lawful business with the owner
11 or occupant of the property.

12 ~~§ 5.~~ 5. An entryman on land under the laws of the United States
13 is an owner within the meaning of this section.

14 ~~§ 6.~~ 6. As used in this section:

15 (a) "Fence" means a barrier sufficient to indicate an intent to
16 restrict the area to human ingress, including, but not limited to, a
17 wall, hedge or chain link or wire mesh fence. The term does not
18 include a barrier made of barbed wire.

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

23 (c) *"Licensed gaming establishment" has the meaning*
24 *ascribed to it in NRS 463.0169.*

25 **Sec. 2.** NRS 207.205 is hereby amended to read as follows:

26 207.205 1. It is unlawful for any person to post such land
27 within the meaning of subsection ~~§ 3~~ 3 of NRS 207.200 unless the
28 person has:

29 (a) Obtained written authorization from the owner or occupant
30 of the land, or any building thereon, to do so unless the person is the
31 owner or occupant.

32 (b) Placed the name and address of the owner or occupant on
33 each sign.

34 2. Any person violating any of the provisions of subsection 1 is
35 guilty of a misdemeanor.

36 **Sec. 3.** The amendatory provisions of this act apply to offenses
37 committed before October 1, 2011, for the purpose of determining
38 whether a person is subject to the provisions of subsection 2 of NRS
39 207.200, as amended by section 1 of this act.

