

Amendment No. 80

Senate Amendment to Senate Bill No. 116	(BDR 15-76)
Proposed by: Senate Committee on Judiciary	
Amends: Summary: No Title: No Preamble: No Joint Sponsorship: No Digest: Yes	

ASSEMBLY ACTION			Initial and Date	SENATE ACTION			Initial and Date		
Adopted	☐	Lost	☐	_____	Adopted	☐	Lost	☐	_____
Concurred In	☐	Not	☐	_____	Concurred In	☐	Not	☐	_____
Receded	☐	Not	☐	_____	Receded	☐	Not	☐	_____

EXPLANATION: Matter in (1) *blue bold italics* is new language in the original bill; (2) variations of green bold underlining is language proposed to be added in this amendment; (3) ~~red strikethrough~~ is deleted language in the original bill; (4) ~~purple double strikethrough~~ is language proposed to be deleted in this amendment; (5) orange double underlining is deleted language in the original bill proposed to be retained in this amendment.

NCA



Date: 4/6/2017

S.B. No. 116—Revises provisions governing warnings against trespassing.
(BDR 15-76)



SENATE BILL NO. 116—SENATORS SETTELMAYER
AND GOICOECHEA

PREFILED FEBRUARY 13, 2017

Referred to Committee on Judiciary

SUMMARY—Revises provisions governing warnings against trespassing.
(BDR 15-76)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: 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 provisions governing warning against
trespassing; providing a penalty; and providing other matters properly
relating thereto.**Legislative Counsel's Digest:**

Existing law makes it a misdemeanor for a person to go upon the land or into any building of another in certain circumstances, including willfully going or remaining on land or in a building after being warned by the owner or occupant thereof not to trespass. ~~Existing law specifies that one way to provide sufficient warning against trespassing is by fencing the area. The term fence is defined as a barrier sufficient to indicate an intent to restrict the area to human ingress, which includes, but is not limited to, a wall, hedge or chain link or wire mesh fence. Under existing law, a barrier constructed of barbed wire is not sufficient to indicate an intent to restrict the area to human ingress and is not adequate warning against trespassing.~~ **For the purposes of determining whether a person has been given sufficient warning not to trespass, the owner or occupant of land may: (1) paint the area in a certain manner depending on the use of the land; (2) fence the area; or (3) make an oral or written demand to vacate the land or building.** (NRS 207.200)

This bill ~~removes barbed wire barriers from the list of barriers that are not sufficient to indicate an intent to restrict the area to human ingress. This bill also specifically provides that a barrier in the form of a fence made of not less than five strands of barbed wire is adequate warning against trespassing.~~

~~The definition of "fence" amended by this bill and the provisions of existing law relating to trespassing are referenced in various other sections of the Nevada Revised Statutes, including, but not limited to, existing law that: (1) creates a cause of action for damages resulting from criminal trespass motivated by certain characteristics of the victim; (2) increases the penalty for criminal trespass motivated by certain characteristics of the victim; (2) sets forth the penalty for trespass upon the premises of a licensed gaming establishment by certain persons; (4) prohibits posting a warning against trespass on certain property; (5) creates an action for trespass committed by an unmanned aerial vehicle; and (6) prohibits hunting, trapping or fishing upon certain property. (NRS 41.690, 207.185, 207.202, 207.205, 492.102, 502.240).~~ **(1) revises provisions governing the requirements for painting certain posts, structures or natural objects to remove the distinction based on the use of**

the land; (2) provides that using an area as cultivated land provides sufficient warning against trespass; and (3) defines "cultivated land" for such purposes.

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~~ 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;~~

~~(c) Fencing the area; for~~

~~(d) (c) Using the area as cultivated land; 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:

(a) "Cultivated land" means land that has been cleared of its natural vegetation and is presently planted with a crop, orchard, grove, pasture or trees or is fallow land as part of a crop rotation.

1 (b) "Fence" means a barrier sufficient to indicate an intent to restrict the area to
2 human ingress, including, but not limited to, a wall, ~~fat~~ hedge or ~~fa-fence made off~~
3 chain link ~~fat~~ or wire mesh fence. The term does not include a barrier made for not
4 less than five strands of barbed wire.

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

8 **Sec. 2.** This act becomes effective on July 1, 2017.