

SENATE BILL NO. 475—COMMITTEE ON JUDICIARY

(ON BEHALF OF THE LEGISLATIVE COMMITTEE
ON PUBLIC LANDS)

MARCH 27, 2017

Referred to Committee on Judiciary

SUMMARY—Clarifies the circumstances under which a barrier made of barbed wire is sufficient warning against trespassing. (BDR 15-335)

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; clarifying the circumstances under which a barrier made of barbed wire is sufficient warning against trespassing; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

1 Under existing law, any person who, under circumstances not amounting to a
2 burglary: (1) goes upon the land or into any building of another with intent to vex
3 or annoy the owner or occupant of the land or building; or (2) willfully goes or
4 remains upon any land or in any building after having been warned by the owner or
5 occupant of the land or building not to trespass, is guilty of a misdemeanor. A
6 sufficient warning against trespassing may be given by any of the following
7 methods: (1) if the land is used for agricultural purposes or for herding or grazing
8 livestock, by painting the exterior of a structure or natural object or the top of a
9 post, and each side of all gates, cattle guards and openings that are designed to
10 allow human ingress to the area, with fluorescent orange paint in a certain manner;
11 (2) if the land is not used for those purposes, by painting the exterior of a structure
12 or natural object or the top of a fence post with florescent orange paint in a certain
13 manner; (3) by fencing the area; or (4) by making an oral or written demand by the
14 owner or occupant of the land or building to any guest to vacate the land or
15 building. For the purpose of determining whether a sufficient warning against
16 trespass is given by fencing the area, the term “fence” is defined to mean a barrier
17 sufficient to indicate an intent to restrict the area to human ingress, including,
18 without limitation, a wall, hedge or chain link or wire mesh fence. The term does
19 not include a barrier made of barbed wire. Consequently, if an area is fenced using
20 a barrier made of barbed wire and if a warning against trespassing is not given by



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21 using any of the other methods authorized under existing law, the fence is not a
22 sufficient warning against trespassing. (NRS 207.200) This bill clarifies that, if any
23 land or building is fenced with a barrier made of barbed wire, a sufficient warning
24 against trespassing may be given by using any of the other methods authorized
25 under existing law.

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

1 **Section 1.** NRS 207.200 is hereby amended to read as follows:

2 207.200 1. Unless a greater penalty is provided pursuant to
3 NRS 200.603, any person who, under circumstances not amounting
4 to a burglary:

5 (a) Goes upon the land or into any building of another with
6 intent to vex or annoy the owner or occupant thereof, or to commit
7 any unlawful act; or

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

11 ➤ is guilty of a misdemeanor. The meaning of this subsection is not
12 limited by subsections 2 ~~and 4.~~, 4 and 5.

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

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

17 (1) Not less than 50 square inches of the exterior portion of a
18 structure or natural object or the top 12 inches of the exterior portion
19 of a post, whether made of wood, metal or other material, at:

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

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

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

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

34 (1) Intervals of such a distance as is necessary to ensure that
35 at least one such structure, natural object or post would be within the
36 direct line of sight of a person standing next to another such



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1 structure, natural object or post, but at intervals of not more than
2 200 feet; and

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

4 (c) Fencing the area; or

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

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

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

13 5. *If any land or building is fenced with a barrier made of*
14 *barbed wire, a sufficient warning against trespassing, within the*
15 *meaning of this section, is given by painting the barrier in the*
16 *manner specified in paragraph (a) or (b) of subsection 2 or by*
17 *making an oral or written demand pursuant to paragraph (d) of*
18 *that subsection.*

19 6. As used in this section:

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

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

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

