
ASSEMBLY BILL NO. 286—ASSEMBLYMEN CHRISTENSEN, ARBERRY,
ANDERSON; GANSERT, HAMBRICK, HARDY, KIRKPATRICK,
MANENDO, MCARTHUR, SETTELMAYER AND STEWART

MARCH 10, 2009

JOINT SPONSORS: SENATORS HARDY; CEGAVSKE AND LEE

Referred to Committee on Judiciary

SUMMARY—Revises the provisions governing the crime of trespassing. (BDR 2-833)

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 crime of trespassing; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

1 Under existing law, a person commits the crime of trespassing if the person
2 willfully goes or remains upon any land or in any building after having been
3 warned not to trespass by the owner or occupant of the land or building. (NRS
4 207.200) The Nevada Supreme Court has held that when an owner of premises asks
5 a guest who was originally invited to the premises to leave, the owner has given a
6 sufficient warning not to trespass, and the disinvited guest commits trespassing if
7 the guest then refuses to leave. (*Scott v. Just. Ct.*, 84 Nev. 9 (1968))
8 This bill codifies the holding in *Scott* and provides that an owner or occupant of
9 any land or premises shall be deemed to have given a sufficient warning to a guest
10 not to trespass if the owner or occupant makes an oral or written demand to the
11 guest to vacate the land or building.



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.
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
37 structure, natural object or post, but at intervals of not more than
38 200 feet; and
39 (2) Each corner of the land, upon or near the boundary; ~~{or}~~
40 (c) Fencing the area ~~{f}~~; *or*



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

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

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

10 5. As used in this section ~~[, "fence"]~~ :

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

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

