

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:

1 Existing law makes it a misdemeanor for a person to go upon the land or into
2 any building of another in certain circumstances, including willfully going or
3 remaining on land or in a building after being warned by the owner or occupant
4 thereof not to trespass. For the purposes of determining whether a person has been
5 given sufficient warning not to trespass, the owner or occupant of land may: (1)
6 paint the area in a certain manner depending on the use of the land; (2) fence the
7 area; or (3) make an oral or written demand to vacate the land or building.
8 (NRS 207.200)

9 This bill: (1) revises provisions governing the requirements for painting certain
10 posts, structures or natural objects to remove the distinction based on the use of the
11 land; (2) provides that using an area as cultivated land provides sufficient warning
12 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:

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:



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

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

7 **↳** is guilty of a misdemeanor. The meaning of this subsection is not
8 limited by subsections 2 and 4.

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

11 (a) ~~If the land is used for agricultural purposes or for herding or~~
12 ~~grazing livestock, by painting~~ **Painting** with fluorescent orange
13 paint:

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

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

23 (II) Each corner of the land, upon or near the boundary;
24 and

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

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

32 ~~(1) Intervals of such a distance as is necessary to ensure that~~
33 ~~at least one such structure, natural object or post would be within the~~
34 ~~direct line of sight of a person standing next to another such~~
35 ~~structure, natural object or post, but at intervals of not more than~~
36 ~~200 feet; and~~

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

38 ~~(c)}~~ Fencing the area; ~~or~~

39 ~~(d)}~~ **(c) Using the area as cultivated land; or**

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

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



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

3 5. As used in this section:

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

7 (b) “Fence” means a barrier sufficient to indicate an intent to
8 restrict the area to human ingress, including, but not limited to, a
9 wall, hedge or chain link or wire mesh fence. The term does not
10 include a barrier made of barbed wire.

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

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

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