

ASSEMBLY BILL NO. 386—ASSEMBLYMAN WATKINS

MARCH 20, 2017

Referred to Committee on Natural Resources,
Agriculture, and Mining

SUMMARY—Revises provisions governing access to public lands.
(BDR 26-1159)

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 public lands; authorizing a person to enter private land at the geographic point that represents the corner of the parcel in order to lawfully enter public land under certain circumstances; 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) This bill authorizes a person who is traveling between parcels of public
5 land to lawfully cross a parcel of private land at the point that represents the corner
6 of such private land to reach the subsequent parcel of public land, so long as: (1)
7 the person does not cause harm to the real or personal property of the owner of the
8 private land; or (2) unreasonably interfere with the quiet enjoyment or use of the
9 private land by the owner.

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

1 **Section 1.** Chapter 321 of NRS is hereby amended by adding
2 thereto a new section to read as follows:

3 *1. If a person is entering public lands on which he or she is*
4 *lawfully authorized to enter from another parcel of public land on*
5 *which he or she is lawfully authorized to remain, the person is*
6 *permitted to cross land to which title is held by a private person or*



1 *entity at the geographic point that represents the corner of the*
2 *parcel of such private land so long as the person does not:*

3 *(a) Cause harm to the real or personal property of the person*
4 *or entity holding title to the land; or*

5 *(b) Unreasonably interfere with the quiet enjoyment or use of*
6 *the parcel of private land by the landowner.*

7 *2. Nothing in this section creates or transfers any property*
8 *rights in or rights of easement to such a parcel of private land.*

9 *3. As used in this section, "public lands" has the meaning*
10 *ascribed to it in subsection 2 of NRS 321.5963.*

11 **Sec. 2.** NRS 207.200 is hereby amended to read as follows:

12 207.200 1. Unless a greater penalty is provided pursuant to
13 NRS 200.603, *and except as otherwise provided in section 1 of this*
14 *act*, any person who, under circumstances not amounting to a
15 burglary:

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

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

22 ➔ is guilty of a misdemeanor. The meaning of this subsection is not
23 limited by subsections 2 and 4.

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

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

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

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

36 (II) Each corner of the land, upon or near the boundary;
37 and

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

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



1 (1) Intervals of such a distance as is necessary to ensure that
2 at least one such structure, natural object or post would be within the
3 direct line of sight of a person standing next to another such
4 structure, natural object or post, but at intervals of not more than
5 200 feet; and

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

7 (c) Fencing the area; or

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

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

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

16 5. As used in this section:

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

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

25 **Sec. 3.** NRS 493.040 is hereby amended to read as follows:

26 493.040 The ownership of the space above the lands and
27 waters of this state is declared to be vested in the several owners of
28 the surface beneath, subject to the right of flight described in NRS
29 493.050 ***and the right of entry described in section 1 of this act.***

30 **Sec. 4.** NRS 503.240 is hereby amended to read as follows:

31 503.240 1. It is unlawful for any person to hunt, fish in
32 nonnavigable waters or trap upon land which is private property
33 where the person has been warned by the owner or occupant of the
34 property not to trespass in the manner prescribed in NRS 207.200,
35 or where signs are displayed forbidding hunting, trapping or fishing
36 without permission obtained from the owner or occupant of the
37 private property.

38 2. Any person using that private property for hunting, fishing
39 or trapping shall comply with the provisions of NRS 207.220.

40 ***3. Any person lawfully authorized to enter private property***
41 ***pursuant to section 1 of this act is not in violation of the provisions***
42 ***of this section.***

43 **Sec. 5.** This act becomes effective on July 1, 2017.

