

13-1306. Duty to trespasser; activity of owner.

If the owner is engaged in activities on [his] [her] land, [he] [she] has a duty to use ordinary care to avoid injury to a trespasser, if:

(1) The activity involves an unreasonable risk of death or great bodily harm to persons coming onto the land;

(2) [He] [She] knows or should reasonably know that [there are constant intrusions by trespassers onto the area in which the activity is permitted] [there are trespassers on the land in dangerous proximity to the activity]; and

(3) [He] [She] has reason to believe that the trespasser will not realize the risk of harm involved.

[If the activity involves a controllable force, the owner has a duty either to use reasonable care to control the force to avoid injury or to give adequate warning.] The [owner] [occupant] of the land has no duty to regulate [his] [her] activities so as to avoid injury to a trespasser, unless and until [he] [she] knows or should know that the trespasser is on [his] [her] land.

USE NOTES

The bracketed language should be included as appropriate.
[As amended, effective January 1, 1987; November 1, 1991.]