

1 **13-1306. Duty to trespasser; activity of owner.**

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

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

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

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

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

16 USE NOTES

17 The bracketed language should be included as appropriate.

18 [As amended, effective January 1, 1987; November 1, 1991; as amended by Supreme Court Order
19 No. S-1-RCR-2025-00126, effective for all cases pending or filed on or after December 31, 2025.]