

**13-1301. Trespasser; definition.**

A trespasser is a person who enters or remains upon the premises of another without the [express] [or] [implied] permission of the [owner] [occupant] of the premises.

[A person who is on the premises of another with the permission of the [owner] [occupant] is a trespasser to the extent the person goes outside the area in which the [owner] [occupant] might reasonably expect the person to be.]

[A person who is on the premises of another with the permission of the [owner] [occupant] is a trespasser to the extent the person uses the premises in a manner different from that which the [owner] [occupant] might reasonably expect.]

USE NOTES

This instruction is to be used if there is an issue as to whether the plaintiff was a trespasser. The bracketed sections should be selected as applicable to the evidence presented at trial.

[As amended, effective January 1, 1987; March 1, 1996.]