### IDJI 3.19 – Trespasser, duty to

INSTRUCTION NO. \_\_\_\_\_

The [owner] [occupant] owes no duty to a tres­passer whose presence on the premises is unknown or could not reasonably have been anticipated.

But, if the presence of the trespasser becomes known or reasonably could have been anticipated, the [owner] [occupant] has a duty not to injure the trespasser by any intentional or reckless act.

Comment:

“Reckless” appears to be the equivalent of “willful and wanton,” and is more understandable. See Comment to Instruction 2.25.