**"Enter or remain unlawfully"** means to:

1. enter or remain in or upon premises or in a propelled vehicle when the premises or propelled vehicle, at the time of the entry or remaining, is not open to the public and when the defendant is not otherwise privileged to do so;

(2) fail to leave premises or a propelled vehicle that is open to the public after being lawfully directed to do so personally by the person in charge, or;

(3) enter or remain upon premises or in a propelled vehicle in violation of a provision in an order issued or filed under AS 18.66.100-18.66.180.

[Where the defendant is charged under section two of the definition of the term "enter or remain unlawfully," the state must prove beyond a reasonable doubt each of the following elements:

1. the defendant knowingly failed to leave [premises] [a propelled vehicle] that is open to the public;
2. the defendant was lawfully directed to do so personally by the person in charge; and
3. the defendant recklessly disregarded a lawful order that [he][she] not remain.]

[Where the defendant is charged under section two of the definition of the term "enter or remain unlawfully" and the premises are public premises, the state must prove beyond a reasonable doubt each of the following elements:

1. the defendant knowingly failed to leave [premises] [a propelled vehicle] that is open to the public;
2. the defendant was lawfully directed to do so personally by the person in charge; and
3. the defendant recklessly disregarded a reasonably contemporaneous lawful order that [he][she] not remain.]

**USE NOTE**

For a discussion of what constitutes unlawful entry seeSears v. State, 713 P.2d 1218 (Alaska App. 1986) and State v. Ison, 744 P.2d 416 (Alaska App. 1987).

For a discussion of how the elements should be modified as indicated in the above instruction under subsection 2 and as to public buildings, seeTurney v. State, 922 P.2d 283 (Alaska App. 1996); Johnson v. State, 739 P.2d 781 (Alaska App. 1987).