

1 **HOUSE OF REPRESENTATIVES - FLOOR VERSION**

2 STATE OF OKLAHOMA

3 1st Session of the 58th Legislature (2021)

4 HOUSE BILL 1135

 By: Fetgatter

7 AS INTRODUCED

8 An Act relating to crimes and punishments; amending
9 21 O.S. 2011, Section 1835, which relates to trespass
10 without permission; expanding scope of certain
11 definition; describing method for posting with purple
12 paint marks; specifying requirements for posting;
 requiring specific signage until certain date;
 clarifying construing provision; updating penalty
 provisions; modifying certain definition; and
 providing an effective date.

15 BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

16 SECTION 1. AMENDATORY 21 O.S. 2011, Section 1835, is
17 amended to read as follows:

18 Section 1835. A. Whoever shall willfully or maliciously enter
19 the garden, yard, pasture or field of another after being expressly
20 forbidden to do so or without permission by the owner or lawful
21 occupant thereof when such property is posted, as defined by this
22 subsection, shall be deemed guilty of trespass and upon conviction
23 ~~thereof shall be fined in any sum~~ punished by a fine of not to
24 ~~exceed~~ more than Two Hundred Fifty Dollars (\$250.00); provided, that

1 this provision shall not apply to registered land surveyors and
2 registered professional engineers for the purpose of land surveying
3 in the performance of their professional services; and, provided
4 further, that anyone who willfully or maliciously enters any such
5 garden, yard, pasture or field, and therein commits or attempts to
6 commit waste, theft, or damage shall be deemed guilty of a
7 misdemeanor and upon conviction ~~thereof~~ shall be ~~fin~~ed in any sum
8 punished by a fine of not less than Fifty Dollars (\$50.00) nor more
9 than Five Hundred Dollars (\$500.00), or by ~~confinement~~ imprisonment
10 in the county jail for not less than thirty (30) days nor more than
11 six (6) months, or by both such fine and imprisonment. For purposes
12 of this section, "posted" means ~~exhibiting~~:

13 1. Exhibiting signs to read as follows: "PROPERTY RESTRICTED";
14 "POSTED - KEEP OUT"; "KEEP OUT"; "NO TRESPASSING"; or similar signs
15 which are displayed. ~~Property that is fenced or not fenced must~~ All
16 property shall have such signs placed conspicuously and at all
17 places where entry to the property is normally expected; or

18 2. Placing purple paint marks on posts on the property,
19 provided that the marks are:

- 20 a. vertical lines at least one (1) inch in width and at
21 least eight (8) inches in length,
- 22 b. placed so that the bottom of the mark is not less than
23 three (3) feet from the ground or more than five (5)
24 feet from the ground, and

1 c. placed at locations that are readily visible to any
2 person approaching the property and no more than one
3 thousand (1,000) feet apart on land other than forest,
4 and one hundred (100) feet apart on forest land.

5 B. Beginning November 1, 2021, when a landowner uses the purple
6 posting to indicate no trespassing, such marks shall be accompanied
7 by signs placed conspicuously and at all places where entry to the
8 property is normally expected explaining that the purple stripe
9 means no trespassing, property restricted, or similar explanation of
10 what the purple stripe indicates. On and after November 1, 2022, no
11 sign shall be required to explain the purple posting.

12 C. No provisions of this ~~act~~ section shall be construed to
13 conflict with Section 5-202 or 6-304 of Title 29 of the Oklahoma
14 Statutes.

15 ~~C.~~ D. Whoever shall willfully enter the pecan grove of another
16 without the prior consent of the owner or occupant thereof to so do
17 shall be deemed guilty of trespass and upon conviction thereof shall
18 be ~~fin~~ed in any sum punished by a fine of not to exceed more than
19 Twenty-five Dollars (\$25.00); provided, that anyone who willfully
20 enters any such pecan grove and therein commits or attempts to
21 commit waste, theft, or damage shall be deemed guilty of a
22 misdemeanor and upon conviction thereof shall be ~~fin~~ed in any sum
23 punished by a fine of not more than Five Hundred Dollars (\$500.00),
24 or by ~~confinement~~ imprisonment in the county jail for not less than

1 ~~thirty (30) days nor more than six (6) months, or by both such fine~~
2 and imprisonment.

3 ~~D.~~ E. Whoever shall willfully or maliciously enter upon
4 property owned or managed by the Grand River Dam Authority without
5 permission when such property is posted shall be deemed guilty of
6 misdemeanor trespass and upon conviction ~~thereof~~ shall be ~~fin~~
7 ~~any sum~~ punished by a fine of not to exceed more than Two Hundred
8 Fifty Dollars (\$250.00); provided, that this provision shall not
9 apply to registered land surveyors and registered professional
10 engineers for the purpose of land surveying in the performance of
11 their professional services; and, provided further, that anyone who
12 willfully or maliciously enters upon property owned or managed by
13 the Grand River Dam Authority without permission and therein commits
14 or attempts to commit waste, theft, or damage shall be deemed guilty
15 of misdemeanor trespass, and upon conviction ~~thereof~~ shall be ~~fin~~
16 ~~in any sum~~ punished by a fine of not less than Fifty Dollars
17 (\$50.00) nor more than Five Hundred Dollars (\$500.00), or by
18 ~~confinement~~ imprisonment in the county jail for not less than thirty
19 (30) days nor more than six (6) months, or by both such fine and
20 imprisonment. For purposes of this ~~section~~ subsection, "posted"
21 ~~means exhibiting signs to read as follows: "PROPERTY RESTRICTED";~~
22 ~~"POSTED - KEEP OUT"; "KEEP OUT"; "NO TRESPASSING"; or similar signs~~
23 ~~which are displayed. Property that is fenced or not fenced must~~
24 ~~have such signs placed conspicuously and at all places where entry~~

1 ~~to the property is normally expected~~ shall be defined as provided
2 for in subsection A of this section.

3 ~~E. F.~~ Notwithstanding the provisions of this section, the
4 Governor's Mansion and its grounds and appurtenances shall not be
5 required to be posted with signs warning against trespass. Any
6 person who shall willfully or maliciously enter the grounds of the
7 Governor's Mansion within the State Capitol Park, as defined in
8 Section 1811.4 of Title 74 of the Oklahoma Statutes, except at a
9 place where entry to the property is normally expected shall be
10 deemed guilty of a misdemeanor and upon conviction shall be ~~fin~~
11 ~~a sum~~ punished by a fine of not more than Five Hundred Dollars
12 (\$500.00), or by ~~confinement~~ imprisonment in the county jail for not
13 less than thirty (30) days nor more than six (6) months, or by both
14 such fine and imprisonment.

15 SECTION 2. This act shall become effective November 1, 2021.

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17 COMMITTEE REPORT BY: COMMITTEE ON AGRICULTURE AND RURAL DEVELOPMENT,
18 dated 02/23/2021 - DO PASS.

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