

1 **SENATE FLOOR VERSION**

2 April 5, 2021

3 COMMITTEE SUBSTITUTE
4 FOR ENGROSSED
5 HOUSE BILL NO. 1135

By: Fetgatter of the House

and

Taylor of the Senate

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9 An Act relating to trespassing; amending 21 O.S.
10 2011, Section 1835, which relates to the penalty for
11 trespassing after being forbidden; modifying
12 statutory language; providing certain exceptions;
13 providing for allowances; providing for criminal
14 offense; providing for penalty; deleting certain
15 definition; and providing an effective date.

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

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

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

1 registered land surveyors and registered professional engineers for
2 the purpose of land surveying in the performance of their
3 professional services; and, provided further, that anyone who
4 willfully or maliciously enters any such garden, yard, pasture or
5 field, and therein commits or attempts to commit waste, theft, or
6 damage shall be deemed guilty of a misdemeanor and upon conviction
7 thereof shall be fined ~~in any sum~~ not less than Fifty Dollars
8 (\$50.00) nor more than Five Hundred Dollars (\$500.00), or by
9 confinement in the county jail for not less than thirty (30) days
10 nor more than six (6) months, or both such fine and imprisonment.
11 ~~For purposes of this section, "posted" means exhibiting signs to~~
12 ~~read as follows: "PROPERTY RESTRICTED"; "POSTED - KEEP OUT"; "KEEP~~
13 ~~OUT"; "NO TRESPASSING"; or similar signs which are displayed.~~
14 ~~Property that is fenced or not fenced must have such signs placed~~
15 ~~conspicuously and at all places where entry to the property is~~
16 ~~normally expected.~~

17 1. This provision shall not apply to:

- 18 a. peace officers as defined in Section 99 of this title,
19 b. federal, state or local government employees engaged
20 in the performance of their duties,
21 c. firefighters, emergency medical personnel or public
22 utility employees engaged in addressing an emergency
23 that presents an imminent danger to health, safety or
24 the environment in the performance of their duties, or

1 d. parties engaged in oil and gas operations, which shall
2 include, without limitation, exploration, drilling,
3 production and sales activities, under authority of
4 mineral ownership, an oil and gas ease, seismic
5 agreement or permit, gas gathering, purchase,
6 transportation or treating contracts, Corporation
7 Commission or other lawful authority from persons
8 entitled to give the same;

9 2. The provisions of this section shall not prohibit:

10 a. railroad employees and emergency equipment from
11 entering such land to restore rail service following
12 an accident, derailment or natural disaster,

13 b. the entrance of utility employees or contractors while
14 acting in the scope of their employment, or

15 c. employees or contractors of valid easement or license
16 holders while acting in the scope of their employment;

17 3. The following persons may enter such land of another unless
18 forbidden to do so, either orally or in writing, by the owner or
19 lawful occupier thereof:

20 a. registered land surveyors and registered professional
21 engineers for the purpose of land surveying in the
22 performance of their professional services,

1 b. persons making a delivery, selling a product or
2 service, conducting a survey or poll, working on
3 behalf of a candidate for political office, or

4 c. persons who have a legitimate reason for entering and
5 who, immediately upon entering, seek to conduct
6 business.

7 B. Anyone who willfully or maliciously enters any such land of
8 another and commits or attempts to commit waste, theft or damage
9 shall be deemed guilty of a misdemeanor, and upon conviction, shall
10 be punished by imprisonment in the county jail for a term of not
11 less than thirty (30) days nor more than six (6) months, by a fine
12 of not less than Fifty Dollars (\$50.00) nor more than Five Hundred
13 Dollars (\$500.00), or by both such fine and imprisonment.

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

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

1 punished by a fine of not more than Five Hundred Dollars (\$500.00),
2 or by ~~confinement~~ imprisonment in the county jail for not ~~less than~~
3 ~~thirty (30) days nor~~ more than six (6) months, or by both such fine
4 and imprisonment.

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

1 ~~are displayed. Property that is fenced or not fenced must have such~~
2 ~~signs placed conspicuously and at all places where entry to the~~
3 ~~property is normally expected.~~

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

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

17 COMMITTEE REPORT BY: COMMITTEE ON PUBLIC SAFETY
18 April 5, 2021 - DO PASS AS AMENDED
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