

1 STATE OF OKLAHOMA

2 1st Session of the 58th Legislature (2021)

3 HOUSE BILL 1135

By: Fetgatter

4  
5  
6 AS INTRODUCED

7 An Act relating to crimes and punishments; amending  
8 21 O.S. 2011, Section 1835, which relates to trespass  
9 without permission; expanding scope of certain  
10 definition; describing method for posting with purple  
11 paint marks; specifying requirements for posting;  
12 requiring specific signage until certain date;  
13 clarifying construing provision; updating penalty  
14 provisions; modifying certain definition; and  
15 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, as defined by this  
23 subsection, shall be deemed guilty of trespass and upon conviction  
24 ~~thereof shall be fined in any sum~~ punished by a fine of not to  
~~exceed more than~~ Two Hundred Fifty Dollars (\$250.00); provided, that  
this provision shall not apply to registered land surveyors and

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

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

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

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

24

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 ~~fined 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 ~~fined 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.

16

17 58-1-5052 GRS 11/18/20

18

19

20

21

22

23

24