

1 **HOUSE OF REPRESENTATIVES - FLOOR VERSION**

2 STATE OF OKLAHOMA

3 2nd Session of the 59th Legislature (2024)

4 COMMITTEE SUBSTITUTE  
5 FOR ENGROSSED  
6 SENATE BILL NO. 1994

By: Standridge, Bullard,  
Hamilton, and Jett of the  
Senate

7 and

8 Ford, **O'Donnell**, and  
9 **Worthen** of the House

10  
11 COMMITTEE SUBSTITUTE

12 An Act relating to unlawful occupation of property;  
13 authorizing property owners or their authorized  
14 agents to request assistance from the sheriff from  
15 where the property is located for the immediate  
16 removal of unauthorized occupants under certain  
17 conditions; requiring such owners or agents to submit  
18 completed and verified complaints; specifying  
19 requirements for complaints; providing requirements  
20 for the sheriff; authorizing sheriffs to arrest  
21 unauthorized occupants for legal cause; providing fee  
22 for service of such notice; authorizing owners or  
23 agents to request that sheriffs stand by while the  
24 owner or agent takes possession of the property;  
authorizing sheriffs to charge a reasonable hourly  
rate; exempting sheriffs from liability to any party  
for loss, destruction, or damage; exempting property  
owners or agents from liability to any party for the  
loss, destruction, or damage to personal property  
unless it was wrongfully removed; providing civil  
remedies; providing criminal penalties for certain  
persons who cause intentional damages to the  
property; providing criminal penalties for persons  
who present false documents purporting to be valid  
lease agreements, deeds, or other instruments  
conveying real property rights; prohibiting use of

1 act to circumvent rights or laws governing the  
2 landlord tenant relationship; providing for  
3 codification; and declaring an emergency.

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

5 SECTION 1. NEW LAW A new section of law to be codified  
6 in the Oklahoma Statutes as Section 1354 of Title 21, unless there  
7 is created a duplication in numbering, reads as follows:

8 A. A property owner or his or her authorized agent may request  
9 from the sheriff of the county in which the property is located the  
10 immediate removal of a person or persons unlawfully occupying real  
11 property pursuant to this section if all of the following conditions  
12 are met:

13 1. The requesting person is the property owner or authorized  
14 agent of the property owner;

15 2. An unauthorized person or persons have unlawfully entered  
16 and remain or continue to reside on the property owner's property;

17 3. The real property was not open to members of the public at  
18 the time the unauthorized person or persons entered;

19 4. The property owner or their agent has directed the  
20 unauthorized persons to leave the property;

21 5. The unauthorized person or persons are not current or former  
22 tenants pursuant to a written or oral rental agreement authorized by  
23 the property owner;

1       6. The unauthorized person cannot produce documentation,  
2 correspondence, or identification cards sent or issued by a  
3 government agency, including, but not limited to, Service Oklahoma  
4 or the Election Board, which show that the person used the property  
5 address as an address of record with the agency within the previous  
6 twelve (12) months;

7       7. The unauthorized person cannot produce a lease signed by the  
8 property owner or their agent;

9       8. The unauthorized person or persons are not immediate family  
10 members of the property owner; and

11       9. There is no pending litigation related to the real property  
12 between the property owner and any known unauthorized person.

13       B. To request the immediate removal of an unlawful occupant of  
14 a residential dwelling, the property owner or his or her authorized  
15 agent must submit a complaint by presenting a completed and verified  
16 Complaint to Remove Persons Unlawfully Occupying Residential Real  
17 Property form to the sheriff of the county in which the real  
18 property is located. The submitted complaint must be in  
19 substantially the following form:

20       COMPLAINT TO REMOVE PERSONS UNLAWFULLY OCCUPYING  
21       REAL PROPERTY

22       I, the owner or authorized agent of the owner of the real  
23 property located at \_\_\_\_\_, declare under the penalty of  
24 perjury that (initial each box):

- 1           1.       \_\_\_\_\_ I am the owner of the real property or the authorized  
2 agent of the owner of the real property.
- 3           2.       \_\_\_\_\_ I purchased the property on \_\_\_\_\_.
- 4           3.       \_\_\_\_\_ An unauthorized person or persons have unlawfully  
5 entered and are remaining or residing unlawfully on the real  
6 property.
- 7           4.       \_\_\_\_\_ The real property was not open to members of the  
8 public at the time the unauthorized person or persons entered.
- 9           5.       \_\_\_\_\_ I have directed the unauthorized person or persons to  
10 leave the real property, but they have not done so.
- 11          6.       \_\_\_\_\_ The person or persons are not current or former  
12 tenants pursuant to any valid lease authorized by the property  
13 owner, and any lease that may be produced by an occupant is  
14 fraudulent.
- 15          7.       \_\_\_\_\_ The unauthorized person or persons sought to be  
16 removed are not an owner or a co-owner of the property and have not  
17 been listed on the title to the property unless the person or  
18 persons have engaged in title fraud.
- 19          8.       \_\_\_\_\_ The unauthorized person or persons are not immediate  
20 family members of the property owner.
- 21          9.       \_\_\_\_\_ There is no litigation related to the real property  
22 pending between the property owner and any person sought to be  
23 removed.
- 24

1        10. \_\_\_\_\_ I understand that a person or persons removed from  
2 the property pursuant to this procedure may bring a cause of action  
3 against me for any false statements made in this complaint, or for  
4 wrongfully using this procedure, and that as a result of such action  
5 I may be held liable for actual damages, penalties, costs, and  
6 reasonable attorney fees.

7        11. \_\_\_\_\_ I am requesting the sheriff to immediately remove the  
8 unauthorized person or persons from the property.

9        12. \_\_\_\_\_ A copy of my valid government-issued identification  
10 is attached, or I am an agent of the property owner, and documents  
11 evidencing my authority to act on the property owner's behalf are  
12 attached.

13        I ACKNOWLEDGE AND UNDERSTAND THAT MAKING OR CAUSING TO BE MADE A  
14 FALSE STATEMENT IN THIS AFFIDAVIT MAY SUBJECT ME TO CRIMINAL  
15 PROSECUTION FOR PERJURY AND/OR BEING LIABLE FOR ACTUAL DAMAGES  
16 SUFFERED OR INCURRED BY ANY PERSON OR OTHER ENTITY AS A RESULT OR  
17 CONSEQUENCE OF THE MAKING OF OR RELIANCE UPON SUCH FALSE STATEMENT.

18        \_\_\_\_\_ (Signature of Property Owner or  
19 Agent of Owner)

20        C. Upon receipt of the complaint, the sheriff shall verify that  
21 the person submitting the complaint is the record owner of the real  
22 property or the authorized agent of the owner and appears otherwise  
23 entitled to relief under this section. If verified, the sheriff  
24 must, without unnecessary delay, serve a notice to immediately

1 vacate on all the unlawful occupants and shall put the owner in  
2 possession of the real property. Service may be accomplished by  
3 hand delivery of the notice to an occupant or by posting the notice  
4 on the front door or at a conspicuous location on the property. The  
5 sheriff shall also attempt to verify the identities of all persons  
6 occupying the property and note the identities on the return of  
7 service. If appropriate, the sheriff may arrest any person found on  
8 the property for trespass, outstanding warrants, or any other legal  
9 cause.

10 D. The sheriff is entitled to the same fee for service of the  
11 notice to immediately vacate as if the sheriff were serving a writ  
12 of execution under Section 1148.10 of Title 12 of the Oklahoma  
13 Statutes. After the sheriff serves the notice to immediately  
14 vacate, the property owner or authorized agent may request that the  
15 sheriff stand by to keep the peace while the property owner or agent  
16 of the owner changes the locks and removes the personal property of  
17 the unlawful occupants from the premises. When such a request is  
18 made, the sheriff may charge a reasonable hourly rate, and the  
19 person requesting the sheriff to stand by and keep the peace is  
20 responsible for paying the reasonable hourly rate set by the  
21 sheriff. The sheriff is not liable to the unlawful occupant or any  
22 other party for loss, destruction, or damage of property. The  
23 property owner or his or her authorized agent is not liable to an  
24

1 unlawful occupant or any other party for the loss, destruction, or  
2 damage to the personal property unless the removal was wrongful.

3 E. A person may bring a civil cause of action for wrongful  
4 removal against the person who requested such removal under this  
5 section. A person harmed by a wrongful removal under this section  
6 may be restored to possession of the real property and may recover  
7 actual costs and damages incurred, statutory damages equal to triple  
8 the fair market rent of the dwelling, court costs, and reasonable  
9 attorney fees.

10 F. This section does not limit the rights of a property owner  
11 or limit the authority of a law enforcement officer to arrest an  
12 unlawful occupant for trespassing, vandalism, theft, or other  
13 crimes.

14 SECTION 2. NEW LAW A new section of law to be codified  
15 in the Oklahoma Statutes as Section 1355 of Title 21, unless there  
16 is created a duplication in numbering, reads as follows:

17 A person who unlawfully detains or occupies or trespasses upon a  
18 property and who intentionally damages the dwelling causing One  
19 Thousand Dollars (\$1,000.00) or more and is removed from the  
20 property pursuant to this act shall, upon conviction, be guilty of a  
21 felony punishable by imprisonment in the custody of the Department  
22 of Corrections for a term not exceeding three (3) years or by a fine  
23 not exceeding Ten Thousand Dollars (\$10,000.00), or both such fine  
24 and imprisonment.

1 SECTION 3. NEW LAW A new section of law to be codified  
2 in the Oklahoma Statutes as Section 1356 of Title 21, unless there  
3 is created a duplication in numbering, reads as follows:

4 Any person who, with the intent to detain or remain upon real  
5 property, knowingly and willfully presents to another person a false  
6 document purporting to be a valid lease agreement, deed, or other  
7 instrument conveying real property rights upon conviction is guilty  
8 of a misdemeanor punishable by imprisonment in the county jail not  
9 exceeding one (1) year or by a fine not exceeding One Thousand  
10 Dollars (\$1,000.00), or both such fine and imprisonment.

11 SECTION 4. NEW LAW A new section of law to be codified  
12 in the Oklahoma Statutes as Section 1357 of Title 21, unless there  
13 is created a duplication in numbering, reads as follows:

14 This act shall not be used to circumvent any rights or laws  
15 governing the landlord tenant relationship as provided in Title 41  
16 of the Oklahoma Statutes.

17 SECTION 5. It being immediately necessary for the preservation  
18 of the public peace, health or safety, an emergency is hereby  
19 declared to exist, by reason whereof this act shall take effect and  
20 be in full force from and after its passage and approval.

21  
22 COMMITTEE REPORT BY: COMMITTEE ON JUDICIARY - CRIMINAL, dated  
23 04/03/2024 - DO PASS, As Amended and Coauthored.

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