

SHORT TITLE: Crimes and punishments; trespass on certain property; effective date.

STATE OF OKLAHOMA

2nd Session of the 44th Legislature (1994)  
SENATE BILL NO. 1039

By: Hooper

AS INTRODUCED

An Act relating to trespass; amending 21 O.S. 1991, Section 1835, which relates to trespass on posted property; prohibiting trespass on college or university public and private property; stating penalty; providing exception; providing additional penalty for trespass with certain damage or attempted damage to property; modifying references; and providing an effective date.

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

SECTION 1. AMENDATORY 21 O.S. 1991, Section 1835, is amended to read as follows:

Section 1835. A. Whoever shall willfully or maliciously enter or remain upon any public or private property owned or leased by any college or university or in any area or structure of such property when such entrance or remaining is plainly forbidden by signs, markings or otherwise, whether or not said property is enclosed, shall be deemed guilty of trespass, and upon conviction, shall be punished by a fine of not more than Two Hundred Fifty Dollars (\$250.00). However, this provision shall not apply to persons entering by authority of federal or state law or local ordinance or with the consent of the college or university administration. Whoever willfully or maliciously enters or remains upon any such property and therein commits or attempts to commit waste, theft or damage to such property shall be deemed guilty of a misdemeanor, and upon conviction, shall be punished by a fine of not less than Fifty Dollars (\$50.00) nor more than Five Hundred Dollars (\$500.00), or by imprisonment in the county jail for not less than thirty (30) days nor more than six (6) months, or by both such fine and imprisonment.

B. Whoever shall willfully or maliciously enter the garden, yard, pasture or field of another after being expressly forbidden to do so or without permission by the owner or lawful occupant thereof when such property is posted shall be deemed guilty of trespass and, upon conviction, ~~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 registered professional engineers for the purpose of land surveying in the performance of their professional services; and, provided further, that anyone who willfully or maliciously enters any such garden, yard, pasture or field, and therein commits or attempts to commit waste, theft, or damage to such property shall be deemed guilty of a misdemeanor and, upon conviction, ~~thereof shall be fined in any sum~~ punished by a fine of not less than Fifty Dollars (\$50.00) nor more than Five Hundred Dollars (\$500.00), or by ~~confinement~~ imprisonment in the county jail for not less than thirty (30) days nor more than six (6) months, or by both such fine and imprisonment. For purposes of this section, "posted" means exhibiting signs to read as follows: "PROPERTY RESTRICTED"; "POSTED - KEEP OUT"; "KEEP OUT"; "NO TRESPASSING"; or similar signs which are displayed. Property that is fenced or not fenced must have such signs placed conspicuously and at all places where entry to the property is normally expected.

~~B.~~ C. No provisions of this act shall conflict with Section 5-202 or 6-304 of Title 29 of the Oklahoma Statutes.

~~C.~~ D. Whoever shall willfully enter the pecan grove of another without the prior consent of the owner or occupant thereof to so do shall be deemed guilty of trespass and, upon conviction, ~~thereof shall be fined in any sum~~ punished by a fine of not to exceed more than Twenty-five Dollars (\$25.00); provided, that anyone who willfully enters any such pecan grove and therein commits or attempts to commit waste, theft, or damage to such property shall be deemed guilty of a misdemeanor and, upon conviction, ~~thereof shall be fined in any sum~~ punished by a fine of not more than Five Hundred Dollars (\$500.00), or by ~~confinement~~

imprisonment in the county jail for not less than thirty (30) days nor more than six (6) months, or by both such fine and imprisonment.

SECTION 2. This act shall become effective September 1, 1994.

44-2-1648

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