

ENGROSSED HOUSE
BILL NO. 1065

By: Satterfield, Perry,
Wells and Adair of the
House

and

Herbert of the Senate

An Act relating to crimes and punishments;
prohibiting certain conduct in regards to railroad
property; providing penalties; excepting certain
individuals; defining term; providing for
codification; and declaring an emergency.

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

SECTION 1. NEW LAW A new section of law to be codified
in the Oklahoma Statutes as Section 1752.1 of Title 21, unless there
is created a duplication in numbering, reads as follows:

A. Any person shall be guilty of a misdemeanor if the person:

1. Without consent of the owner or the owner's agent, enters or
remains on railroad property, knowing that it is railroad property;

2. Throws an object at a train, or rail-mounted work equipment;

or

3. Maliciously or wantonly causes in any manner the derailment
of a train, railroad car or rail-mounted work equipment.

B. Any person shall be guilty of a felony if the person commits
an offense specified in subsection A of this section which results
in a demonstrable monetary loss, damage or destruction of railroad

property when said loss is valued at more than One Thousand Five Hundred Dollars (\$1,500.00) or results in bodily injury to a person. Any person shall be guilty of a felony if the person discharges a firearm or weapon at a train, or rail-mounted work equipment.

C. Any person violating the misdemeanor provisions of this section shall be deemed guilty of a misdemeanor and upon conviction shall be punished by imprisonment in the county jail not exceeding one (1) year or by a fine not exceeding One Thousand Dollars (\$1,000.00), or both such fine and imprisonment. Any person violating the felony provisions of this section shall be deemed guilty of a felony, and upon conviction shall be punished by imprisonment in the penitentiary not exceeding four (4) years or not less than one (1) year. If personal injury results, such person shall be punished by imprisonment in the penitentiary for not less than four (4) years.

D. Subsection A of this section shall not be construed to interfere with the lawful use of a public or private crossing.

E. Nothing in this section shall be construed as limiting a representative of a labor organization which represents or is seeking to represent the employees of the railroad, from conducting such business as provided under the Railway Labor Act (45 U.S.C. Section 151, et seq.).

F. As used in this section "railroad property" includes, but is not limited to, any train, locomotive, railroad car, caboose, rail-mounted work equipment, rolling stock, work equipment, safety device, switch, electronic signal, microwave communication equipment, connection, railroad track, rail, bridge, trestle, right-of-way or other property that is owned, leased, operated or possessed by a railroad.

SECTION 2. It being immediately necessary for the preservation of the public peace, health and safety, an emergency is hereby

declared to exist, by reason whereof this act shall take effect and be in full force from and after its passage and approval.

Passed the House of Representatives the 7th day of March, 1995.

Speaker of the House of
Representatives

Passed the Senate the ____ day of _____, 1995.

President of the Senate