

STATE OF OKLAHOMA

1st Session of the 45th Legislature (1995)

HOUSE BILL NO. 1979

By: Fields

AS INTRODUCED

An Act relating to timber; amending 23 O.S. 1991, Section 72, which relates to wrongful injuries to timber, and 21 O.S. 1991, Section 1768, which relates to malicious injury to freehold; clarifying language; and providing an effective date.

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

SECTION 1. AMENDATORY 23 O.S. 1991, Section 72, is amended to read as follows:

Section 72. For wrongful injuries to timber, trees or underwood upon the land of another, or removal thereof, the measure of damages is three times such a sum as would compensate for the actual detriment, ~~except where the~~ unless:

1. The trespass was casual and involuntary, ~~or committed;~~
2. Committed under the belief that the land belonged to the trespasser, ~~or where the;~~ or
3. The wood was taken by the authority of highway officers for the purposes of a highway, in which case the damages are a sum equal to the actual detriment.

SECTION 2. AMENDATORY 21 O.S. 1991, Section 1768, is amended to read as follows:

Section 1768. Any person ~~is guilty of a misdemeanor~~ who willfully commits any trespass by either:

1. Cutting down or destroying any kind of wood or timber, standing or growing upon the lands of another; or, driving or riding through, into, or across any cultivated hedge or tree row, or any grove of ornamental trees or orchard of fruit trees growing upon the land of another, or in any other manner injuring the same; ~~or~~

2. Carrying away any kind of wood or timber that has been cut down, and is lying on such lands; ~~or~~

3. Maliciously severing from the freehold any produce thereof, or anything attached thereto; ~~or~~

4. Digging, taking, or carrying away from any lot situated within the bounds of any incorporated city, without the license of the owner, or legal occupant thereof, any earth, soil or stone, being a part of the freehold, or severed therefrom at some previous time, under such circumstances as would render the trespass a larceny, if the thing so severed or carried away were personal property; ~~or~~

5. Digging, taking, or carrying away from any land in any incorporated city or town of this state, laid down on the map or plan of said city or town as a street or avenue, or otherwise established or recognized as a street or avenue, without the license of the mayor and common council or other governing body of such city or town, or owner of the fee thereof, any earth, soil or stone under such circumstances as would render the trespass a larceny, if the thing so severed or carried away were personal property; ~~or~~
upon conviction thereof, is guilty of a misdemeanor.

SECTION 3. This act shall become effective November 1, 1995.

45-1-5413

KSM