

SHORT TITLE: Trespass; prohibiting trespass on public and private college and university property when posted; stating penalty; effective date.

STATE OF OKLAHOMA

1st Session of the 45th Legislature (1995)

SENATE BILL NO. 271

By: Helton

AS INTRODUCED

An Act relating to trespass; amending 21 O.S. 1991, Section 1835, which relates to trespass on posted property; modifying language and references; prohibiting trespass on public and private college and university property when posted; stating penalty; providing exceptions; providing additional penalty for trespass with waste, theft or damage or disruption of business; 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. 1. Any person who willfully and maliciously enters or remains upon any property owned or leased by any public or private college or university, including any structure or building erected upon the property and any area of the property, whether or not the area is enclosed or open, when entrance or remaining is plainly restricted by markings or signs posted on the property; or any person who willfully refuses to leave any area, structure or building, after having been contacted and notified by either a

verbal or written command from any law enforcement officer or official representative of the college or university, shall be guilty of trespass punishable by a fine of not more than Two Hundred Fifty Dollars (\$250.00). The provisions of this paragraph shall not apply to any person entering property of the college or university by authority of federal or state law or local ordinance or with the consent of the administration of the college or university.

2. Any person who, in violation of any provision of paragraph 1 of this subsection, commits or attempts to commit waste, theft or damage to the property or who willfully and knowingly disrupts the activities or business of the college or university, shall be guilty of a misdemeanor, upon conviction, punishable by a fine of not less than Fifty Dollars (\$50.00) nor more than Five Hundred Dollars (\$500.00), or by imprisonment 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 ~~fin~~ 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 ~~fin~~ 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 November 1, 1995.

45-1-0701

NP