

1 THE STATE SENATE
2 Tuesday, February 23, 1999

3 Senate Bill No. 592

4 SENATE BILL NO. 592 - By: MILACEK of the Senate and FIELDS of the
5 House.

6 An Act relating to trespass; amending 21 O.S. 1991, Section
7 1835, which relates to trespass; modifying language; adding
8 method for posting against trespassers; specifying
9 requirements for certain posting; requiring explanatory
10 signs until certain date; clarifying application of certain
11 offense; providing an effective date; and declaring an
12 emergency.

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

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

16 Section 1835. A. Whoever shall willfully or maliciously enter
17 the garden, yard, pasture or field of another after being expressly
18 forbidden to do so or without permission by the owner or lawful
19 occupant thereof when such property is posted as defined by this
20 subsection shall be deemed guilty of trespass and upon conviction
21 ~~thereof shall be fined in any sum not to exceed~~ punished by a fine
22 of not more than Two Hundred Fifty Dollars (\$250.00); provided, that
23 this provision shall not apply to registered land surveyors and
24 registered professional engineers for the purpose of land surveying
25 in the performance of their professional services; and, provided
26 further, that anyone who willfully or maliciously enters any such
27 garden, yard, pasture or field, and therein commits or attempts to

1 commit waste, theft, or damage shall be deemed guilty of a
2 misdemeanor and upon conviction thereof shall be ~~fin~~~~ed in any sum~~
3 punished by a fine of not less than Fifty Dollars (\$50.00) nor more
4 than Five Hundred Dollars (\$500.00), or by ~~confinement~~ imprisonment
5 in the county jail for a term not less than thirty (30) days nor
6 more than six (6) months, or by both such fine and imprisonment.

7 For purposes of this section, "posted" means ~~exhibiting~~:

8 1. Exhibiting signs to read as follows: "PROPERTY RESTRICTED";
9 "POSTED - KEEP OUT"; "KEEP OUT"; "NO TRESPASSING"; or similar signs
10 which are displayed. Property that is fenced or not fenced must
11 have such signs placed conspicuously and at all places where entry
12 to the property is normally expected; or

13 2. Placing superfluous purple paint marks on trees or posts on
14 the property, provided that the marks are:

- 15 a. vertical lines at least one (1) inch in width and at
16 least eight (8) inches in length,
17 b. placed so that the bottom of the mark is not less than
18 three (3) feet from the ground or more than five (5)
19 feet from the ground, and
20 c. placed at locations that are readily visible to any
21 person approaching the property and no more than one
22 thousand (1,000) feet apart on land other than forest,
23 and one hundred (100) feet apart on forest land.

1 B. Beginning July 1, 1999, when a land owner uses the purple
2 posting to identify no trespassing, such marks must be accompanied
3 by signs placed conspicuously and at all places where entry to the
4 property is normally expected explaining that the purple stripe
5 means no trespassing, property restricted, or similar explanation of
6 what the purple stripe indicates. Property that is fenced or not
7 fenced and using the purple paint marks must have such signs placed
8 conspicuously and at all places where entry to the property is
9 normally expected. On and after July 1, 2001, no sign shall be
10 required to explain the purple posting.

11 ~~B.~~ C. No provisions of this act shall conflict with Section
12 5-202 or 6-304 of Title 29 of the Oklahoma Statutes.

13 ~~C.~~ D. Whoever shall willfully enter the pecan grove of another
14 without the prior consent of the owner or occupant thereof to so do
15 shall be deemed guilty of trespass and upon conviction ~~thereof~~ shall
16 be ~~fin~~ punished by a fine not more than
17 Twenty-five Dollars (\$25.00); provided, that anyone who willfully
18 enters any such pecan grove and therein commits or attempts to
19 commit waste, theft, or damage shall be deemed guilty of a
20 misdemeanor and upon conviction thereof shall be ~~fin~~
21 punished by a fine of not more than Five Hundred Dollars (\$500.00),
22 or by ~~confinement~~ imprisonment in the county jail for a term not
23 ~~less than thirty (30) days nor~~ more than six (6) months, or by both

1 such fine and imprisonment. The provisions of this section shall
2 apply whether or not the pecan grove is posted.

3 SECTION 2. This act shall become effective July 1, 1999.

4 SECTION 3. It being immediately necessary for the preservation
5 of the public peace, health and safety, an emergency is hereby
6 declared to exist, by reason whereof this act shall take effect and
7 be in full force from and after its passage and approval.

8 COMMITTEE REPORT BY: COMMITTEE ON APPROPRIATIONS, dated 2-17-99 - DO
9 PASS, As Coauthored.