STATE OF OKLAHOMA

1st Session of the 50th Legislature (2005)

COMMITTEE SUBSTITUTE
FOR
SENATE BILL 430 By: Anderson

COMMITTEE SUBSTITUTE

An Act relating to trespass; amending 21 O.S. 2001, Section 1835, which relates to trespass without permission; modifying language; adding method for posting against trespassers; specifying requirements for certain posting; requiring explanation signs until certain date; clarifying application of certain offense; providing an effective date; and declaring an emergency.

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

SECTION 1. AMENDATORY 21 O.S. 2001, Section 1835, is amended to read as follows:

Section 1835. A. 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, as defined by this subsection, shall be deemed guilty of trespass and upon conviction ~~thereof~~ shall be ~~fined in any sum not to exceed Two Hundred Fifty Dollars ($250.00)~~ punished by a fine of not more than One Hundred Dollars ($100.00); 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 shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not less than Fifty Dollars

($50.00) nor more than Five Hundred Dollars ($500.00), or by confinement 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~~:

1. 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; or

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

a. vertical lines at least one (1) inch in width and at least eight (8) inches in length,

b. placed so that the bottom of the mark is not less than three (3) feet from the ground or more than five (5) feet from the ground, and

c. placed at locations that are readily visible to any person approaching the property and no more than one thousand (1,000) feet apart on land other than forest, and one hundred (100) feet apart on forest land.

B. Beginning July 1, 2005, when a landowner uses the purple posting to identify no trespassing, such marks must be accompanied by signs placed conspicuously and at all places where entry to the property is normally expected, explaining that the purple stripe means no trespassing, property restricted, or similar explanation of what the purple stripe indicates. Property that is fenced or not fenced and using the purple paint marks must have such signs placed conspicuously and at all places where entry to the property is normally expected. On and after July 1, 2006, no sign shall be required to explain the purple posting.

C. No provisions of this ~~act~~ section shall be construed to 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 not to exceed~~ punished by a fine of not 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 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 a term not ~~less than thirty (30) days nor~~ more than six (6) months, or by both such fine and imprisonment.

~~D.~~ E. Whoever shall willfully or maliciously enter upon property owned or managed by the Grand River Dam Authority without permission when such property is posted shall be deemed guilty of misdemeanor trespass and upon conviction ~~thereof~~ shall be ~~fined in any sum not to exceed Two Hundred Fifty Dollars ($250.00)~~ punished by a fine of not more than One Hundred Dollars ($100.00); 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 upon property owned or managed by the Grand River Dam Authority without permission and therein commits or attempts to commit waste, theft, or damage shall be deemed guilty of misdemeanor trespass, 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 a term 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~~ shall be defined as provided in subsection A of this section.

SECTION 2. This act shall become effective July 1, 2005.

SECTION 3. 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.

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