ENGROSSED HOUSE
BILL NO. 1341

By: Jackson, Walker, Covey, McCarter, Nance, Armes, DeWitt, Piatt and Roggow of the House

and

Anderson of the Senate

An Act relating to crimes and punishments; amending 21 O.S. 2001, Section 1835, which relates to trespass on posted property; increasing fine; adding method for posting against trespass; specifying requirements for certain posting; requiring explanatory signs until certain date; clarifying application of certain offense; and providing an effective date.

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 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)~~ Five Hundred Dollars ($500.00); 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 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 conspicuous 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 forest land.

B. Beginning July 1, 2005, when a landowner uses the purple posting to identify a no-trespassing area, those marks shall 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 shall have signs placed conspicuously and at all places where entry to the property is normally expected. On and after July 1, 2007, no sign shall be required to explain the purple posting.

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 not to exceed 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 not 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. The provisions of this section shall apply whether or not the pecan grove is posted.

~~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); 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 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 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.

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

Passed the House of Representatives the 24th day of February, 2005.

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Presiding Officer of the House of Representatives

Passed the Senate the ____ day of _____, 2005.

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Presiding Officer of the Senate