

SENATE CHAMBER

STATE OF OKLAHOMA

DISPOSITION BY SENATE

FLOOR AMENDMENT

No. _____

(Date)

Mr./Madame President:

I move to amend House Bill No. 2984, Page 8, Line 13 1/2, as follows:

By inserting a new section to read as follows, by renumbering subsequent sections, and by amending the title to conform:

SECTION 4. AMENDATORY 21 O.S. 2001, Section 1835, is amended to read as follows:

Section 21-1835. A. ~~Except as otherwise provided by law, whoever~~ Whoever shall willfully or maliciously enter the ~~garden, yard, pasture or field~~ property 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); ~~provided, that this~~ This provision shall not apply to peace officers as defined in Section 99 of this title, fire fighters and emergency medical personnel, or any federal, state, or local government employees or public utility employees engaged in addressing an emergency that presents an imminent danger to health, safety, or the environment, in the performance of their duties.

B. The following persons may enter the property of another unless forbidden to do so, either orally or in writing, by the owner or lawful occupier thereof: registered land surveyors and registered professional engineers for the purpose of land surveying in the performance of their professional services; utility employees or contractors while acting in the scope of their employment; persons in the sole process of retrieving their domestic livestock or other animals; persons making a delivery, selling a product or service, conducting a survey or poll, working on behalf of a candidate for political office, or who otherwise have a legitimate reason for entering and who, immediately upon entering, seek to conduct said business. ; and, provided further, that anyone

C. Anyone who willfully or maliciously enters any such ~~property~~ 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 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.D. No provisions of this act shall ~~conflict with~~ prohibit acts that are permitted pursuant to Section 5-202 or 6-304 of Title 29 of the Oklahoma Statutes.

~~C. 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.~~

~~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.

F. It shall be an affirmative defense to prosecution under this section that the accused had express or implied permission or legal authority to be on the property.

And renumbering subsequent sections.

Submitted by:

Senator Lawler

Senator Lawler-JK-FA-HB2984
6/13/2015 2:42 AM