

CS for SB 430

THE STATE SENATE
Thursday, February 10, 2005

Committee Substitute for
Senate Bill No. 430

COMMITTEE SUBSTITUTE FOR SENATE BILL NO. 430 - By: ANDERSON of the Senate and WALKER of the House.

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 ~~fin~~ed 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

1 professional services; and, provided further, that anyone who
2 willfully or maliciously enters any such garden, yard, pasture or
3 field, and therein commits or attempts to commit waste, theft, or
4 damage shall be deemed guilty of a misdemeanor and upon conviction
5 thereof shall be fined in any sum not less than Fifty Dollars
6 (\$50.00) nor more than Five Hundred Dollars (\$500.00), or by
7 confinement in the county jail for not less than thirty (30) days
8 nor more than six (6) months, or by both such fine and imprisonment.
9 For purposes of this section, "posted" means ~~exhibiting~~:

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

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

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

1 thousand (1,000) feet apart on land other than forest,
2 and one hundred (100) feet apart on forest land.

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

13 C. No provisions of this ~~act~~ section shall be construed to
14 conflict with Section 5-202 or 6-304 of Title 29 of the Oklahoma
15 Statutes.

16 ~~E.~~ D. Whoever shall willfully enter the pecan grove of another
17 without the prior consent of the owner or occupant thereof to so do
18 shall be deemed guilty of trespass and upon conviction thereof shall
19 be fined in any sum not to exceed punished by a fine of not more
20 than Twenty-five Dollars (\$25.00); provided, that anyone who
21 willfully enters any such pecan grove and therein commits or
22 attempts to commit waste, theft, or damage shall be deemed guilty of
23 a misdemeanor and upon conviction thereof shall be fined in any sum

1 punished by a fine of not more than Five Hundred Dollars (\$500.00),
2 or by ~~confinement~~ imprisonment in the county jail for a term not
3 ~~less than thirty (30) days nor~~ more than six (6) months, or by both
4 such fine and imprisonment.

5 ~~D.~~ E. Whoever shall willfully or maliciously enter upon
6 property owned or managed by the Grand River Dam Authority without
7 permission when such property is posted shall be deemed guilty of
8 misdemeanor trespass and upon conviction ~~thereof~~ shall be ~~fin~~ed ~~in~~
9 ~~any sum not to exceed Two Hundred Fifty Dollars (\$250.00)~~ punished
10 by a fine of not more than One Hundred Dollars (\$100.00); provided,
11 that this provision shall not apply to registered land surveyors and
12 registered professional engineers for the purpose of land surveying
13 in the performance of their professional services; and, provided
14 further, that anyone who willfully or maliciously enters upon
15 property owned or managed by the Grand River Dam Authority without
16 permission and therein commits or attempts to commit waste, theft,
17 or damage shall be deemed guilty of misdemeanor trespass, and upon
18 conviction ~~thereof~~ shall be ~~fin~~ed ~~in any sum~~ punished by a fine of
19 not less than Fifty Dollars (\$50.00) nor more than Five Hundred
20 Dollars (\$500.00), or by ~~confinement~~ imprisonment in the county jail
21 for a term not less than thirty (30) days nor more than six (6)
22 months, or by both such fine and imprisonment. For purposes of this
23 section, "posted" ~~means exhibiting signs to read as follows:~~

1 ~~"PROPERTY RESTRICTED"; "POSTED - KEEP OUT"; "KEEP OUT"; "NO~~
2 ~~TRESPASSING"; or similar signs which are displayed. Property that~~
3 ~~is fenced or not fenced must have such signs placed conspicuously~~
4 ~~and at all places where entry to the property is normally expected~~
5 shall be defined as provided in subsection A of this section.

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

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

11 COMMITTEE REPORT BY: COMMITTEE ON AGRICULTURE & RURAL DEVELOPMENT,
12 dated 2-8-05 - DO PASS, As Amended and Coauthored.