

OKLAHOMA STATE SENATE  
STANDING  
COMMITTEE REPORT

April 2, 2008

COMMITTEE ON RULES

HB 2547

By: Richardson et al of the House and Schulz of the Senate

Title: Crimes and punishments; relating to trespassing on certain private land; prohibiting hunting and fishing.

Co-Authored By:

Recommendation: **DO PASS AS AMENDED**

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Senator Sean Burrage, Co-Chair

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Senator Mike Schulz, Co-Chair

Amendments:

1. Page 4, line 4½ , by inserting a new Section 2.

“SECTION 2. AMENDATORY 23 O.S. 2001, Section 72, is amended to read as follows:

Section 72. A. For wrongful injuries to timber, crops or livestock upon the land of another, or removal thereof, the measure of damages is not less than three (3) times nor more than ten (10) times such a sum as would compensate for the actual detriment, unless:

1. The trespass was casual and involuntary;
  2. Committed under the belief that the timber or land belonged to the trespasser;
- or

3. The timber was taken by the authority of highway officers for the purposes of a highway, in which case the damages are a sum equal to the actual detriment.
- B. The prevailing party shall be entitled to costs and attorneys fees.
- C. For purposes of this section, the term "timber" shall be defined as the term is defined by Section 1301-102 of Title 2 of the Oklahoma Statutes.
- D. For purposes of this section, the term "crops" shall be defined as the term is defined by Section 5-104 of Title 2 of the Oklahoma Statutes.
- E. For purposes of this section, the term "livestock" shall be defined as the term is defined by Section 1-3 of Title 2 of the Oklahoma Statutes."

2. By amending the title to conform as follows:

"An Act relating to crime and punishments; amending Section 4, Chapter 268, O.S.L. 2006 (21 O.S. Supp. 2007, Section 1835.2), which relates to trespassing upon certain private land; modifying penalties; prohibiting hunting or fishing on certain lands devoted to certain activities; amending 23 O.S. 2001, Section 72, which relates to damages; specifying damages for wrongful injuries to crops and livestock; and defining terms."