

1 ENGROSSED SENATE
2 BILL NO. 2111

By: Sparks and Schulz of the
Senate

3 and

4 Shannon of the House
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7 An Act relating to crimes and punishments; amending
8 Section 4, Chapter 268, O.S.L. 2006 (21 O.S. Supp.
9 2007, Section 1835.2), which relates to trespass upon
10 private land; providing additional penalties for
11 trespass on certain land; requiring certain
12 restitution; providing additional penalties for
13 certain damaging acts on certain land; requiring
14 certain restitution; and providing an effective date.

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

16 SECTION 1. AMENDATORY Section 4, Chapter 268, O.S.L.
17 2006 (21 O.S. Supp. 2007, Section 1835.2), is amended to read as
18 follows:

19 Section 1835.2 A. Notwithstanding the provisions of Section
20 1835 of Title 21 of the Oklahoma Statutes, the following provisions
21 apply to private land that is primarily devoted to farming,
22 ranching, or forestry purposes:

23 1. Except as provided in this section, whoever willfully enters
24 private land of another that is primarily devoted to farming,
ranching, or forestry purposes without permission by the owner or
lawful occupant thereof shall be deemed guilty of trespass and, upon

1 conviction thereof, shall be fined in any sum not to exceed Two
2 Hundred Fifty Dollars (\$250.00), and in addition, the court shall
3 order restitution for actual damages incurred. Persons convicted of
4 a second or subsequent offense under this paragraph shall be guilty
5 of a misdemeanor and shall be punished by a fine in any sum not less
6 than Five Hundred Dollars (\$500.00) nor more than One Thousand
7 Dollars (\$1,000.00), or by confinement in the county jail for not
8 less than thirty (30) days nor more than six (6) months, or by both
9 such fine and imprisonment, and in addition, the court shall order
10 restitution for actual damages incurred;

11 2. This provision shall not apply to peace officers as defined
12 in Section 99 of Title 21 of the Oklahoma Statutes or any federal,
13 state, or local government employees engaged in the performance of
14 their duties, or to any firefighters, emergency medical personnel,
15 or public utility employees engaged in addressing an emergency that
16 presents an imminent danger to health, safety, or the environment in
17 the performance of their duties, or to parties engaged in oil and
18 gas operations, which shall include, without limitation,
19 exploration, drilling, production and sales activities, under
20 authority of mineral ownership, an oil and gas lease, seismic
21 agreement or permit, gas gathering, purchase, transportation, or
22 treating contracts, Corporation Commission order, or other lawful
23 authority from persons entitled to give the same. The provisions of
24 this section shall not prohibit railroad employees and emergency

1 equipment from entering such land to restore rail service following
2 an accident, derailment or natural disaster; nor the entrance of
3 utility employees or contractors while acting in the scope of their
4 employment; nor employees or contractors of valid easement or
5 license holders while acting in the scope of their employment;

6 3. The following persons may enter such land of another unless
7 forbidden to do so, either orally or in writing, by the owner or
8 lawful occupier thereof: registered land surveyors and registered
9 professional engineers for the purpose of land surveying in the
10 performance of their professional services; persons in the sole
11 process of retrieving their domestic livestock or other animals;
12 persons making a delivery, selling a product or service, conducting
13 a survey or poll, working on behalf of a candidate for political
14 office, or who otherwise have a legitimate reason for entering and
15 who, immediately upon entering, seek to conduct said business; and

16 4. Anyone who willfully or maliciously enters any such land of
17 another and therein commits or attempts to commit waste, theft, or
18 damage shall be deemed guilty of a misdemeanor and, upon conviction
19 thereof, shall be fined in any sum not less than Fifty Dollars
20 (\$50.00) nor more than Five Hundred Dollars (\$500.00), or by
21 confinement in the county jail for not less than thirty (30) days
22 nor more than six (6) months, or both such fine and imprisonment,
23 and in addition, the court shall order restitution for actual
24 damages incurred. Persons convicted of a second or subsequent

1 offense under this paragraph shall be guilty of a misdemeanor and
2 shall be punished by a fine in any sum not less than Seven Hundred
3 Dollars (\$700.00) nor more than One Thousand Five Hundred Dollars
4 (\$1,500.00), or by confinement in the county jail for not less than
5 thirty (30) days nor more than six (6) months, or by both such fine
6 and imprisonment, and in addition, the court shall order restitution
7 for actual damages.

8 B. This section shall not be construed to prohibit acts that
9 are permitted pursuant to Section 5-202 or 6-304 of Title 29 of the
10 Oklahoma Statutes.

11 C. It shall be an affirmative defense to prosecution under
12 paragraph 1 of subsection A of this section that the accused had
13 express or implied permission or legal authority to be on the
14 property.

15 SECTION 2. This act shall become effective November 1, 2008.
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