

EHB 2547

THE STATE SENATE
Monday, April 7, 2008

ENGROSSED

House Bill No. 2547

As Amended

ENGROSSED HOUSE BILL NO. 2547 - By: Richardson, DeWitt, McMullen and
Sears of the House and Schulz of the Senate.

An Act relating to crimes 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; and 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.**

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

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

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

1. ~~Except as provided in this section, whoever~~ Whoever
willfully enters 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

1 and, upon conviction thereof, shall be ~~fin~~ed in any sum subject to a
2 fine of not to exceed Two Hundred Fifty Dollars (\$250.00) less than
3 Five Hundred Dollars (\$500.00), and if the person has a hunting or
4 fishing license, the court may, in its discretion, require that the
5 person forfeit such license for a period not to exceed one (1) year;

6 2. This provision shall not apply to peace officers as defined
7 in Section 99 of ~~Title 21 of the Oklahoma Statutes~~ this title or any
8 federal, state, or local government employees engaged in the
9 performance of their duties, or to any firefighters, emergency
10 medical personnel, or public utility employees engaged in addressing
11 an emergency that presents an imminent danger to health, safety, or
12 the environment in the performance of their duties, or to parties
13 engaged in oil and gas operations, which shall include, without
14 limitation, exploration, drilling, production and sales activities,
15 under authority of mineral ownership, an oil and gas lease, seismic
16 agreement or permit, gas gathering, purchase, transportation, or
17 treating contracts, Corporation Commission order, or other lawful
18 authority from persons entitled to give the same. The provisions of
19 this section shall not prohibit railroad employees and emergency
20 equipment from entering such land to restore rail service following
21 an accident, derailment or natural disaster; nor the entrance of
22 utility employees or contractors while acting in the scope of their

1 employment; nor employees or contractors of valid easement or
2 license holders while acting in the scope of their employment;

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

13 4. Anyone who willfully or maliciously enters any such land of
14 another and therein commits or attempts to commit waste, theft, or
15 damage shall be deemed guilty of a misdemeanor and, upon conviction
16 thereof, shall be ~~fined in any sum~~ subject to a fine of not less
17 ~~than Fifty Dollars (\$50.00) nor more than Five Hundred Dollars~~
18 ~~(\$500.00)~~, or by confinement in the county jail for not less than
19 thirty (30) days nor more than six (6) months, or both such fine and
20 imprisonment.

21 B. ~~This section shall not be construed to prohibit acts that~~
22 ~~are permitted pursuant to Section 5-202 or 6-304 of Title 29 of the~~
23 ~~Oklahoma Statutes~~ Hunting or fishing without permission is hereby

1 prohibited on land that is primarily devoted to farming, ranching,
2 or forestry purposes without the requirement to post such land.

3 C. It shall be an affirmative defense to prosecution under
4 paragraph 1 of subsection A of this section that the accused had
5 express or implied permission or legal authority to be on the
6 property.

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

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

14 1. The trespass was casual and involuntary;

15 2. Committed under the belief that the timber or land belonged
16 to the trespasser; or

17 3. The timber was taken by the authority of highway officers
18 for the purposes of a highway,
19 in which case the damages are a sum equal to the actual detriment.

20 B. The prevailing party shall be entitled to costs and
21 attorneys fees.

1 C. For purposes of this section, the term "timber" shall be
2 defined as the term is defined by Section 1301-102 of Title 2 of the
3 Oklahoma Statutes.

4 D. For purposes of this section, the term "crops" shall be
5 defined as the term is defined by Section 5-104 of Title 2 of the
6 Oklahoma Statutes.

7 E. For purposes of this section, the term "livestock" shall be
8 defined as the term is defined by Section 1-3 of Title 2 of the
9 Oklahoma Statutes.

10 COMMITTEE REPORT BY: COMMITTEE ON RULES, dated 4-2-08 - DO PASS, As
11 Amended.