

1 THE STATE SENATE  
2 Tuesday, February 19, 2008

3 Senate Bill No. 2111

4 SENATE BILL NO. 2111 - By: SPARKS of the Senate and SHANNON of the  
5 House.

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

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

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

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

22 1. Except as provided in this section, whoever willfully enters  
23 private land of another that is primarily devoted to farming,  
24 ranching, or forestry purposes without permission by the owner or  
25 lawful occupant thereof shall be deemed guilty of trespass and, upon  
26 conviction thereof, shall be fined in any sum not to exceed Two  
27 Hundred Fifty Dollars (\$250.00), and in addition, the court shall

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

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

1 an accident, derailment or natural disaster; nor the entrance of  
2 utility employees or contractors while acting in the scope of their  
3 employment; nor employees or contractors of valid easement or  
4 license holders while acting in the scope of their employment;

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

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

16 COMMITTEE REPORT BY: COMMITTEE ON AGRICULTURE & RURAL DEVELOPMENT,  
17 dated 2-18-08 - DO PASS, As Coauthored.