

1 STATE OF OKLAHOMA

2 2nd Session of the 51st Legislature (2008)

3 HOUSE BILL 2547

By: Richardson

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5
6 AS INTRODUCED

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 trespassing
10 upon certain private land; modifying penalties;
11 modifying list of persons who may enter land under
12 certain circumstances; prohibiting hunting or fishing
13 on certain lands devoted to certain activities; and
14 declaring an emergency.

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~~ this title, the following
21 provisions apply to private land that is primarily devoted to
22 farming, ranching, or forestry purposes:

23 1. ~~Except as provided in this section, whoever~~ Whoever
24 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
23 employment; nor employees or contractors of valid easement or
24 license holders while acting in the scope of their employment;

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

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

19 B. ~~This section shall not be construed to prohibit acts that~~
20 ~~are permitted pursuant to Section 5-202 or 6-304 of Title 29 of the~~
21 ~~Oklahoma Statutes~~ Hunting or fishing without permission is hereby
22 prohibited on land that is primarily devoted to farming, ranching,
23 or forestry purposes without the requirement to post such land.
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1 C. It shall be an affirmative defense to prosecution under
2 paragraph 1 of subsection A of this section that the accused had
3 express or implied permission or legal authority to be on the
4 property.

5 SECTION 2. It being immediately necessary for the preservation
6 of the public peace, health and safety, an emergency is hereby
7 declared to exist, by reason whereof this act shall take effect and
8 be in full force from and after its passage and approval.

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