

1 STATE OF OKLAHOMA

2 1st Session of the 52nd Legislature (2009)

3 COMMITTEE SUBSTITUTE  
4 FOR ENGROSSED  
5 SENATE BILL NO. 1035

By: Sparks of the Senate

and

6 Armes of the House

7  
8  
9 COMMITTEE SUBSTITUTE

10 ( crimes and punishments - penalties -

11 effective date )

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13  
14 SECTION 1. AMENDATORY Section 4, Chapter 268, O.S.L.

15 2006, as amended by Section 1, Chapter 85, O.S.L. 2008 (21 O.S.  
16 Supp. 2008, Section 1835.2), is amended to read as follows:

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

21 1. Except as provided in this section, whoever willfully enters  
22 private land of another that is primarily devoted to farming,  
23 ranching, or forestry purposes without permission by the owner or  
24 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)~~ One Thousand Five Hundred Dollars  
3 (\$1,500.00), and in addition, the court shall order restitution for  
4 actual damages incurred. Persons convicted of a second or  
5 subsequent offense under this paragraph shall be guilty of a  
6 misdemeanor and shall be punished by a fine in any sum not less than  
7 ~~Five Hundred Dollars (\$500.00)~~ One Thousand Five Hundred Dollars  
8 (\$1,500.00) nor more than ~~One Thousand Dollars (\$1,000.00)~~ Two  
9 Thousand Five Hundred Dollars (\$2,500.00), or by confinement in the  
10 county jail for not less than thirty (30) days nor more than six (6)  
11 months, or by both such fine and imprisonment, and in addition, the  
12 court shall order restitution for actual damages incurred;

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

1 authority from persons entitled to give the same. The provisions of  
2 this section shall not prohibit railroad employees and emergency  
3 equipment from entering such land to restore rail service following  
4 an accident, derailment or natural disaster; nor the entrance of  
5 utility employees or contractors while acting in the scope of their  
6 employment; nor employees or contractors of valid easement or  
7 license holders while acting in the scope of their employment;

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

18 4. Anyone who willfully or maliciously enters any such land of  
19 another and therein commits or attempts to commit waste, theft, or  
20 damage shall be deemed guilty of a misdemeanor and, upon conviction  
21 thereof, shall be fined in any sum not less than ~~Fifty Dollars~~  
22 ~~(\$50.00)~~ Two Hundred Fifty Dollars (\$250.00) nor more than Five  
23 Hundred Dollars (\$500.00), or by confinement in the county jail for  
24 not less than thirty (30) days nor more than six (6) months, or both

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

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

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

17 SECTION 2. This act shall become effective November 1, 2009.

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19 52-1-7778 GRS 04/13/09

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