

THE HOUSE OF REPRESENTATIVES  
Tuesday, April 14, 2009

Committee Substitute for  
ENGROSSED  
Senate Bill No. 1035

COMMITTEE SUBSTITUTE FOR ENGROSSED SENATE BILL NO. 1035 - By:  
SPARKS of the Senate and ARMES of the House.

( crimes and punishments – penalties -  
effective date )

1 SECTION 1. AMENDATORY Section 4, Chapter 268, O.S.L. 2006, as amended  
2 by Section 1, Chapter 85, O.S.L. 2008 (21 O.S. Supp. 2008, Section 1835.2), is amended to  
3 read as follows:

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

7 1. Except as provided in this section, whoever willfully enters private land of  
8 another that is primarily devoted to farming, ranching, or forestry purposes without  
9 permission by the owner or lawful occupant thereof shall be deemed guilty of trespass  
10 and, upon conviction thereof, shall be fined in any sum not to exceed ~~Two Hundred Fifty~~  
11 ~~Dollars (\$250.00)~~ One Thousand Five Hundred Dollars (\$1,500.00), and in addition, the  
12 court shall order restitution for actual damages incurred. Persons convicted of a second

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

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

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

9           4. Anyone who willfully or maliciously enters any such land of another and therein  
10 commits or attempts to commit waste, theft, or damage shall be deemed guilty of a  
11 misdemeanor and, upon conviction thereof, shall be fined in any sum not less than ~~Fifty~~  
12 ~~Dollars (\$50.00)~~ Two Hundred Fifty Dollars (\$250.00) nor more than Five Hundred  
13 Dollars (\$500.00), or by confinement in the county jail for not less than thirty (30) days  
14 nor more than six (6) months, or both such fine and imprisonment, and in addition, the  
15 court shall order restitution for actual damages incurred. Persons convicted of a second  
16 or subsequent offense under this paragraph shall be guilty of a misdemeanor and shall  
17 be punished by a fine in any sum not less than Seven Hundred Dollars (\$700.00) nor  
18 more than One Thousand Five Hundred Dollars (\$1,500.00), or by confinement in the  
19 county jail for not less than thirty (30) days nor more than six (6) months, or by both  
20 such fine and imprisonment, and in addition, the court shall order restitution for actual  
21 damages.

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

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

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

7 COMMITTEE REPORT BY: COMMITTEE ON APPROPRIATIONS AND BUDGET,  
8 dated 04-13-09 - DO PASS, As Amended.