

SB 453

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THE STATE SENATE
Monday, February 23, 2009

Senate Bill No. 453
As Amended

SENATE BILL NO. 453 - By: Schulz of the Senate and Schwartz of the House.

[damages - wrongful injuries - crops and livestock - effective date]

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

SECTION 1. AMENDATORY 23 O.S. 2001, Section 72, is amended to read as follows:

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

- 1. The trespass was casual and involuntary;
- 2. Committed under the belief that the timber, crops, livestock, or land belonged to the trespasser; or
- 3. The timber was taken by the authority of highway officers for the purposes of a highway, in which case the damages are a sum equal to the actual detriment.

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

1 C. For purposes of this section, ~~the term "timber":~~
2 1. "Timber" shall be defined as the term is defined by Section
3 1301-102 of Title 2 of the Oklahoma Statutes.
4 2. "Crops" shall be defined as the term is defined by Section
5 5-104 of Title 2 of the Oklahoma Statutes; and
6 3. "Livestock" shall be defined as the term is defined by
7 Section 1-3 of Title 2 of the Oklahoma Statutes.

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

9 COMMITTEE REPORT BY: COMMITTEE ON JUDICIARY, dated 2-17-09 - DO
10 PASS, As Amended and Coauthored.