

1 ENGROSSED HOUSE  
2 BILL NO. 1249

By: Rousselot and Hickman of  
the House

3 and

4 David of the Senate  
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8 An Act relating to crimes and punishments; amending  
9 Section 4, Chapter 268, O.S.L. 2006, as last amended  
10 by Section 2, Chapter 458, O.S.L. 2009 (21 O.S. Supp.  
11 2010, Section 1835.2), which relates to property  
rights; removing exception for retrieving domestic  
livestock or other animals on another's land; and  
providing an effective date.

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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, as last amended by Section 2, Chapter 458, O.S.L. 2009 (21  
17 O.S. Supp. 2010, Section 1835.2), is amended to read as follows:

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

1 lawful occupant thereof shall be deemed guilty of trespass and, upon  
2 conviction thereof, shall be fined in any sum not less than Five  
3 Hundred Dollars (\$500.00) nor more than One Thousand Five Hundred  
4 Dollars (\$1,500.00), and in addition, the court shall order  
5 restitution for actual damages incurred. Persons convicted of a  
6 second or subsequent offense under this paragraph shall be guilty of  
7 a misdemeanor and shall be punished by a fine in any sum not less  
8 than One Thousand Five Hundred Dollars (\$1,500.00) nor more than 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 this title or any federal, state, or local  
15 government employees engaged in the performance of their duties, or  
16 to any firefighters, emergency medical personnel, or public utility  
17 employees engaged in addressing an emergency that presents an  
18 imminent danger to health, safety, or the environment in the  
19 performance of their duties, or to parties engaged in oil and gas  
20 operations, which shall include, without limitation, exploration,  
21 drilling, production and sales activities, under authority of  
22 mineral ownership, an oil and gas lease, seismic agreement or  
23 permit, gas gathering, purchase, transportation, or treating  
24 contracts, Corporation Commission order, or other lawful authority

1 from persons entitled to give the same. The provisions of this  
2 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 such 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 Two Hundred Fifty  
22 Dollars (\$250.00) nor more than Five Hundred Dollars (\$500.00), or  
23 by confinement in the county jail for not less than thirty (30) days  
24 nor more than six (6) months, or by both such fine and imprisonment,

1 and in addition, the court shall order restitution for actual  
2 damages incurred. Persons convicted of a second or subsequent  
3 offense under this paragraph shall be guilty of a misdemeanor and  
4 shall be punished by a fine in any sum not less than Seven Hundred  
5 Dollars (\$700.00) nor more than One Thousand Five Hundred Dollars  
6 (\$1,500.00), or by confinement in the county jail for not less than  
7 thirty (30) days nor more than six (6) months, or by both such fine  
8 and imprisonment, and in addition, the court shall order restitution  
9 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. 1. 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 2. If an accused reasonably believed he or she was upon  
18 property for which they had permission to be upon, it shall be an  
19 affirmative defense to prosecution under paragraph 1 of subsection A  
20 of this section that the accused had with him or her, on his or her  
21 person, written permission from the owner or lawful occupant to be  
22 upon such person's land while the accused was upon any adjoining  
23 property. This defense shall not be available to the accused if:  
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