

1 Section 1835.2 A. Notwithstanding the provisions of Section
2 1835 of this title, the following provisions apply to private land
3 that is primarily devoted to farming, ranching, or forestry
4 purposes:

5 1. Except as provided in this section, whoever willfully enters
6 private land of another that is primarily devoted to farming,
7 ranching, or forestry purposes without permission by the surface
8 owner, surface lessee, hunting lessee, or lawful occupant thereof
9 shall be deemed guilty of trespass and, upon conviction thereof,
10 shall be fined in any sum not less than Five Hundred Dollars
11 (\$500.00) nor more than One Thousand Five Hundred Dollars
12 (\$1,500.00), and in addition, the court shall order restitution for
13 actual damages incurred. Persons convicted of a second or
14 subsequent offense under this paragraph shall be guilty of a
15 misdemeanor and shall be punished by a fine in any sum not less than
16 One Thousand Five Hundred Dollars (\$1,500.00) nor more than Two
17 Thousand Five Hundred Dollars (\$2,500.00), or by confinement in the
18 county jail for not less than thirty (30) days nor more than six (6)
19 months, or by both such fine and imprisonment, and in addition, the
20 court shall order restitution for actual damages incurred;

21 2. This provision shall not apply to peace officers as defined
22 in Section 99 of this title or any federal, state, or local
23 government employees engaged in the performance of their duties, or
24 to any firefighters, emergency medical personnel, or public utility

1 employees engaged in addressing an emergency that presents an
2 imminent danger to health, safety, or the environment in the
3 performance of their duties, or to parties engaged in oil and gas
4 operations, which shall include, without limitation, exploration,
5 drilling, production and sales activities, under authority of
6 mineral ownership, an oil and gas lease, seismic agreement or
7 permit, gas gathering, purchase, transportation, or treating
8 contracts, Corporation Commission order, or other lawful authority
9 from persons entitled to give the same. The provisions of this
10 section shall not prohibit railroad employees and emergency
11 equipment from entering such land to restore rail service following
12 an accident, derailment or natural disaster; nor the entrance of
13 utility employees or contractors while acting in the scope of their
14 employment; nor employees or contractors of valid easement or
15 license holders while acting in the scope of their employment;

16 3. The following persons may enter such land of another unless
17 forbidden to do so, either orally or in writing, by the owner or
18 lawful occupier thereof: registered land surveyors and registered
19 professional engineers for the purpose of land surveying in the
20 performance of their professional services; persons in the sole
21 process of retrieving their domestic livestock or other animals;
22 persons making a delivery, selling a product or service, conducting
23 a survey or poll, working on behalf of a candidate for political

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1 office, or who otherwise have a legitimate reason for entering and
2 who, immediately upon entering, seek to conduct such business; and

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

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.

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

3 2. If an accused reasonably believed he or she was upon
4 property for which they had permission to be upon, it shall be an
5 affirmative defense to prosecution under paragraph 1 of subsection A
6 of this section that the accused had with him or her, on his or her
7 person, written permission from the surface owner, surface lessee,
8 hunting lessee, or lawful occupant to be upon such person's land
9 while the accused was upon any adjoining property. This defense
10 shall not be available to the accused if:

11 a. the accused has previously pled guilty, nolo
12 contendere, or has been convicted of any act of
13 trespass or has been found civilly liable of any act
14 of trespass, or

15 b. the accused, while the accused was upon the adjoining
16 property, does not have with him or her, on his or her
17 person, the written permission specified in this
18 paragraph.

19 SECTION 2. AMENDATORY 29 O.S. 2001, Section 5-204, is
20 amended to read as follows:

21 Section 5-204. A. No person may hunt, pursue game or discharge
22 firearms within four hundred and forty (440) yards of any church,
23 schoolhouse, or other public place where people may assemble, so as
24 to disturb such assemblage.

1 B. No person may shoot from or across a public road or highway
2 or right-of-way thereof, or railroad right-of-way.

3 C. Any person convicted of violating the provisions of this
4 section shall be punished by a fine of not less than ~~Twenty five~~
5 ~~Dollars (\$25.00)~~ Five Hundred Dollars (\$500.00) nor more than ~~Three~~
6 ~~Hundred Dollars (\$300.00)~~ One Thousand Five Hundred Dollars
7 (\$1,500.00). Persons convicted of a second or subsequent offense
8 under this section shall be punished by a fine of not less than One
9 Thousand Five Hundred Dollars (\$1,500.00) nor more than Two Thousand
10 Five Hundred Dollars (\$2,500.00), or by imprisonment in the county
11 jail for thirty (30) days, or by both imprisonment and fine.

12 D. The provisions of this section shall not apply to any peace
13 officer in the performance of their duties.

14 SECTION 3. AMENDATORY Section 2, Chapter 63, O.S.L.
15 2008, as amended by Section 1, Chapter 266, O.S.L. 2009 (29 O.S.
16 Supp. 2010, Section 7-209), is amended to read as follows:

17 Section 7-209. A. Any person who willfully enters a facility
18 licensed pursuant to the Oklahoma Farmed Cervidae Act or a
19 commercial hunting area licensed pursuant to Section 4-106 of this
20 title without permission by the owner shall be deemed guilty of
21 trespass and, upon conviction thereof, shall be fined in any sum not
22 to exceed Two Hundred Fifty Dollars (\$250.00).

23 B. Any person who willfully enters a facility licensed pursuant
24 to the Oklahoma Farmed Cervidae Act or a big game commercial hunting

UNDERLINED language denotes Amendments to present Statutes.
BOLD FACE CAPITALIZED language denotes Committee Amendments.
~~Strike thru~~ language denotes deletion from present Statutes.

1 area licensed pursuant to Section 4-106 of this title or willfully
2 shoots from or across a public road, highway or railroad right-of-
3 way onto the facility or big game commercial hunting area and hunts,
4 takes or attempts to take a cervidae or wildlife without permission
5 by the owner shall be deemed guilty of a misdemeanor and, upon
6 conviction thereof, shall be punished by a fine of not less than Two
7 Thousand Five Hundred Dollars (\$2,500.00) nor more than Ten Thousand
8 Dollars (\$10,000.00) or by imprisonment in the county jail not to
9 exceed sixty (60) days, or by both such fine and imprisonment, and
10 in addition, the court shall order restitution for actual damages
11 incurred. For purposes of this subsection, "actual damages"
12 includes, but is not limited to, damages to real or personal
13 property wherein the person willfully entering a licensed facility
14 hunts, shoots, shoots at, kills, attempts to kill, disturbs, hazes,
15 takes, or attempts to take any personal property of the owner
16 without permission from the owner.

17 SECTION 4. This act shall become effective November 1, 2011.

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19 COMMITTEE REPORT BY: COMMITTEE ON JUDICIARY, dated 04-05-2011 - DO
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