

1 STATE OF OKLAHOMA

2 1st Session of the 53rd Legislature (2011)

3 SENATE BILL 285

By: David

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6 AS INTRODUCED

7 An Act relating to trespass; amending 21 O.S. 2001,
8 Section 1835, which relates to offenses against
9 property rights; specifying sign posting requirements
10 for certain building; creating crime against certain
11 trespass; providing penalty; creating crime for types
12 of trespass and conduct; providing penalties; stating
jurisdiction; defining term; providing for
codification; and providing an effective date.

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

14 SECTION 1. AMENDATORY 21 O.S. 2001, Section 1835, is
15 amended to read as follows:

16 Section 1835. A. Whoever shall willfully or maliciously enter
17 the garden, yard, pasture or field of another after being expressly
18 forbidden to do so or without permission by the owner or lawful
19 occupant thereof when such property is posted shall be deemed guilty
20 of trespass and upon conviction thereof shall be fined in any sum
21 not to exceed Two Hundred Fifty Dollars (\$250.00); provided, that
22 this provision shall not apply to registered land surveyors and
23 registered professional engineers for the purpose of land surveying
24 in the performance of their professional services; and, provided

1 further, that anyone who willfully or maliciously enters any such
2 garden, yard, pasture or field, and therein commits or attempts to
3 commit waste, theft, or damage shall be deemed guilty of a
4 misdemeanor and upon conviction thereof shall be fined in any sum
5 not less than Fifty Dollars (\$50.00) nor more than Five Hundred
6 Dollars (\$500.00), or by confinement in the county jail for not less
7 than thirty (30) days nor more than six (6) months, or both such
8 fine and imprisonment. For purposes of this section, "posted" means
9 exhibiting signs to read as follows: "PROPERTY RESTRICTED"; "POSTED
10 - KEEP OUT"; "KEEP OUT"; "NO TRESPASSING"; or similar signs which
11 are displayed. Property that is fenced or not fenced must have such
12 signs placed conspicuously and at all places where entry to the
13 property is normally expected.

14 B. No provisions of this act shall conflict with Section 5-202
15 or 6-304 of Title 29 of the Oklahoma Statutes.

16 C. Whoever shall willfully enter the pecan grove of another
17 without the prior consent of the owner or occupant thereof to so do
18 shall be deemed guilty of trespass and upon conviction thereof shall
19 be fined in any sum not to exceed Twenty-five Dollars (\$25.00);
20 provided, that anyone who willfully enters any such pecan grove and
21 therein commits or attempts to commit waste, theft, or damage shall
22 be deemed guilty of a misdemeanor and upon conviction thereof shall
23 be fined in any sum not more than Five Hundred Dollars (\$500.00), or
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1 by confinement in the county jail for not less than thirty (30) days
2 nor more than six (6) months, or by both such fine and imprisonment.

3 D. Whoever shall willfully or maliciously enter upon property
4 owned or managed by the Grand River Dam Authority without permission
5 when such property is posted shall be deemed guilty of misdemeanor
6 trespass and upon conviction thereof shall be fined in any sum not
7 to exceed Two Hundred Fifty Dollars (\$250.00); provided, that this
8 provision shall not apply to registered land surveyors and
9 registered professional engineers for the purpose of land surveying
10 in the performance of their professional services; and, provided
11 further, that anyone who willfully or maliciously enters upon
12 property owned or managed by the Grand River Dam Authority without
13 permission and therein commits or attempts to commit waste, theft,
14 or damage shall be deemed guilty of misdemeanor trespass, and upon
15 conviction thereof shall be fined in any sum not less than Fifty
16 Dollars (\$50.00) nor more than Five Hundred Dollars (\$500.00), or by
17 confinement in the county jail for not less than thirty (30) days
18 nor more than six (6) months, or both such fine and imprisonment.
19 For purposes of this section, "posted" means exhibiting signs to
20 read as follows: "PROPERTY RESTRICTED"; "POSTED - KEEP OUT"; "KEEP
21 OUT"; "NO TRESPASSING"; or similar signs which are displayed.
22 Property that is fenced or not fenced must have such signs placed
23 conspicuously and at all places where entry to the property is
24 normally expected.

1 E. Notwithstanding the provisions of this section, the
2 Governor's Mansion and its grounds and appurtenances shall not be
3 required to be posted with signs warning against trespass. Any
4 person who shall willfully or maliciously enter the grounds of the
5 Governor's Mansion within the State Capitol Park, as defined in
6 Section 1811.4 of Title 74 of the Oklahoma Statutes, except at a
7 place where entry to the property is normally expected shall be
8 deemed guilty of a misdemeanor and upon conviction shall be fined in
9 a sum not more than Five Hundred Dollars (\$500.00), or by
10 confinement in the county jail for not less than thirty (30) days
11 nor more than six (6) months, or by both fine and imprisonment.

12 SECTION 2. NEW LAW A new section of law to be codified
13 in the Oklahoma Statutes as Section 282 of Title 21, unless there is
14 created a duplication in numbering, reads as follows:

15 A. It shall be unlawful for any person or group of persons to:

16 1. Willfully and knowingly enter or remain in any posted,
17 cordoned off, or otherwise restricted area of a building or grounds
18 where the Governor, any member of the immediate family of the
19 Governor, the Lieutenant Governor, or other state official being
20 provided protection by the Department of Public Safety is or will be
21 temporarily visiting;

22 2. Willfully and knowingly enter or remain in any posted,
23 cordoned off, or otherwise restricted area of a building or grounds
24 the use of which is restricted in conjunction with an event

1 designated as a special event of national or state significance;

2 3. Willfully and knowingly, enter with the intent to impede or
3 to disrupt the orderly conduct of government business or official
4 functions in or within close proximity to any building or grounds,
5 as described in paragraph 1 or 2 of this subsection, or to engage in
6 disorderly or disruptive conduct in or within close proximity to any
7 building or grounds, as described in paragraph 1 or 2 of this
8 subsection, which results in the impeding or disruption of the
9 orderly conduct of government business or official functions;

10 4. Willfully and knowingly obstruct or to impede ingress or
11 egress to or from any building or grounds, as described in paragraph
12 1 or 2 of this subsection; or

13 5. Willfully and knowingly engage in any act or acts of
14 physical violence against any person or property in any building or
15 grounds, as described in paragraph 1 or 2 of this subsection.

16 B. Violation of this section and attempts or conspiracies to
17 commit such violations shall, upon conviction, be punishable by:

18 1. A fine of One Thousand Dollars (\$1,000.00) or imprisonment
19 for not more than ten (10) years with the Department of Corrections,
20 or by both fine and imprisonment, if;

21 a. the person, during and in relation to the offense,
22 uses or carries a deadly or dangerous weapon or
23 firearm, or

24 b. the offense results in great bodily injury, as defined

1 by Section 46 of Title 21 of the Oklahoma Statutes, to
2 any other person; or

3 2. A fine of Five Hundred Dollars (\$500.00) or imprisonment in
4 the county jail for not more than one (1) year, or by both fine and
5 imprisonment, in any other case.

6 C. Violation of this section, and attempts or conspiracies to
7 commit such violations, shall be prosecuted by the District Attorney
8 in the District Court having jurisdiction of the place where the
9 offense occurred.

10 D. As used in this section, the term "other person for whom the
11 Oklahoma Highway Patrol Division of the Department of Public Safety
12 is charged with providing protection" means any person the Oklahoma
13 Highway Patrol - Executive Security Division is authorized to
14 protect pursuant to Section 2.101 or Section 2-105.3a of Title 47 of
15 the Oklahoma Statutes when the person has not declined protection.

16 SECTION 3. This act shall become effective November 1, 2011.

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