

1 STATE OF OKLAHOMA

2 2nd Session of the 55th Legislature (2016)

3 HOUSE BILL 2354

By: Roberts (Dustin)

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5  
6 AS INTRODUCED

7 An Act relating to crimes and punishments; amending  
8 21 O.S. 2011, Section 1835, which relates to trespass  
9 without permission; modifying definition; describing  
10 method for posting with purple paint marks;  
11 specifying requirements for posting; requiring  
12 explanation signs until certain date; construing  
13 provision; modifying language; modifying definition;  
14 and providing an effective date.

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

16 SECTION 1. AMENDATORY 21 O.S. 2011, Section 1835, is  
17 amended to read as follows:

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

1 registered land surveyors and registered professional engineers for  
2 the purpose of land surveying in the performance of their  
3 professional services; and, provided further, that anyone who  
4 willfully or maliciously enters any such garden, yard, pasture or  
5 field, and therein commits or attempts to commit waste, theft, or  
6 damage shall be deemed guilty of a misdemeanor and upon conviction  
7 thereof shall be fined in any sum not less than Fifty Dollars  
8 (\$50.00) nor more than Five Hundred Dollars (\$500.00), or by  
9 ~~confinement~~ imprisonment in the county jail for not less than thirty  
10 (30) days nor more than six (6) months, or by both such fine and  
11 imprisonment. For purposes of this section, "posted" means  
12 exhibiting:

13 1. Exhibiting signs to read as follows: "PROPERTY RESTRICTED";  
14 "POSTED - KEEP OUT"; "KEEP OUT"; "NO TRESPASSING"; or similar signs  
15 which are displayed. ~~Property that is fenced or not fenced must~~ All  
16 property shall have such signs placed conspicuously and at all  
17 places where entry to the property is normally expected; or

18 2. Placing purple paint marks on posts on the property,  
19 provided that the marks are:

- 20 a. vertical lines at least one (1) inch in width and at  
21 least eight (8) inches in length,  
22 b. placed so that the bottom of the mark is not less than  
23 three (3) feet from the ground or more than five (5)  
24 feet from the ground, and

1           c. placed at locations that are readily visible to any  
2           person approaching the property and no more than one  
3           thousand (1,000) feet apart on land other than forest,  
4           and one hundred (100) feet apart on forest land.

5           B. Beginning November 1, 2016, when a landowner uses the purple  
6           posting to indicate no trespassing, such marks shall be accompanied  
7           by signs placed conspicuously and at all places where entry to the  
8           property is normally expected, explaining that the purple stripe  
9           means no trespassing, property restricted, or similar explanation of  
10           what the purple stripe indicates. On and after November 1, 2017, no  
11           sign shall be required to explain the purple posting.

12           C. No provisions of this ~~act~~ section shall be construed to  
13           conflict with Section 5-202 or 6-304 of Title 29 of the Oklahoma  
14           Statutes.

15           ~~C.~~ D. Whoever shall willfully enter the pecan grove of another  
16           without the prior consent of the owner or occupant thereof to so do  
17           shall be deemed guilty of trespass and upon conviction ~~thereof~~ shall  
18           be ~~fined in any sum not to exceed~~ punished by a fine of not more  
19           than Twenty-five Dollars (\$25.00); provided, that anyone who  
20           willfully enters any such pecan grove and therein commits or  
21           attempts to commit waste, theft, or damage shall be deemed guilty of  
22           a misdemeanor and upon conviction ~~thereof~~ shall be ~~fined in any sum~~  
23           punished by a fine of not more than Five Hundred Dollars (\$500.00),  
24           or by ~~confinement~~ imprisonment in the county jail for a term not

1 ~~less than thirty (30) days nor more than six (6) months, or by both~~  
2 such fine and imprisonment.

3 ~~D.~~ E. Whoever shall willfully or maliciously enter upon  
4 property owned or managed by the Grand River Dam Authority without  
5 permission when such property is posted shall be deemed guilty of  
6 misdemeanor trespass and upon conviction ~~thereof~~ shall be fined in  
7 any sum not to exceed Two Hundred Fifty Dollars (\$250.00); provided,  
8 that this 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~~ punished by a fine of  
16 not less than Fifty Dollars (\$50.00) nor more than Five Hundred  
17 Dollars (\$500.00), or by ~~confinement~~ imprisonment in the county jail  
18 for a term not less than thirty (30) days nor more than six (6)  
19 months, or by both such fine and imprisonment. For purposes of this  
20 section, "posted" ~~means exhibiting signs to read as follows:~~  
21 ~~"PROPERTY RESTRICTED"; "POSTED - KEEP OUT"; "KEEP OUT"; "NO~~  
22 ~~TRESPASSING"; or similar signs which are displayed. Property that~~  
23 ~~is fenced or not fenced must have such signs placed conspicuously~~

1 ~~and at all places where entry to the property is normally expected~~  
2 shall be defined as provided in subsection A of this section.

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

15 SECTION 2. This act shall become effective November 1, 2016.  
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