

**COMMITTEE AMENDMENT**

HOUSE OF REPRESENTATIVES

State of Oklahoma

SPEAKER:

CHAIR:

I move to amend HB3370 \_\_\_\_\_  
Of the printed Bill  
Page \_\_\_\_\_ Section \_\_\_\_\_ Lines \_\_\_\_\_  
Of the Engrossed Bill

By striking the Title, the Enacting Clause, the entire bill, and by  
inserting in lieu thereof the following language:

**AMEND TITLE TO CONFORM TO AMENDMENTS**

Amendment submitted by: Scooter Park

Adopted: \_\_\_\_\_

\_\_\_\_\_  
Reading Clerk

1 STATE OF OKLAHOMA

2 2nd Session of the 56th Legislature (2018)

3 PROPOSED COMMITTEE  
4 SUBSTITUTE  
5 FOR  
6 HOUSE BILL NO. 3370

By: Wallace

7  
8 PROPOSED COMMITTEE SUBSTITUTE

9 An Act relating to crimes and punishments; amending  
10 21 O.S. 2011, Section 1835.2, as amended by Section  
11 3, Chapter 11, O.S.L. 2012 (21 O.S. Supp. 2017,  
12 Section 1835.2), which relates to penalties for  
13 trespassing on certain property; increasing certain  
14 monetary penalties; 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 1835.2, as  
17 amended by Section 3, Chapter 11, O.S.L. 2012 (21 O.S. Supp. 2017,  
18 Section 1835.2), is amended to read as follows:

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

23 1. Except as provided in this section, whoever willfully enters  
24 private land of another that is primarily devoted to farming,  
ranching, or forestry purposes without permission by the surface

1 owner, surface lessee, hunting lessee, or lawful occupant thereof  
2 shall be deemed guilty of trespass and, upon conviction thereof,  
3 shall be fined ~~in any sum not less than Five Hundred Dollars~~  
4 ~~(\$500.00) nor more~~ not less than ~~One Thousand Five Hundred Dollars~~  
5 ~~(\$1,500.00)~~ One Thousand Dollars (\$1,000.00), and in addition, the  
6 court shall order restitution for actual damages incurred. Persons  
7 convicted of a second or subsequent offense under this paragraph  
8 shall be guilty of a misdemeanor and shall be punished by a fine ~~in~~  
9 ~~any sum~~ of not less than ~~One Thousand Five Hundred Dollars~~  
10 ~~(\$1,500.00) nor more than~~ Two Thousand Five Hundred Dollars  
11 (\$2,500.00), or by confinement in the county jail for not less than  
12 thirty (30) days nor more than six (6) months, or by both such fine  
13 and imprisonment, and in addition, the court shall order restitution  
14 for actual damages incurred;

15 2. ~~This provision~~ The provisions of paragraph 1 of this section  
16 shall not apply to peace officers as defined in Section 99 of this  
17 title or any federal, state, or local government employees engaged  
18 in the performance of their duties, or to any firefighters,  
19 emergency medical personnel, or public utility employees engaged in  
20 addressing an emergency that presents an imminent danger to health,  
21 safety, or the environment in the performance of their duties, or to  
22 parties engaged in oil and gas operations, which shall include,  
23 without limitation, exploration, drilling, production and sales  
24 activities, under authority of mineral ownership, an oil and gas

1 lease, seismic agreement or permit, gas gathering, purchase,  
2 transportation, or treating contracts, Corporation Commission order,  
3 or other lawful authority from persons entitled to give the same.  
4 The provisions of paragraph 1 of this section shall not prohibit  
5 railroad employees and emergency equipment from entering such land  
6 to restore rail service following an accident, derailment or natural  
7 disaster; nor the entrance of utility employees or contractors while  
8 acting in the scope of their employment; nor employees or  
9 contractors of valid easement or license holders while acting in the  
10 scope of their employment;

11 3. The following persons may enter such land of another unless  
12 forbidden to do so, either orally or in writing, by the owner or  
13 lawful occupier thereof: registered land surveyors and registered  
14 professional engineers for the purpose of land surveying in the  
15 performance of their professional services, persons making a  
16 delivery, selling a product or service, conducting a survey or poll,  
17 working on behalf of a candidate for political office, or who  
18 otherwise have a legitimate reason for entering and who, immediately  
19 upon entering, seek to conduct such business; and

20 4. Anyone who willfully or maliciously enters any such land of  
21 another and therein commits or attempts to commit waste, theft, or  
22 damage shall be deemed guilty of a misdemeanor and, upon conviction  
23 thereof, shall be fined ~~in any sum~~ not less than ~~Two Hundred Fifty~~  
24 ~~Dollars (\$250.00) nor more than Five Hundred Dollars (\$500.00)~~ One

1 Thousand Dollars (\$1,000.00), or by confinement in the county jail  
2 for not less than thirty (30) days nor more than six (6) months, or  
3 by both such fine and imprisonment, and in addition, the court shall  
4 order restitution for actual damages incurred. Persons convicted of  
5 a second or subsequent offense under this paragraph shall be guilty  
6 of a misdemeanor and shall be punished by a fine ~~in any sum of~~ not  
7 less than ~~Seven Hundred Dollars (\$700.00) nor more than One Thousand~~  
8 ~~Five Hundred Dollars (\$1,500.00)~~ Two Thousand Five Hundred Dollars  
9 (\$2,500.00), or by confinement in the county jail for not less than  
10 thirty (30) days nor more than six (6) months, or by both such fine  
11 and imprisonment, and in addition, the court shall order restitution  
12 for actual damages.

13 B. This section shall not be construed to prohibit acts that  
14 are permitted pursuant to Section 5-202 or 6-304 of Title 29 of the  
15 Oklahoma Statutes.

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

20 2. If an accused reasonably believed he or she was upon  
21 property for which they had permission to be upon, it shall be an  
22 affirmative defense to prosecution under paragraph 1 of subsection A  
23 of this section that the accused had with him or her, on his or her  
24 person, written permission from the surface owner, surface lessee,

1 hunting lessee, or lawful occupant to be upon such person's land  
2 while the accused was upon any adjoining property. This defense  
3 shall not be available to the accused if:

4 a. the accused has previously pled guilty, nolo  
5 contendere, or has been convicted of any act of  
6 trespass or has been found civilly liable of any act  
7 of trespass, or

8 b. the accused, while the accused was upon the adjoining  
9 property, does not have with him or her, on his or her  
10 person, the written permission specified in this  
11 paragraph.

12 SECTION 2. This act shall become effective November 1, 2018.

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14 56-2-9769 AMM 02/14/18  
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