

STATE OF OKLAHOMA

2nd Session of the 57th Legislature (2020)

HOUSE BILL 2802

By: Cornwell

AS INTRODUCED

An Act relating to crimes and punishments; amending 21 O.S. 2011, Section 1835, which relates to trespass; modifying definition; adding method to identify property on which no trespassing is allowed; clarifying language; and providing an effective date.

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

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

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

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

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

16 2. Placing blaze orange paint marks on posts on the property,  
17 provided that the marks are:

18 a. vertical lines at least one (1) inch in width and at  
19 least eight (8) inches in length,

20 b. placed so that the bottom of the mark is not less than  
21 three (3) feet from the ground or more than five (5)  
22 feet from the ground, and

23 c. placed at locations that are readily visible to any  
24 person approaching the property and no more than one

1                    thousand (1,000) feet apart on land other than forest,  
2                    and one hundred (100) feet apart on forest land.

3            B. Beginning November 1, 2020, when a landowner uses the blaze  
4 orange marks to identify property on which no trespassing is  
5 allowed, whether the property is fenced or not fenced, such marks  
6 shall be accompanied by signs placed conspicuously at all places  
7 where entry to the property is normally expected, explaining that  
8 the blaze orange stripe means no trespassing, property restricted,  
9 or similar explanation of what the blaze orange stripe indicates.  
10 On and after November 1, 2021, no sign shall be required to explain  
11 the blaze orange posting. For the purposes of this section, "blaze  
12 orange" shall mean a safety orange or fluorescent orange.

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

16            ~~C.~~ D. 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~~ punished by a fine of not more  
20 than Twenty-five Dollars (\$25.00); provided, that anyone who  
21 willfully enters any such pecan grove and therein commits or  
22 attempts to commit waste, theft, or damage shall be deemed guilty of  
23 a misdemeanor and upon conviction ~~thereof~~ shall be ~~fined in any sum~~  
24 punished by a fine of not more than Five Hundred Dollars (\$500.00),

1 or by ~~confinement~~ imprisonment in the county jail for not less than  
2 thirty (30) days nor more than six (6) months, or by both such fine  
3 and imprisonment.

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

15 SECTION 2. This act shall become effective November 1, 2020.  
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