

STATE OF OKLAHOMA

2nd Session of the 57th Legislature (2020)

HOUSE BILL 2919

By: Loring

AS INTRODUCED

An Act relating to crimes and punishments; amending 21 O.S. 2011, Sections 1835 and 1835.1, which relate to trespass on posted property; making certain acts unlawful; removing requirement to post certain property; modifying conditions that allow businesses to forbid the entry of certain persons on its premises; 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~~:

1. 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; or

2. Enter into a house or attached or detached outbuilding within the curtilage of a house, a fenced-in patio or garden area of a house, or any other enclosed and locked property belonging to another person or legal entity, without prior consent of the owner

1 or lawful occupant under circumstances where the person reasonably  
2 should know that the person does not have permission to enter,  
3 shall be deemed guilty of trespass and upon conviction thereof shall  
4 be fined ~~in~~ any sum not to exceed Two Hundred Fifty Dollars  
5 (\$250.00); provided, that this provision shall not apply to  
6 registered land surveyors and registered professional engineers for  
7 the purpose of land surveying in the performance of their  
8 professional services; and, provided further, that anyone who  
9 willfully or maliciously enters any such garden, yard, pasture ~~or,~~  
10 field, or property of another, as described in paragraph 2 of this  
11 subsection, and therein commits or attempts to commit waste, theft,  
12 or damage shall be deemed guilty of a misdemeanor and upon  
13 conviction thereof shall be fined ~~in~~ any sum not less than Fifty  
14 Dollars (\$50.00) nor more than Five Hundred Dollars (\$500.00), or by  
15 confinement in the county jail for not less than thirty (30) days  
16 nor more than six (6) months, or by both such fine and imprisonment.  
17 For purposes of this section, "posted" means exhibiting signs to  
18 read as follows: "PROPERTY RESTRICTED"; "POSTED - KEEP OUT"; "KEEP  
19 OUT"; "NO TRESPASSING"; or similar signs which are displayed.  
20 Property that is ~~fenced or~~ not fenced must have such signs placed  
21 conspicuously and at all places where entry to the property is  
22 normally expected.

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

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

11 D. Whoever shall willfully or maliciously enter upon property  
12 owned or managed by the Grand River Dam Authority without permission  
13 when such property is posted shall be deemed guilty of misdemeanor  
14 trespass and upon conviction thereof shall be fined ~~in~~ any sum not  
15 to exceed Two Hundred Fifty Dollars (\$250.00); provided, that this  
16 provision shall not apply to registered land surveyors and  
17 registered professional engineers for the purpose of land surveying  
18 in the performance of their professional services; and, provided  
19 further, that anyone who willfully or maliciously enters upon  
20 property owned or managed by the Grand River Dam Authority without  
21 permission and therein commits or attempts to commit waste, theft,  
22 or damage shall be deemed guilty of misdemeanor trespass, and upon  
23 conviction thereof shall be fined ~~in~~ any sum not less than Fifty  
24 Dollars (\$50.00) nor more than Five Hundred Dollars (\$500.00), or by

1 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 For purposes of this section, "posted" means exhibiting signs to  
4 read as follows: "PROPERTY RESTRICTED"; "POSTED - KEEP OUT"; "KEEP  
5 OUT"; "NO TRESPASSING"; or similar signs which are displayed.  
6 Property that is fenced or not fenced must have such signs placed  
7 conspicuously and at all places where entry to the property is  
8 normally expected.

9 E. Notwithstanding the provisions of this section, the  
10 Governor's Mansion and its grounds and appurtenances shall not be  
11 required to be posted with signs warning against trespass. Any  
12 person who shall willfully or maliciously enter the grounds of the  
13 Governor's Mansion within the State Capitol Park, as defined in  
14 Section 1811.4 of Title 74 of the Oklahoma Statutes, except at a  
15 place where entry to the property is normally expected shall be  
16 deemed guilty of a misdemeanor and upon conviction thereof shall be  
17 fined ~~in a~~ any sum not ~~more than~~ to exceed Five Hundred Dollars  
18 (\$500.00), or by confinement in the county jail for not less than  
19 thirty (30) days nor more than six (6) months, or by both such fine  
20 and imprisonment.

21 SECTION 2. AMENDATORY 21 O.S. 2011, Section 1835.1, is  
22 amended to read as follows:

23 Section 1835.1 A. Every person, partnership, corporation or  
24 other legal entity engaged in any public business, trade, or

1 profession of any kind wherein merchandise, goods or services are  
2 offered for sale may forbid the entry or presence of any person upon  
3 the premises of the place of business, if the owner or an agent of  
4 the owner of the public business, trade or profession reasonably  
5 believes that the person has been convicted of a participant in a  
6 crime involving entry onto or criminal acts occurring upon any real  
7 property owned, leased, or under the control of such person,  
8 partnership, corporation or other legal entity. Such crimes shall  
9 include, but are not limited to, shoplifting, vandalism, and  
10 disturbing the peace while upon the premises of any place of  
11 business of the person, partnership, corporation, or other legal  
12 entity.

13 B. In order to exercise the authority conferred by subsection A  
14 of this section, the owner or an agent of the owner of a public  
15 business, trade, or profession must notify the person whom the owner  
16 or agent desires to prohibit from such owner's place of business.

17 C. No person shall willfully enter or remain upon the premises  
18 after being expressly forbidden to do so in the manner provided for  
19 in this section. Any person convicted of violating the provisions  
20 of this section, upon conviction, shall be guilty of trespass and  
21 shall be punished by a fine of not more than Two Hundred Fifty  
22 Dollars (\$250.00) or by confinement in the county jail for a term of  
23 not more than thirty (30) days, or by both such fine and  
24 imprisonment.

1 D. The provisions of this act shall not preclude any other  
2 remedy allowed by law.

3 SECTION 3. This act shall become effective November 1, 2020.  
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